

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF NOVEMBER 5, 2014

BOARD MEMBERS IN ATTENDANCE: Chair John Kenworthy, Lola Beatlebrox, Marian Crosby, Puggy Holmgren, Hope Melville

EX OFFICIO: Thomas Eddington, Anya Grahn, Polly Samuels McLean

ROLL CALL

Chair Kenworthy opened the meeting at 5:00 and noted that all Board member were present except David White and Cheryl Hewett.

APPROVAL OF MINUTES - October 15, 2014

Board Member Beatlebrox referred to pages 17 and 18, which stated that Board Member Holmgren had voted against the motion. The minutes were corrected to reflect that it was Board Member Melville who voted against the motion. Board Member Holmgren had voted in favor.

Board Member Beatlebrox referred to page 3 and noted that the minutes correctly stated that the Board had said \$147,000 per year; however, the actual number is \$127,000. Chair Kenworthy pointed out that the minutes reflect what was said on the recording. However, he acknowledged that Ms. Beatlebrox was correct in noting that the number stated by the Board in their discussion was off by \$20,000.

MOTION: Board Member Beatlebrox moved to APPROVE the minutes of October 15, 2014 as corrected. Puggy Holmgren seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

There were no comments or disclosures.

REGULAR AGENDA – Discussion, public hearing, and possible action

Historic District Grant Program Policy Discussion

Planner Grahn provided a brief overview of the discussion with the City Council a few weeks earlier. The grant program began in 1987 with over \$500,000 in the redevelopment fund. The grant only covers exterior improvements and the plans must comply with the Historic District Design Guidelines. Planner Grahn pointed out that regardless of whether or not a project receives grant funds, it must comply with the Design Guidelines. The grant request was originally housed in the CIP and funded with Main Street and Lower Park Avenue RDA funds. The General Fund can be used for historic sites outside of the historic district.

Planner Grahn stated that due to new government accounting rules, the City had to adjust the way the Grant program is administered because CIP funds cannot be used for projects that are not city assets or city-owned. The Grant Program would be allocated money every year through the budget process and budgeted annually. As part of the FY2015 budget, the City Council had allocated \$50,000 to the Lower Park RDA, \$30,000 to the Main Street RDA, and \$47,000 to the City-wide or General Fund. Planner Grahn presented a color-coded map identifying the areas in yellow as the Main Street RDA, and the green area as the Lower Park Avenue RDA. She emphasized that a historic site outside of the RDAs would be funded from the General Fund.

Planner Grahn stated that during the work session with the City Council it was determined that the Grant Program should continue to be a first come/first serve program. Therefore, changing the review time frame of the Grant Program to quarterly or semi-annually would make the grants too competitive. The HPB would be able to award up to \$25,000 in Grant funds without City Council approval. If the grant exceeds \$25,000 it would be approved by the City Council on their Consent Agenda.

Planner Grahn reported that the City Council was divided on whether or not to allocate different percentages based on primary and secondary homeownership. The Council directed the Staff to get feedback from the HPB regarding this issue.

Planner Grahn outlined the grant application process. She noted that the HPB can award a grant up to 50% of the eligible preservation work. When the project is completed the applicant submits a completed grant payoff form to obtain the grant money. A lien agreement is placed on the property for five years, and if the property is sold within that time the owner has to pay back a prorated portion of the grant funds.

Planner Grahn stated that as part of the grant application the owner is required to provide a project description, a cost estimate, either an approved HDDR or schematic drawings and photos. The Staff usually includes a Historic Site Inventory form with a brief history of the historic property. The Staff believes it would be helpful if the applicant was required to obtain three bids to get a better idea of what the work might actually cost. Currently only one bid is required.

Planner Grahn asked the Board members for their thoughts on requiring additional bids.

Board Member Holmgren was opposed to the idea. She stated that most contractors charge for a bid and that would be an additional expense for the owner.

Board Member Melville asked if the Staff has had problems in the past with inflated bids. Planner Grahn was not prepared to say whether or not the bids were inflated, but the Staff preferred to err on the side of caution to make sure that does not happen. She had compared Park City's grant program to other cities and found that most require more than one bid. Ms. Melville agreed with Ms. Holmgren that three bids would be burdensome for the owner. The intent is to encourage people to apply for a grant. She thought the owner would make sure the bid was not inflated because it would affect the portion they would have to pay as well.

Board Member Holmgren commented on the difficulty of obtaining multiple bids. Ms. Melville agreed that a lot of contractors are not interested in submitting a competitive bid. Chair Kenworthy stated that in reviewing the grant applications he has not seen any inflated costs in terms of doors, windows or foundation work.

Board Member Crosby asked if it was possible for the Staff to have someone in the Building Department review the bid when it comes in with the application to make sure the estimated costs are reasonable. Director Eddington replied that a number of people in the Building Department and the Planning Department have the ability to review a bid. However, when the Staff has reached out to people in the past they were always advised to obtain more than one bid. Director Eddington agreed with the concerns regarding additional cost and the difficulty in obtaining bids.

Planner Grahn stated that she would remove the proposed requirement from the grant application.

