

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF SEPTEMBER 2, 2015

BOARD MEMBERS IN ATTENDANCE: Cheryl Hewett, Jack Hodgkins, Puggy Holmgren, Hope Melville, Douglas Stephens, David White

EX OFFICIO: Bruce Erickson, Anya Grahn, Hannah Turpen, Christy Alexander, Polly Samuels McLean, Louis Rodriguez

ROLL CALL

The meeting was called to order at 5:00 p.m. and noted that all Board Members were present except Lola Beatlebrox who was excused.

ADOPTION OF MINUTES

August 5, 2015

MOTION: Board Member Hewett moved to APPROVE the minutes of August 5, 2015 as written. Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

August 13, 2015

Board Member Holmgren referred to page 12, bottom of the first paragraph and corrected Ms. Planner to correctly read, **Planner Grahn**. Board Member Holmgren pointed to an error in the last sentence of the same paragraph which stated, the applicant was working with the applicant.

MOTION: Board Member Hewitt moved to APPROVE the minutes of August 13, 2015 as amended. Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

ELECTION OF CHAIR AND VICE-CHAIR

MOTION: Board Member Holmgren nominated David White as Chair of the Historic Preservation Board. Doug Stephens seconded the motion.

VOTE: The motion passed unanimously.

Board Member White assumed the Chair.

Assistant City Attorney McLean noted that the Code does not require the HPB to elect a Vice-Chair; however, the Board members have the discretion to determine whether or not they would like to have a Vice-Chair.

Board Member Hewett asked for the role of the Vice-Chair. Ms. McLean explained that for the Historic Preservation Board the Chair votes along with the other members, unlike the City Council and the Planning Commission where the Mayor and the Planning Commission Chair only vote to break a tie.

Board Member Holmgren recalled that several years ago the position of Vice-Chair of the HPB was eliminated. Assistant City Attorney McLean reiterated that it is not mandated in the Code, but she thought it would be helpful to elect a Vice-Chair to conduct the meeting if the Chair is not present. Without a Vice-Chair, if the Chair is absent, the Board would vote on a Chair Pro Tem for that meeting. If they elect a Vice-Chair that person would automatically take on that role in the absence of the Chair.

Board Member Stephens preferred to handle it on a case by case basis as opposed to electing a Vice-Chair. Interim Planning Director Erickson stated that the only advantage for a Vice-Chair is that if the Chair knows in advance that he could not attend the meeting, the Staff would be able to brief the Vice-Chair prior to the meeting to make sure it is conducted correctly. Board Member Stephens suggested that the Board could re-address the issue if it appears to be a problem. The Board concurred. Chair White clarified that the Board would not elect a Vice-Chair at this point.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Interim Planning Director Erickson reported that the Staff intended to make sure that the HPB was informed of all actions being taken, even if it did not require HPB action, which was the reason for including the Staff report for the McPolin Pole Barn. He noted that Planner Turpen was available to answer questions the Board may have regarding the Pole Barn.

Mr. Erickson stated that the HPB would continue to meet on the first and third Wednesdays until they have an idea of how much backlog gets cleared and the new ordinance is adopted. The ordinance was targeted with the City Council sometime in November. Mr. Erickson did not believe the extra meetings would be necessary after the first of the year if everything stays on schedule.

Board Member Hewett did not recall that meeting on the first and third Wednesday had been established. Mr. Erickson replied that the schedule had not yet been published but it would be published. Ms. Hewett asked if remote attendance would be allowed. Mr. Erickson stated that the Staff was looking into whether that could be accomplished. He received a report from the IT

Department and from others and he intended to address that matter in the regular session.

Board Member Melville commented on the Pole Barn. It appeared that what was being proposed was drainage and brackets on the pole. Planner Turpen replied that she was correct. It was a matter of stabilization and additional drainage, which would resolve the problems that caused the stabilization issue.

Board Member Melville asked about cost. Planner Grahn believed it was less than \$15,000 for both the drainage and the brackets, but she was unsure of the actual cost. Board Member Melville asked if there were plans for the roof. Planner Turpen replied that the roof itself was not the issue. It was actually the pole supporting the roof, as stated by the structural engineer consultant in the pending historic preservation plan. Planner Turpen stated that the proposed work was consistent with the recommendations of the structural engineer consultant. Board Member Melville recalled that a beam for the roof had also been recommended. Planner Turpen replied that it was recommended; however, the contractor who was working on the project did not believe the beam was necessary at this time and that the brackets would suffice to resolve the issue. She pointed out that the beam would help in the event of having 10-feet of snow. The immediate intent was to fix the problem at a lower cost to address the stabilization issue.