Planner Grahn provided a list of the eligible improvements that were currently covered under the grant program. The Staff recommended that they add cladding repairs, architectural ornamentation, weatherization of historic windows and doors, abatement of hazardous materials, and stabilization/preservation of industrial mine structures to the list.

Planner Grahn stated that in the past they also talked about whether the historic preservation grant should help pay for a preservation plan and the physical conditions report, since those are also added costs. If they pursued that direction, it should be broken into two grants. The first grant would cover the

preservation plan and physical conditions report, and the second grant would pay for the construction work.

Chair Kenworthy asked for the estimated costs of the preservation plan and physical conditions report. Planner Grahn stated that it varies per project but she believed it was at least \$2,000. Board Member Melville asked if it would be possible to pay for the preservation plan and physical conditions report retroactively after the grant request is approved. The costs could then be recovered with the grant application as opposed to a two grant process. Director Eddington asked if the Board would hold the amount of the preservation plan and physical conditions report to 50% or if the City would pay the entire amount. Chair Kenworthy preferred to have a cap on the maximum the City would pay.

Planner Grahn clarified that the Board would review the physical conditions report, the preservation plan, and the building plans when the grant application is submitted. She asked the Board for their thoughts on a reasonable cap since the total cost of the physical conditions report and the preservation plan could be \$4,000 to \$6,000. Director Eddington suggested a maximum of \$1500 for the physical conditions report and \$1500 for the preservation plan. The Board concurred.

Planner Grahn reviewed the list of ineligible improvements; which included interior remodeling, repair of non-original features, interior paint, signs, additions, and landscaping/concrete flatwork. The Staff recommended that the list of ineligible improvements also include relocating/moving historic structures horizontally on the lot, HVAC/Mechanical systems upgrades, any restoration work covered or funded by insurance.

Planner Grahn commented on painting. She noted that currently painting is not eligible for grant funds unless it protects wood siding and enhances the life span of the siding. Roofing has also been considered the responsibility of the homeowner. Planner Grahn recalled some instances where special circumstances allowed the grant to pay for painting and roofing.

Board Member Holmgren reported that at one time the grant would pay for exterior painting. However, that was changed when the Board changed from the Historic District Commission to the Historic Preservation Board. She recalled situations where they wanted someone to paint their house and Zions Bank got involved and provided financial help to those who could not afford it. Ms. Holmgren stated that the roofing situation was discussed on a case by case basis. It was typically handled in an emergency situation. Ms. Holmgren emphasized that the grant program used to pay for exterior painting.

Board Member Beatlebrox stated that if the goal of the grant program was to make the historic homes look better and more interesting for tourists, she could

not understand why painting would not be an eligible expense. Director Eddington stated that the reasoning was that general repair and upkeep should be the responsibility of the homeowner. Therefore, it was not considered a component of restoration or rehabbing a significant structure. Board Member Holmgren stated that another reason was that the wood siding on all the houses was the same drab color and that painting the structure would not be a true restoration.

Board Member Melville stated that if people retain the old boards that have to be patched, those needed to be repainted more often than new boards. She suggested that they consider that in their discussion. Otherwise, the practical approach for a homeowner would be to remove the old wood and replace it with something that needs to be repainted less often. Planner Grahn suggested that when a grant application includes the restoration of wood siding, the Staff could include the cost of paint for the HPB to consider when they review the application. Board Member Melville believed it would be considered historic preservation of historic materials. She suggested that they also find a way to grant funds for ongoing maintenance painting.

Chair Kenworthy preferred to keep painting on a case by case basis to be considered with each grant review. Board Member Melville suggested that they find incentives to encourage the applicant to retain the historic materials on the structure.

Planner Grahn stated that during the work session with the City Council they discussed applicant eligibility. Currently, any historic property owner can apply for a grant and be reimbursed up to 50% of the cost. The Staff had proposed to the City Council that a primary homeowner or a renter living in a house full-time could receive up to 50% of the cost for construction. A secondary homeowner who uses the property for nightly rental and does not live at the property would receive up to 35% of the cost. Commercial properties would receive up to 50% of the cost. Planner Grahn asked the Board for their thoughts on differentiating between primary and secondary homeowners and how commercial properties should be treated.

Chair Kenworthy asked for a show of hands from the Board members who supported giving primary residences a higher percentage. Chair Kenworthy and Director Eddington provided background to explain why a different percentage was being proposed for primary versus secondary residences. Board Member Melville was unsure how a percentage of 50% for primary and 35% for secondary would encourage the preservation of primary residences. Director Eddington did not believe it would encourage the primary owners; but it would be an added bonus for those who are primary residents. Ms. Melville was supportive of finding whatever resources were available to assist people in keeping and occupying historic structures. However, she would also like to incentivize as

many builders, contractors, and buyers as possible to be enthusiastic about abiding by the Guidelines and doing the expensive preservation. Ms. Melville thought it was important to encourage secondary homeowners to keep the building as historic as possible. She was concerned about de-incentivizing secondary homeowners. Ms. Melville was not opposed to giving some leeway for a particular hardship on a historic building for a primary owner.

Director Eddington noted that the number and the cost of grant requests are becoming larger, and varying the percentage was an effort towards balancing the available funds.

Board Member Holmgren was not opposed to the tiered percentages; however, she questioned how much commercial money should be available. There are a lot of old buildings on Main Street and she would not want to see grant money going towards new construction. Ms. Holmgren was not comfortable giving grant money to buildings that are used for nightly rentals.

Board Member Melville asked how the City enforces the use. For example, if someone applies for a grant on the basis of a primary residence and it becomes a nightly rental a year later. Planner Grahn stated that it was based on the honesty of the homeowner and trusting that it would remain a primary residence or rented to a full-time renter. However, if the grant is awarded on a primary residence and the owner applies for a nightly rental business license, it would be discovered at the time of licensing. The Board expressed concern for those who rent illegally and do not apply for a business license

Assistant City Attorney McLean stated that the City has a program to catch people who rent illegally. Board Member Crosby asked if it was possible to consider a deed restriction for a specified time frame if a grant is awarded on a primary structure. Ms. McLean answered yes. The City currently has a policy stating that if the owner flips the home within five years of receiving grant money, the money must be paid back to the City at 20% per year. They could use the same formula if a structure goes from primary to nightly rental.

Board Member Melville stated that if the consensus is to have a higher percentage for primary structures and less for secondary structures, she would like the Staff to inform the HPB if that policy diminishes the number of people who apply for historic preservation.

The Board discussed whether to award an amount not to exceed the 50% or 35%, or whether the grant amount should be 50% and 35% of the total cost. Planner Grahn stated that currently the HPB has the ability to award an amount not to exceed 50%. Board Member Melville thought it should be clear what the applicant is entitled to. Her preference would be to award the full 50% for primary and 35% for secondary structures. Board Member Holmgren stated that

in the past the Board has been meticulous in reviewing a grant application item by item. Some applications are complicated and in an effort to be fair the Board needs to be more detail oriented. Director Eddington stated that the amount should be up to but not to exceed so they can be fair to everyone; particularly if they begin to run out of funds and the full 50% or 35% is not available.

Planner Grahn provided a count of the number of grants awarded in recent years and the properties that received the grant. The grant amounts were 40-50% on average, depending on what the budget allowed.

Board Member Crosby asked if it made sense to establish an emergency fund classification for hardship cases. Board Member Holmgren did not favor the idea because it is difficult for the old-timers to ask for help if they cannot afford it. Ms. Crosby understood the concern. Board Member Melville asked if the City could divert the demolition by neglect and offer funds from that type of an allocation. Ms. Holmgren did not believe they could give the fund any name that would make someone from that generation feel comfortable about accepting the help.

Chair Kenworthy asked the Board to comment on the three questions for discussion in the Staff report.

The first was whether the Board wanted the ability to award more money to primary homeowners than secondary homeowners. Board Member Crosby wanted to know how they could keep that from becoming a discriminatory issue.

Assistant City Attorney McLean stated that in terms of ability, she recommended establishing a policy so it is clear that a primary homeowner can be awarded up to a specific percentage; and a secondary homeowner can be awarded up to a specified percentage. Ms. McLean stated that it would be legally defensible as long as the policy is applied evenly and the Board has a rational reason for doing it. She pointed out that the State taxes primary homeowners differently than secondary homeowners. She did not believe the proposed percentage variation would present a problem.

Ms. Crosby was concerned about protecting the City and cited the scenario where a secondary homeowner could argue that they already pay higher taxes. Ms. McLean stated that the City would be legally protected and it would hold up in court as long as the rational reason could be articulated, which is to encourage primary homeownership within the City.

Board Member Beatlebrox that if the question is whether the HPB wants more primary homeowners in Old Town than secondary homeowners, she would answer yes because it builds community. A second question would be whether funding is a tool to help that occur. If that is a logical conclusion, she would agree that a higher percentage should be awarded to primary homeowners.

Assistant City Attorney McLean stated that the Board could also find that a person living in a home full-time would maintain the house at a higher standard, which promotes greater preservation of the home.

Chair Kenworthy noted that the same question was asked by the City Council and City Attorney Mark Harrington had stated that the City did have the ability to tier the percentages awarded for primary versus secondary homeowners.

Board Member Melville stated that her main concern was to incentivize people to do historic preservation as willingly as possible. She would not want the tiered percentage to de-incentivize any homeowner. If the percentage of reimbursement goes down enough it would discourage the homeowners and put historic preservation at risk.

Director Eddington did not believe historic preservation was the issue based on the number of HDDRs that the Planning Staff did last year in addition to the 6 grants that were awarded. Director Eddington asked if the Board was comfortable with the 50% maximum for primary homeowners and 35% maximum for secondary homeowners.

Board Members Kenworthy, Holmgren, Beatlebrox were comfortable with the percentages. Board Member Crosby was unsure. She felt it was double-edge sword because tourism drives the Park City economy. She thought it appeared to be a penalty for people who want to improve their property to maintain its historic value, and at the same time support tourism.