Planner Grahn stated that after receiving the initial engineering report that suggested the beam, the Staff spoke with a second engineering firm who recommended the brackets. They let the project manager and the contractor determine which method to use.

Mr. Erickson clarified that the HPB would not be taking action on this matter. The intent was to inform the Board so they would be able to answer questions if approached by the public. Planner Grahn stated that a geo-technical analysis was also being done. If they see a large tractor next to the McPolin Barn it would be for the purpose of testing soils.

WORK SESSION

Historic Preservation Updates

Planner Grahn noted that the HPB had requested a work session to give the Board the opportunity to have a discussion prior to the joint meeting with the City Council. She had outlined specific items that the HPB has expressed interest in such as the Grant Program, CRSA's Intensive Level Survey and the Mine Sites. However, it was open to whatever the Board wanted to discuss.

Planner Grahn noted that Board Member Beatlebrox had submitted written comments which were attached to the Staff report.

Board Member Melville pointed out that the comments submitted by Board Member Beatlebrox related mostly to the Grant program. She asked if Planner Grahn was able to answer some of the questions that were raised because she was also confused with the current Grant Program and how much money is available.

Planner Grahn stated that in terms of available funds, as outlined the Program still has the allocated line item amounts. Anything above that must be reviewed by the City Council and the Council would have to amend the budget. Planner Grahn remarked that on September 17th Nate Rockwood, the Budget Manager, would be giving the City Council a budget update and she assumed the grant program funding would be part of that discussion.

Board Member Melville asked if the uncertainty of the available grant funds was affecting grant applications or what the Staff was currently doing. Planner Grahn stated that everything was on hold in terms of the grant program because questions were raised in March with the last two grant applications, and they were still trying to address those questions and revamp the grant program. She pointed out that since it is a policy, the HPB can provide input but it must be approved by the City Council. Planner Grahn explained that in January the City Council approved the grant policy, in which the grant amount awarded was tiered based on 50% for a primary residence vs. 40% for second homeowners, and a 10% boost for applicants who improved the property from a Significant to a Landmark designation. If the HPB recommended an award over \$25,000 it would go to the City Council for approval. Planner Grahn did not believe the \$25,000 limit would be changed, but how to structure the grant program was still up for discussion. Therefore, the grant program was on hold until they sort through the issues and revamp the program.

Board Member Stephens stated that he found the Grant Program to be confusing. On many levels it appeared to be Staff intensive and it was confusing to anyone applying for a grant. He thought the grant program should be predictable. Mr. Stephens believed that anyone taking on a restoration project, whether a developer or an owner, they should have some idea of what to expect in terms of financing prior to starting the project. He thought the funding should be timely. For example, if he was doing a historic restoration project, factors other than just the grant program would dictate when he starts the project. If he has to wait until the next round of grant money is available, he would not apply for the grant because it would delay his project. Mr. Stephens did not think that was fair to people who are trying to do a restoration.

Board Member Stephens thought the grant program should be economical. In reading past meeting minutes regarding the process, he found it confusing on what items were or were not eligible. In his opinion, the grant program had

morphed into an expectation that the City would pay for items rather than looking at the qualified expenditures. He was especially bothered by the fact that there would be some reimbursement for a preservation plan. While it would be nice for the owner to be reimbursed, he believes the preservation plan is the cost of owning a historic home and doing a restoration. Owners should understand that before they start their project. Board Member Stephens did not believe the City should reimburse for preservation plans unless the City owns the property and hires the architect.

Board Member Stephens reiterated that the Grant Program should be simple with regards to eligible programs and the overall value they were trying to accomplish with the restoration. He thought the question was whether the City was paying for restoration and/or additional square footage. If they have specific values it would be easier to make those decisions. Board Member Stephens was also confused about whether or not the Grant Program was equitable. If the value they are trying to achieve is a quality restoration project, then a primary residence versus a second homeowner should be treated the same.