The suggestion was made to change it from 60% for primary homes and 40% for secondary homes. Board Members Melville and Crosby preferred those percentages. Board Member Holmgren was comfortable with the 50% and 35% originally proposed by Staff. She still wanted to talk about commercial and nightly rental properties.

Chair Kenworthy commented on the issues regarding nightly rentals that needed to be part of their discussion. He was pleased that the City has managed to better control illegal nightly rentals.

Assistant City Attorney McLean stated that the Legal Department looked at whether or not they could treat primary homeowners differently than secondary homeowners. However, she had not looked at the legal issue of whether they could treat the people who use a house as nightly rental differently than those who just use it as a second home. If the Board was considering not awarding grants to structures that are used for nightly rentals, she wanted the opportunity to do the research to be sure it was legally defensible.

The Board agreed that they had no intention of withholding grants from nightly rental structures because the intent is to encourage owners to preserve their historic structures.

Board Member Holmgren thought the issue with commercial properties was whether the houses in Old Town that are used as nightly rentals would be considered commercial properties or residential properties. If they only considered actual commercial or retail uses, she questioned whether 50% was needed for those structures.

Director Eddington clarified that nightly rentals are allowed in some of the historic residential zones versus the historic commercial zones. Board Member Holmgren believed the question was how many historic commercial buildings are on Main Street, and whether the nightly rentals in the residential part of Old Town should be considered a commercial business. Director Eddington replied that nightly rental is a business in terms of its function, but the use is still considered residential. Board Member Holmgren asked if it would be considered residential as a second home. She thought that issue also needed to be discussed. Director Eddington stated that nightly rental is considered a residential use in the zone; but by default the owner would be considered a secondary homeowner and would be subject to the reduced incentive.

Chair Kenworthy summarized that there was consensus for giving a primary homeowner a higher percentage of grant money. Board Members Melville, Beatlebrox and Crosby favored 50% for primary and 40% for secondary. Board Member Holmgren preferred 50% and 35%. Chair Kenworthy clarified that the majority wanted 50% for primary residences and 40% for secondary residences.

Planner Grahm asked how they should treat the historic structures on Main Street. Board Melville remarked that Main Street was very important. Board Member Crosby thought the commercial properties on Main Street should receive up to 50%. Board Member Beatlebrox pointed out that commercial properties are now able to get commercial loans and she questioned whether they needed grant money. Board Member Holmgren asked for the number of grant applications the Staff has seen for commercial properties on Main Street. Planner Grahm could not recall ever seeing a grant application for Main Street.

Board Member Holmgren thought they should award grants up to 50% for commercial properties to encourage people to do what Talisker did on Main Street. Chair Kenworthy pointed out that Talisker had not applied for a grant. High West Distillery applied for a grant four or five years ago but they were denied because the work had already been done.

Chair Kenworthy summarized that there was consensus to award up to 50% for historic commercial buildings.

Planner Grahn stated that the Staff initially recommended that the HPB should be limited to awarding up to \$15,000 since this was consistent with contract awards. However, the City Council decided that the HPB could award up to \$25,000 for individual grants. If it goes over \$25,000 the grant request would have to be reviewed and approved on the City Council Consent Agenda. Planner Grahn remarked that the individual grants could not exceed the allocated amounts in the RDAs. If there is \$47,000 available and the HPB awards \$50,000 in grants, they would have to ask the City Council to re-allocate the funds.

Board Member Melville understood that the City Council did not want to review every grant. They wanted the HPB to review the grants, which is why they increased the award amount for individual grants to \$25,000 before it has to go back to the City Council. Chair Kenworthy thought \$25,000 was still too low if the City Council did not want to review the majority of grant requests. The Board agreed. Planner Grahn reviewed the grant history from 2009 to 2014. It showed that the amount of grant money awarded has continually increased. More recently the grants have been closer to \$40,000. Planner Grahn specifically noted that the grant for 343 Park Avenue was \$30,000. They were close to the end of the budget and she had requested that the HPB only grant \$30,000.

The Board discussed the various grants that were awarded based on the actual amounts requested and the work that was done.

The Board recommended that the City Council allow the HPB to grant up to \$45,000 before a grant request is reviewed by the City Council. Board Member Crosby understood that the HPB could grant \$45,000 and make a recommendation to the City Council to consider granting the additional amount over \$45,000 that was being requested. She was told that was correct.

The next issue for discussion was completing the work. Planner Grahn stated that typically they ask that work commence seven months after the grant is awarded. However, currently there is no expiration date on grant funds and funds can be used two or more years after they are awarded. It is difficult for the Planning Department to keep track of the money and the Staff asked if the Board would consider a time frame. Board Member Beatlebrox was concerned that 45 days was not enough time because unforeseen circumstances can arise. Planner Grahn asked if six months was more reasonable. Chair Kenworthy believed that sixty days would be sufficient. Board Member Melville believed 60 days was adequate in practice, and requested that the Staff come back to the HPB if the time frame needed to be changed. Board Member Crosby recommended 90 days because if the economy is good and contractors are busy on other projects it might be difficult to start within a short time frame.