Board Member Stephens stated that he has had experience in Salt Lake County and Salt Lake City and with the Utah Heritage Foundation with revolving fund programs. He suggested that it might be a better program to explore because money goes back to the grant program when the property is sold. Mr. Stephens was interested in talking about a revolving fund program to simplify the process as opposed to making it more complicated. Mr. Stephens explained how a revolving fund program works. Someone who receives grant money must reimburse the City for that amount if the property sells or the title is transferred. It keeps the grant money revolving rather than just being awarded once.

Board Member Melville asked for the current status of the Grant Program. She understood it was on hold, but she wanted to know what process was taking place. Planner Grahn stated that the Staff was working through the details in terms of what is included, but they were also looking at ways to structure the program. They moved away from the liens and went to a preservation easement that would protect the façade of the program, because the easement runs with the land in perpetuity but the lien only protects it for five years. Planner Grahn pointed out that while the Program was on hold all options were open for discussion. The idea is for everyone to work together to come up with the best program.

Mr. Erickson stated that if the Board generally concurred with the comments made by Board Member Stephens, particularly regarding revolving funds, they should lay out that framework when they meet with the City Council the following evening. It would give the HPB and the City Council the opportunity to discuss whether or not it was a viable option or whether they should take a different approach. Mr. Erickson remarked that the purpose of this work session was for

the HPB to interpret what the City Council might want and their role in overseeing the program. He noted that Planner Grahn and her team would craft the Grant Program to meet the requirements of the HPB and the City Council, and they were looking for guidance.

Board Member Melville recalled past discussions regarding the purpose of the Grant Program. The HPB talked about wanting historic preservation plans submitted, recognizing that it was expensive and a burden on the applicant. The idea for reimbursing the cost was that if the community thinks there is a benefit in preserving historic structures, there would be a buy-in from the City to help incentivize historic preservation and to do it properly. Ms. Melville stated that another reason for the Grant is that some people cannot afford to keep up their old historic houses and it would offer them an incentive to keep the house and continue to live there.

Board Member Stephens clarified that he was not suggesting that people who wanted to stay in their home but could not afford the restoration should not be given a grant. In fact, those people might be more likely to be awarded a grant under that scenario; and they would benefit the most from a grant because it would help them stay in their home for many more years and enjoy the financial benefit before they would have to sell and pay it back. Mr. Stephen pointed out that a revolving fund could potentially give them more available funds to loan.

Mr. Erickson stated that the Staff would prioritize the list on page 31 of the Staff report. Once they get direction from the City Council they would start with the top three or four bring each item to an HPB meeting for discussion. It would allow the Board to drill down into the issues they were facing. Mr. Erickson remarked that the objective this evening was to position some ideas they could present to the City Council. He requested that the HPB help prioritize the list this evening and identify which items they would like to spend time on over a period of meetings. Mr. Erickson advised the HPB that in the course of grant funding, it was possible that the funding mechanism may need to expand to mines and mining features. The City was looking at other funding options as well.

Board Member Melville referred to page 33 of the Staff report and the request to discuss and provide input on a subset of the longer list. She thought it would be helpful if the Staff could give their thoughts on the Historic District Design Review process. Planner Grahn stated that the Staff held a work session with the City Council prior to a session with the HPB. During the work session the City Council talked about the role of the preservation consultant and the Design Review Team. Each week the DRT meets with the public and it provides the opportunity to review any applications that are coming forth to make sure the applicant is moving in the right direction. A second part of the discussion was deciding whether the HPB should have more design review authority. The

Council wanted to hear more on that issue at later date. Planner Grahn pointed out that it was a topic that could be discussed at the joint meeting.

Another item for discussion was the CRSA Intensive Level survey. Planner Grahn stated that the Intensive Level survey of the Main Street District had been completed and the National Register District area would be expanded. CRSA would come back this Fall with the residential sites, and once they have new criteria for the Historic Sites Inventory, those sites could be included.

Planner Grahn stated that another items was the Endangered Buildings and Abatement Challenges. She reported that the Building and Planning Departments have been working together to identify the historic buildings and mine sites that are on the verge of collapse either because of deferred maintenance or age. They have discussed financial challenges, as well as having a Planning Field Officer in the field to make sure that what was approved on the HDDR was actually being built.