The Board agreed on 90 days to obtain a building permit. Chair Kenworthy asked if the Board was interested in establishing a completion time frame of 24 months to make sure the project stays on track. The Board concurred. Board Member Melville asked about an exception for the plans that needed to be submitted ahead of time. Planner Grahn replied that there would be an exception for the Preservation Plan and the Physical Condition Report.

Chair Kenworthy called for public input.

Ruth Meintsma, 305 Woodside Avenue, referred to the breakdown of available funds on page 22 of the Staff report, and noted that the two RDAs were marked by asterisks with language indicating that amounts in excess of budget to be approved by Council as determined available in the Lower Park or Main Street RDA. Ms. Meintsma pointed out that there was not an asterisk on the City-wide fund because the \$47,000 showing was the only money available in the City-wide fund. It includes Daly, Prospect, Ontario and other places outside of the designated RDA areas. Ms. Meintsma remembered when the Board had to settle on a \$30,000 grant for 343 Park Avenue because there was not enough money to grant a higher amount and still leave funds for another grant application. Ms. Meintsma pointed out that \$40,000 is one project. With only \$47,000 in the City-wide fund they would only be able to award one grant in the City-wide area. She remarked that this was the only carrot the City has and she had raised the issue with the City Council. The City-wide covers a large area with a number of historic houses and the City definitely needs to allocate more money for grants in that area. Ms. Meintsma was willing to do whatever she could to convince everyone that the City-wide fund needed at least \$100,000 a year to preserve historic structures in the area.

Ms. Meintsma commented on the discussion of primary versus secondary. She personally knows two local citizens from mining families who could benefit from the grant program and need financial help to fix a crumbling house. Both houses are significant and both have the potential to be returned back to landmark status. Ms. Meintsma liked the idea of 50% for primary and 40% for secondary because the primary residences are the ones who actually need it. However, when she attended the City Council meeting the Council talked about wanting renovation regardless of whether one group could afford it better than another. The Council thought the percentage should be 50% for both groups, and she agreed with that because it is the single carrot for all the demands the City makes on people with historic homes. Ms. Meintsma thought the HPB should look at granting up to 50% for both primary and secondary homes; unless they were willing to go as high as 60% for a primary residence that is taken from Significant to Landmark status. She suggested 60% for primary and 50% for secondary.

Ms. Meintsma noted that the Design Guidelines talks about how Landmark structures and Significant structures must retain their status on the HSI. A clause states that if at all possible, the City would like to see a Significant structure returned back to Landmark status. She thought they should make it easier for people to take advantage of making that happen.

Ms. Meintsma referred to page 39 of the Staff report, the Historic District Grant Information Guide. She indicated the question at the bottom asking whether there were special terms to the Grant Program. She stated that applying for a grant requires an agreement, a deed and a deed note, and the property cannot be sold for five years or a portion of the grant money needs to be returned. She read from page 40, Item 6 in the Application Process, "Obtain a building permit and arrange for inspections by the building inspectors." Ms. Meintsma stated that as a person on the street she knows that when the inspections are done the building inspectors are not looking at historic detail. They have too much else to deal with. She has mentioned this to the City Council and others but even though they all agree, nothing has changed. She thought there needed to be a checklist that reverts back to the Preservation Plan when the project is inspected and it should be signed off before the owner receives their money. Ms. Meintsma further read, "Upon completion of work and final inspections, submit proof of payment for disbursements of funds." Ms. Meintsma believed there also needed to be language stating that the promises of the Preservation Plan must be checked off and signed off before the money is returned. If the applicant did not accomplish everything they said they would, the grant should be pro-rated and the amount reduced. Ms. Meintsma stated that if the renovations did not accomplish retaining the HSI status, the applicant should potentially lose their grant money.

Ms. Meintsma referred to page 42 of the Staff report and the discussion regarding painting and roofing. The Staff report indicates that painting and roofing were not eligible for payment unless it met specific criteria. Ms. Meintsma believed that outlining the specific criteria would be helpful to the HPB and the applicant. In reading through the criteria she thought that "comprehensive siding replacement" should be a term defined in the Guidelines. She used the Alaska House as an example where the siding was supposed to be preserved but instead the entire front is new siding. Ms. Meintsma stated that the criteria for both painting and roofing were important to help decide whether or not painting and roofing should be paid for with grant funds. She also thought the criteria should be readily available to look at when the Board evaluates painting.

Ms. Meintsma commented on the 45 days for pulling a permit, and she was pleased that the Board had decided on 90 days. In some situations it is difficult to start in 90 days and she would recommend 120 days to pull a building permit, particularly for those who are doing the work themselves.

Chair Kenworthy asked Ms. Meintsma who she would suggest as the best person to verify that a house had retained its HSI status. Ms. Meintsma thought it should be the HPB. Chair Kenworthy did not think the Board had the expertise to make that decision. Board Member Holmgren thought it should be the Planning Department. Ms. Meintsma noted that the Code states that the HPB determines Significance. Ms. Holmgren remarked that determining significance was different than looking to see if something was done to change the status. Director Eddington stated that the actual internal review would be the Planning Department and the HPB would hear the application on a Determination of Significance. Chair Kenworthy thought the Planning Department should do the checklist for compliance with the Preservation Plan upon completion of the project.