Planner Grahn reported that the mine sites were an ongoing discussion in terms of which mine sites to invest in, and working with Vail to make sure they meet their conditions of approval to preserve or stabilize the mine sites in their leasable area. Mr. Erickson noted that the City also had a commitment from Deer Valley on their mine sites.

Board Member Stephens asked if the Staff wanted the Board to prioritize the list and break out the top three. Mr. Erickson stated that he would like the HPB to discuss the list and agree on the most important items, as well as determine which items should come back for regular discussion at each meeting.

Chair White referred to the bullet list on page 31 of the Staff report and the updates to the Design Guidelines. He asked if the HPB would be looking at updating the Design Guidelines from 2009. Planner Grahn replied that the Guidelines are supposed to be a living document but they have not been updated since 2009. The plan is to relook at the Guidelines in more detail to see where revisions might be necessary. Chair White thought updating the Design Guidelines should be on the priority list. Mr. Erickson noted that some of the Guidelines have already been directed by the City Council, particularly in terms of flat roofs and upper level party decks. He would rely on Planners Grahn and Turpen to determine which parts of the Design Guidelines need to be looked at. Mr. Erickson believed they would also need provisions for the structures that would be protected under the new ordinance but not restored back to a Significant level.

Board Member Melville stated that because the Board is unaware of how the Guidelines are applied and the problems encountered, it would be difficult to provide input without knowing where they needed improvement Ms. Melville felt

there needed to be a way for the Board to understand the problems in applying the guidelines and what does or does not work. Planner Grahn stated that as they start reviewing the Design Guidelines they would go through them section by section. At that point the Staff could provide photos showing where different guidelines were applied. The Board favored the idea of looking at photos to see the effects of a particular guideline. Ms. Melville stated that instead of addressing the Design Guidelines as a whole in the future, she suggested that they address specific situations as they come to the Staff. Planner Grahn thought they could begin to do that once the pending ordinance was adopted and they had a better idea of which historic buildings fall under the ordinance.

Board Member Melville asked how the Intensive Level Survey from the consultant applied. Planner Grahn replied that initially they identified buildings that were not listed in 2009 but should have been, and it was part of the work they did with the HPB in terms of designating new building. She recalled sheds and garages and possibly a few houses. However, with the pending ordinance, they need to identify specific criteria to help them apply the CRSA results into Landmark, Significant and the other criteria for designations.

Based on their comments, Mr. Erickson understood that the Grant Program should be prioritized ahead of the small revisions to the Design Guidelines. Board Member Stephens thought the Grant Program should be the highest priority because it was currently on hold. It does not serve the public well when the Grant Program is not in place. Mr. Stephens anticipated a long process to work out the details and approve the changes, and to actually fund the program. Chair White concurred.

Mr. Erickson agreed that the Grant Program was a bigger problem than architectural issues, and it was appropriate to make it a higher priority. However, he thought both the Grant Program and the Guidelines could move forward.

Board Member Melville thought Endangered Buildings and Abatement should also be a high priority if they really are endangered. Mr. Erickson pointed out that it was the number three priority for the Staff. He noted that part of the direction from the City Council was to revise and strengthen the Demolition by Neglect Ordinance, and to also apply it to the identified mine sites. A task force was working on that revision. Planner Grahn had a list of endangered structures and she was working with the Building Department to identify specific structures as they walk through streets and neighborhoods.

The second item on the list was to change the role of the Historic Preservation Board. Board Member Stephens asked if there was enough interest among the Board and the City Council to change the duties of the HPB to make it a priority. Planner Grahn explained that it was on the list because the City Council had

discussed it during one of their meetings and they wanted to get feedback from the HPB.

Board Member Holmgren noted that the HPB was still an arbitration Board and they should not be looking at designs. Planner Grahn replied that the HPB was currently an appeals Board; however, they could be a design review board in the future if their role was changed. Ms. Holmgren stated that if the HPB became a design review board they would need more architects on the Board and that would close the door to a lot of people who might be interested in sitting on the Historic Preservation Board. Board Member Melville did not think they would need more architects because the Staff currently does the design review work without being architects. Chair White thought the Staff was doing a good job with design review and having the HPB also involved with design review would be duplicating the work. He did not believe that was necessary.

Board Member Stephens clarified that the purpose of his question was to determine whether or not changing the role of the HPB was a priority for discussion. Mr. Erickson remarked that the current mission was the pending ordinance and the underpinnings of the new ordinance, which was the new classification of buildings and protecting the new classification of buildings; and organizing the order in which they come to the HPB. Mr. Erickson stated that the Grants Program was second on the priority list. He was primarily involved with the ordinance and Planner Grahn was primarily working on the Grants Program. Mr. Erickson noted that the Design Guidelines was the third priority and currently that was primarily focused on flat roofs and party decks and rhythm and scale of the street.

Chair White thought it was time to look at the 2009 Design Guidelines as a whole. Planner Grahn agreed that it was time; however, because of the magnitude of the pending ordinance it was more important to focus on that first. Once the ordinance is off the table it would be easier to prioritize the remaining items.

Board Member Melville stated that LMC Chapter 15-11-5, outlines the purposes of the HPB, Items A through I, as well as a list of additional duties if directed by the City Council. Ms. Melville thought the discussion should be whether the Board was achieving those purposes and whether they could do them better. In reading the purposes, Ms. Melville questioned whether the Board was accomplishing any of them other than the Grant Program and Administer City sponsored programs. She thought it would be a worthy Board discussion. Board Member Melville noted that they go through the agenda set forth at each meeting, but there might be other things that need to be addressed that as a group they should be thinking about in terms of their purpose as the HPB. Mr. Erickson added that discussion to the list of items for future meetings.

Mr. Erickson pointed out that the Site Inventory, the Grant Program, the Intensive Level Survey and the Mine Sites were all tools that could help support their role as the Historic Preservation Board.

Board Member Melville recalled an issue at the last meeting regarding a building at 543 Woodside and why a stop work order had to be issued. She knew there were similar situations on other projects and asked whether the HPB has a role in suggesting ways to keep that from continually happening. Planner Grahn remarked that 543 Woodside was still being worked out. Ms. Melville thought the project was still proceeding. Planner Grahn stated that one gable was hanging and it posed more of a threat to the condition of the gable than it would to remove it and put it with the others. Mr. Erickson understood that 534 Woodside was trying to come back into compliance after the stop work order. Ms. Melville asked if penalties were imposed for not complying or whether they just issue a temporary stop work order and then the project is allowed to continue. If that was the case it would encourage more of the same. Planner Grahn explained that the Planner looks at the financial guarantee to see where the project is not in compliance, and then issue a letter giving the applicant a certain number of days to come into compliance. However, when panelization is done without permission the situation becomes more delicate. Ms. Melville reiterated her question about whether a penalty is imposed. Planner Grahn answered yes, and she believed Planner Whetstone was working closely with the Legal Department to determine an appropriate penalty. Ms. Melville asked if a penalty has ever been assessed for that type of non-compliance. Planner Grahn replied that the Staff was currently working on assessing a penalty on a project on Park Avenue because the materials were stolen. The Staff was trying to figure out the value of the materials.

Board Member Melville believed it was a larger issue in terms of regulation. Mr. Erickson stated that public consciousness has risen on this matter in the last three months since the problem on Woodside occurred, the problem on Park Avenue where the materials disappeared, and the problem with the Rio Grande. Ms. Melville pointed out that timing was also an important factor. He noted that the Building and Planning Department were working on ways to assess a penalty for non-compliance besides the completion bond. He agreed that it was an important issue for discussion.

Board Member Melville understood that when a building is a Landmark building they should be cautious not to approve any changes that would remove it from Landmark status. Planner Grahn explained that the intent is not to approve those changes; however, there have been instances where based on a structural engineer report, the Chief Building Official and the Planning Director have decided that even though it is a Landmark building the changes are necessary in order to save the structure. One reason for having the HPB review the panelizations and reconstructions is to have another body provide input, in

addition to the Planning and Building Departments. Ms. Melville believed that most of the Landmark buildings that were recently renovated could not possibly remain Landmark. Planner Grahn replied that it depends on the quality of the reconstruction. High West was an example of a panelized project. The National Parks Service did not want to keep the building on the National Register; however, the City fought for it and showed that it deserved to stay on the Register because it had been preserved to a high integrity. In other cases the reconstruction may not be that high quality and those were the issues the Staff was working through. Planner Grahn believed the HPB would be able to provide a lot of insight once they begin their review and have a closer understanding of what the Staff has been reviewing in the past.