Ms. Meintsma remarked that the Building Department focuses on the structural integrity of the structure and not the historic detail. Director Eddington stated that the Building Department may not be focused on the historic detail at the same level as the Planning Staff; however, the specificity of the Guidelines and the degree to which people are held accountable for adhering to the Guidelines has increased dramatically since 2009. He explained that the Building Department is charged with going into a building and doing the final inspection. In theory everything is checked from structural integrity to design. Director Eddington understood that Ms. Meintsma was concerned that some of the details were being missed. For that reason, the Planners have started to go through the buildings with the Building Officials to bridge that gap. Director Eddington remarked that it is a hard challenge and a resource issue, and he agreed that it should be addressed in the future.

Board Member Melville stated that if a grant is awarded for Historic Preservation, she wanted to make sure that the Planning Department checks the preservation aspect of the project.

David Constable stated that he and his wife are the applicants for 264 Ontario Avenue. They submitted the historic grant application in July. Mr. Constable urged the HPB to give them some type of resolution on their project so they can know what to expect. It has been five months and they were still wondering where they stood. The house is a landmark site and it is currently up in the air and getting ready to be dropped next week. Mr. Constable stated that if they knew what to expect it would help with their budget.

Chair Kenworthy asked Planner Grahn to provide a brief background of the project for the benefit of the new Board members. Planner Grahn explained that since July the City has been discussing how to move forward with the Grant Program because of the new government accounting rules. For that reason the Grant Program was placed on hold. Planner Grahn stated that the Constable's applied for a grant but because the Grant Program was on hold, they were told to

wait. However, with winter coming they had to pour their foundation. She stated that once the new policy is in place and the City is ready to begin the Grant Program again, the Staff would look at their project and consider the fact that they had to start in advance of the grant because of the circumstances.

Chair Kenworthy asked if it could be on the next HPB agenda. Planner Grahn stated that it could be on the agenda if the policy was in place. She noted the City Council meets on December 4th and the HPB meets before that. She suggested that they wait until January. Another option would be to hold a second meeting in December to consider the Constable's grant application.

Board Member Melville asked if for this grant request the HPB could consider an exception on the work that was already started because the City had put the Grant Program on hold. Planner Grahn answered yes. The Board members thought it was fair to consider the exception.

Board Member Melville verified that the Planning Department would check the final project for adherence to the Preservation Plan before the grant is paid. Planner Grahn answered yes. Ms. Melville understood that it would also be a criteria in the application.

Chair Kenworthy asked the Board to comment on the suggestions made by Ms. Meintsma. The first was an increase to 60% for residences that are taken from Significant to Landmark status. Director Eddington stated that it would be a bonus but it would have to be included as a policy. The Board favored an increase to 60% if a structure is taken from Significant Status and returned to Landmark Status. Director Eddington stated that the Staff would have to create definitive criteria by which a house could go from Significant to Landmark.

The second suggestion was to keep both primary and secondary structures at 50% instead of the 50% and 40% previously discussed. The Board agreed to keep the 50% for primary and 40% for secondary they had decided on earlier, but add the bonus to 60% for returning a structure to Landmark status.

The Board suggested that the City attach a fee to cover the cost of the Planning Department to do the final inspection to make sure what was agreed to in the HDDR for all historic structures was properly done. Director Eddington stated that he would work with Nate in the Finance Department to see if there was a way to establish a fee. He noted that currently there is a fee for building inspections and the question would be whether the fee could be bifurcated or an additional fee added for a planning inspector to go out.

The last issue was the number of days to pull a building permit. Director Eddington believed that 90 days was a good compromise. Chair Kenworthy agreed. Board Member Melville stated that if the Staff finds that most people

need a longer time frame, they should come back to the HPB with that information.

WORK SESSION – HPB Visioning

Planner Grahn outlined the HPB duties per the LMC. Their role is to preserve the historic character, update the design guidelines, resolve conflicts, provide input to Staff and recommendations to the Planning Commission and the City Council. Planner Grahn stated that additional duties include participating in design review of City-owned projects, recommend to the City Council the purchase of property for serving cultural resources, recommendations to the Planning Commission and City Council regarding zoning boundaries, and provide input and guidance. Planner Grahn stated that the HPB is the face of preservation in the community.

Planner Grahn presented the goals that the City Council had prepared and noted that historic character was one of the primary goals.

Planner Grahn noted that the time sheets the Board members filled out would be done for every meeting due to changes in the Finance Department. Planner Grahn asked if any of the Board members were interested in attending other Board and Commission meetings and reporting those activities and discussions to the HPB. The meetings dates and times are scheduled on the website, as well as the Staff report for each of those meetings.

Planner Grahn updated the HPB on the HDDR application process. She and Planner Turpin had updated the Old Town handout to give to people during the Design Review. The handout walks through the HDDR process and talks about financial opportunities such as the grant program. Assistant City Attorney McLean was in the process of reviewing the draft handout. Board Member Melville requested to see a copy once it was finalized.

Planner Grahn commented on the miscommunication issue with 1015 Park Avenue and the panelization that occurred. She has been working with the Deputy Building Official, Michele Downard, to create a checklist for panelization and reconstruction projects. At different steps of the project the Planner and someone from the Building Department go out together and check off that certain things have been done. They make sure the materials are safe and they inspect the panels to make sure the panels are stored securely if panelization was approved.

Planner Grahn stated that the Staff had also been updating the Physical Conditions Report and Historic Preservation Plan forms in an effort to improve the quality by adding more detailed descriptions and more photographs.

Planner Grahn stated that the City Council is interested in preserving the mine sites. The Staff did a reconnaissance level survey in July and they discussed it with the City Council last month. The Staff was also working with the Museum to determine whether they could reach out to the new Vail owners and discuss stabilization measures. The Staff was also trying to compile a book with pictures from the reconnaissance level survey and the conditions and history of the different sites.

Chair Kenworthy understood that the mine tour was postponed due to the transition of the Resort ownership. He asked about the relationship between Talisker, Vail and the City with regards to the mines. Planner Grahn was unsure. However, Sally Elliott from the Museum was working to find a contact that they could take on the mine tour and talk about the importance of stabilizing the mines. She believed once they have a contact it would be easier to talk to call them in the spring and set something up for next summer. Chair Kenworthy understood that relations with Talisker were strained, but he wondered whether it was possible to build a relationship with Vail. Director Eddington stated that technically Talisker was the landlord, but it is a 300 year lease and Vail has a good opportunity to utilize and control the land. Director Eddington clarified that the Staff had met with a couple of people from Vail and they would continue to meet with them. He agreed that the relationship with Talisker has been more strained but they did meet with Talisker this week. As Vail comes forward with an MPD for the Mountain and the parking lots, the Planning Department will carefully review the plans and include historic preservation.

Board Member Melville asked if Vail was aware that the mine sites were protected by City Code. Director Eddington replied that Vail has been informed. He clarified that Vail appears to be amenable to working with the City. Chair Kenworthy suggested that the HPB could send Vail a letter and introduce themselves. Since they are not a negotiating body, the HPB could make Vail aware of the unique opportunities that would allow them to elevate this Resort from their other resorts.

Director Eddington stated that the Staff would continue to reach out to Vail and at some point find a way to have the HPB meet with some of the Vail representatives. Director Eddington believed that promoting pro-actively would be more beneficial.

Board Member Melville questioned whether they needed to do more community outreach to make people understand that the mines sites are Park City's legacy and responsibility. She noted that the mine sites were vandalized and the graffiti was extreme. For some reason this year was worse than any other time.

Board Member Beatlebrox stated that the focus for Vail is to get the Mountain open. She met with some of the Vail representatives during City Tour and she

found all of them to be extremely cordial and welcoming. She suggested that the best time to reach out would be after the season opens so they could schedule a mine tour in the Spring. Director Eddington agreed that so far Vail has been great to work with.

Board Member Melville clarified that she was talking about the citizens of the community being responsible for the care of the mines. Director Eddington asked if the HPB was interested in taking on that type of outreach to the community or whether it should be done in conjunction with the Historical Society. Chair Kenworthy thought it would be a good role for the HPB because they are the Historic Preservation Board. Board Member Crosby thought it would be a good opportunity to build a relationship with Vail based on preserving the mining heritage. Board Member Melville reiterated that people in the community, not Vail, are the ones vandalizing the mine sites and it is up to the community to protect these historic sites from that type of activity.

Planner Grahn stated that the HPB needed to discuss the annual preservation award. The Staff was proposing Park City Museum for work around aerial tramway Towers, 562 Main Street, 101 Prospect Garage, and the Mine Sites as potential projects for consideration. She asked the Board for their suggestions to add to the list suggested by the Board. Board Member Melville presented black and white photos of 68 Prospect. The house was redone and a large addition was added on the back, but it connects with the ground on the front. She believed this project was a good example to show that in order to make a re-built garage look historic you need to save the historic roof and materials. Board Member Melville also liked 101 Prospect. She thought 575 Park Avenue was well done and should be considered. A large addition was added to the back but the historic front remained. It was done several years ago but she thought it was a good example of what they like to see.

Planner Grahn asked if the HPB wanted to form a selection committee, or whether they wanted to select the nominees as a Board and have a committee commission the artists. The Board preferred to select the award recipient as a group.

Planner Grahn stated that the Board would be reviewing the Design Guidelines for potential reorganization, revisions and additions. The intent is to give more clarity to the guidelines to avoid confusion. Board Member Melville commented on a glass structure at 575 Woodside and asked how it met the design guidelines. It dilutes the Historic District and she wanted to make sure that it could not occur again in the future. Board Member Holmgren noted that the original structure was never historic. It was a large bungalow that was taller and had more mass. Board Member Melville was still unsure how the current design met the Historic Guidelines. Board Member Holmgren remarked that it was the design the owner wanted and people should be allowed personal latitude. Board

Member Melville believed it was important to follow the Historic District Guidelines or they would eventually dilute the Historic District. Board Member Holmgren stated that a neighborhood is a mix of designs. Board Member Melville felt certain designs were fine outside of Old Town, but there was a reason for having guidelines for the Historic District. Board Member Beatlebrox wanted to know why the Historic Guidelines would apply if the building was not historic. Board Member Melville noted that the Historic District Design Guidelines has a section called Guidelines for New Construction.