Board Member Melville read from the LMC, "An application associated with a Landmark site shall be denied under the Land Management Code if the Planning Department finds the proposed project will result in a Landmark site no longer meeting the criteria set forth under Landmark". She noted that there was similar language for Significant sites as well. Planner Grahn stated that it needs to be looked at from the end project. She did not think it was fair to look at it from the beginning and determine whether or not it would remain Landmark. They do their best but there are always changes in the field, and those are things that will be looked at as they continue to look at CRSA's results of the survey. Ms. Melville pointed out that they certainly want the buildings to continue to be used, but on the other hand they need to follow the criteria. Planner Grahn remarked that when the City decided to put panelization into the Code as a way of preserving buildings, they opened the door to those types of changes and gave the applicant the opportunity to explore them.

Planner Grahn asked if the Board was comfortable with the prioritized list and the items that would come back to the HPB. Board Member Hewett asked for an explanation of Mine Sites. Mr. Erickson stated that the Trestle that can be seen on the side of First Time at PCMR was an example of a mine element that they were working on a preservation plan for and a prioritization. He commented on other mine site elements on the list. Board Member Hewett clarified that she was asking what the HPB would be looking at in their review. Mr. Erickson stated that first the sites needed to be identified. Secondly, the Museum and Planner Grahn compiled a top ten prioritized list of the most important site. They were now in the process of determining ownership and who is responsible for them. The Museum had given cost opinions on stabilizing the top five sites. The next step is to ask the City Council for funding. Mr. Erickson remarked that in many cases the mine sites were excluded from the ski leases and it reverts to the underlying land owner, and there might be a mine claim somewhere.

Board Member Hodgkins asked if the mine sites should be considered a subset of the endangered list. Mr. Erickson stated that the first objective is to look at the sites; the second objective is to determine their status of Significant, Landmark,

or another classification; and the third objective is to see if any are in danger of falling over. He noted that an argument in Historic Preservation is that sometimes history is preserved by letting it fall down, putting a sign on it, and saying history moves forward. That interpretation will be done by the experts and the consultants on each mine site. Some will be Landmark, some Significant, others contributory, and some will be deemed insignificant and go away.

Board Member Holmgren returned to the Grant discussion and asked if it was appropriate to add a sunset clause. Chair White thought there was a sunset clause already. Board Member Stephens stated that if Ms. Holmgren was talking about a time frame for the actual construction, the Uniform Building Code already has limitations on completion times. He recommended keeping those issues within the appropriate departments to enforce compliance. The Board members could raise an issue if they see one on a property, and ask for an update and whether it was in compliance.

Board Member Holmgren stated that she is also on the HPCA and too often projects are started but not finished. She definitely favored sunset clauses. Board Member Stephens pointed out that the Grant Program as currently written, the applicant would not receive the Grant funds until the project is completed and receipts are submitted for reimbursement. Until the project has a Certificate of Occupancy the grant funds would not be disbursed. Ms. Holmgren remarked that if grant money has been awarded and there is no time frame to complete the project, the money has been earmarked and it is not available to anyone else. Mr. Stephens believed that most owners or developers doing restoration projects are anxious to get the project completed, particularly if financing is involved.

Board Member Hodgkins understood Ms. Holmgren's point. He asked if when a grant is awarded whether it is accounted for in perpetuity to be funded. Board Member Stephen replied that the City does fund accounting and the fund is timeless. Once a grant is issued from a Fund the fund is immediately reduced by that amount rather than when the grant is disbursed. Mr. Hodgkins asked if there was a point when the funds would go back into the general fund it was not used. Mr. Erickson replied that it would depend on which fund it was taken from. He understood that the question was if the fund balance was declining and an awarded grant had not been used after a significant amount of time, whether it should be forfeited. Mr. Erickson thought the question was worth consideration.

Planner Grahn remarked that if a grant is awarded the property is obviously historic and requires a financial guarantee. She pointed out that the financial guarantee has a timeline that requires the project to be completed and have a Certificate of Occupancy issued within two years of pulling the building permit. She offered to look into sunsetting the Grants as well. Mr. Erickson favored the idea of forfeiting a grant if the work is delayed too long and make the funds available to someone else who might be eligible.