Chair Kenworthy remarked that the mountain contemporary style is becoming more prevalent and it annoys a lot of people. Director Eddington stated that even the new construction that follows the guidelines is compatible with the historic but it still looks new. An alternative would be to create more restrictive guidelines for new development.

Board Member Melville stated that the City needs to decide whether or not to have guidelines for new construction in the Historic District, but until they make that decision and it becomes policy, they cannot just ignore the current guidelines.

Board Member Melville suggested that in addition to the historic preservation award they could award a compatible new design award. She thought the building at 260 Main Street was nicely done in terms of being compatible with the existing structures.

Board Member Holmgren stated that one of her favorite phrases is “if we were all the same it would be boring.” Board Member Melville recognized that everyone has a different opinion. For an infill development she thought 819 Empire was a good example of a compatible new design. She understood that they could not make everyone do it, but giving an award for compatible new design would be encouraging. Board Member Holmgren clarified that she was not supporting one design over another. She just thought they needed to be more giving and allow some design flexibility.

Chair Kenworthy remarked that they were specifically talking about the Guidelines and he agreed that some of the guidelines needed to be strengthened. Comparing two structures on Woodside, he was unsure how they could legislate the type of design they preferred to see. Board Member Melville reiterated her suggestion to encourage compatibility with an award for compatible design.

Planner Grahn stated that the Staff would present an outline of proposed Guidelines revisions for the Board to review during their December meeting. She asked the Board to come prepared to discuss areas where the guidelines need to be strengthened.

Board Member Melville asked if the Staff reviews new construction against the Design Guidelines. Planner Grahn answered yes. Ms. Melville wanted to know how some of the new designs were allowed if they followed the guidelines. Director Eddington replied that the guidelines are more lenient for new construction. What one person believes is compatible in mass and scale is different from what another person might think. If the HPB thinks the new construction guidelines should be more restrictive, they can have that discussion and make the appropriate changes. Director Eddington noted that in 2009 it was a challenge to include guidelines for new construction. If the Board wanted to be more restrictive they could revise the guidelines. If they do not want more restrictions, they should expect to see infill development that reflects the current era. He pointed out that Park City started as a mining town and then became a ski town and they were now becoming an International Resort town. Director Eddington thought it was time to address new infill construction.

Planner Grahn stated that the HPB also needed to consider additions to the Historic Sites Inventory. She noted that Board Member Melville had ten addresses in conjunction with the Historical Society to be included on the HSI. Planner Grahn had sent the list to CRSA who was doing the intensive level survey. They also needed to include mine sites. Planner Grahn anticipated discussing the additions to the HSI in January.

Board Member Melville stated that the list she submitted are historic structures that were not included in the current HSI. Until they are placed on the Historic Sites Inventory people can do whatever they want with those structures. Ms. Melville suggested that the Staff compile a secondary list of structures being considered for the HSI to avoid losing any of those structures before the HSI process is completed.

Planner Grahn noted that when Dina Blaes did the Historic Site Inventory a number of accessory structures were marked, but it was unclear which accessory structure Ms. Blaes was referring to. That has created situations where people believe they can do whatever they want because their structure is not listed on the HSI. In those cases the Staff asked the consultant to prepare a report indicating whether or not the structure is historic. If the consultant determines that a structure is not historic, it would come before the HPB for a Determination of Significance.

In terms of the A-frames, Planner Grahn stated that the Planning Department requires a Physical Conditions Report before an A-frame can be taken down. It does not save the structure but it is documented.

Planner Grahn explained the process for updating the HSI. She would prepare a Staff report for their review in December. A legal notice would be sent to the

property owners informing them that their house meets the criteria for historic sites. The owners could then attend the HPB meeting on January 7th to provide input.

Planner Grahn commented on future HPB projects in addition to the mine sites. She noted that a suggestion was made to create a walking tour because many properties have historic apple trees or berry bushes. The Board agreed that summer would be the best time for a walking tour. Board Member Holmgren felt it was important to require at least one fruit tree when new trees are planted because Park City used to have an abundance of apple, pear and plum trees. Board Member Melville asked if the City Landscape Guidelines or the Staff suggest fruit trees. Director Eddington replied that the Staff recommends fruit trees if there is space on the site. Board Member Holmgren stated that lilacs are also historic for Park City. Planner Grahn added fruit trees to the proposed guideline revisions.

Planner Grahn reported that the Staff had met with Tom Carter, an expert on vernacular architecture in Utah. Mr. Carter also started the Vernacular Architecture Forum. In 2017 the Forum is interested in holding some events in Park City as part of their larger conference. Approximately 150 could attend and they are a hands-on preservation group. The Staff will be planning workshops for the event. One of the goals of the group is to take away new knowledge from Park City and to leave Park City with a finished product regarding vernacular architecture.

The meeting adjourned at 7:45 p.m.

Approved by _____
John Kenworthy Chair
Historic Preservation Board