Mr. Erickson appreciated the Board's comments and help in prioritizing the list of items for the Staff and for discussion with the City Council at the joint meeting.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

CONSIDERATION OF AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE SECTION 15, CHAPTER 11 AND ALL HISTORIC ZONES TO EXPAND THE HISTORIC SITES INVENTORY AND REQUIRE REVIEW BY THE HISTORIC PRESERVATION BOARD OF ANY DEMOLITION PERMIT IN A HISTORIC DISTRICT AND ASSOCIATED DEFINITIONS IN CHAPTER 15-15.

Mr. Erickson noted that this item would continue to be on their agenda until the Ordinance is passed in case the Board has questions. If there are no questions the item could be continued.

Board Member Melville asked if there were modifications since the last meeting. Mr. Erickson stated that no major changes had been made at this point. Assistant City Attorney McLean noted that the Ordinance was scheduled to be reviewed by the Planning Commission on September 9th and a public hearing would be held.

Mr. Erickson stated that Planners Grahn and Turpen rewrote a number of the sections on the application and made sure it vetted out correctly, and they would be submitting their report to Mr. Erickson by Friday at the latest. Mr. Erickson would review their report and come back with suggested changes to the ordinance language. He anticipated early October as a target date for action by the Planning Commission. The Ordinance would come back to the HPB for a recommendation before the Planning Commission takes action.

Assistant City Attorney McLean recommended that the HPB appoint a Board member to attend the September 9th Planning Commission meeting to hear the discussion and comments regarding the pending ordinance; and report back to the HPB. Board Member Holmgren volunteered to attend the Planning Commission meeting.

Chair White called for public comment.

Ruth Meintsma asked to comment on the Grant Program discussion. She also had comments regarding the purpose of the HPB. She asked if it was appropriate to make her comments this evening or wait until the joint meeting the following evening.

Assistant City McLean thought it might be more effective if the City Council heard her comments as well. Planner Grahn pointed out that the Council may not take public input at the joint meeting. Ms. McLean agreed and suggested that Ms. Meintsma proceed this evening.

Ms. Meintsma referred to the discussion about the HPB being an appeal body. She had attended the meeting when the decision was made for the HPB to be the appeal body and not the Board of Adjustment. The basis of that decision was that the HPB knows the Historic District Design Guidelines and the Board of Adjustment is not familiar with the Historic Guidelines. Ms. Meintsma stated that she was always uncomfortable with that decision, and since it was raised this evening, she wanted to give her argument as to why she believes the HPB would be more appropriate as a review Board, and why the BOA would be most effective as an appeal board. Ms. Meintsma stated that if the HPB reviewed the design after the Staff had done their design review, as a body they would be aware of every detail of every historic project in town. She assumed that currently there were several projects that the Board had no idea were in the process of panelization. For example, no one knew that 543 was a structure that was supposed to be moved and not panelized. She thought the Board should know that when it started to happen she personally received 20 calls in 24 hours because she lives on that street and people thought she would know. However, she did not know because she had not seen the project. Ms. Meintsma stated that she notified Planner Grahn immediately. She remarked that when the Board members are asked about a project they should be able to have an answer and know whether the project was being carried out in the way it was approved. As members of the Historic Preservation Board they should be able to communicate with and educate their neighbors and other community members who have questions.

Ms. Meintsma stated that if the HPB used the Historic District Design Guidelines on a regular basis, they would be better at applying them when needed. She pointed out that they are not engaged in how the Guidelines apply, and they apply differently in each project. The more they use them more adept they would be at their application. Ms. Meintsma stated that being involved with the Guidelines and applying them to historic structures, they would be able to support and advise Staff on HDD specific decisions on applications. She referred to a previous comment from a City Council member that the HPB could provide a citizen's overlook to a project. The Staff would review it and then present it to the HPB. Ms. Meintsma believed that the HPB could help the Staff make borderline decisions by being the second pair of eyes on an application.

Ms. Meintsma stated that one purpose of the HPB that they were not doing was Item D, "To provide advice and guidance on request of the property owner or occupant on the construction, restoration, alteration, decoration, landscaping or maintenance of any historic site or property within the historic district." She

remarked that people are supposed to be able to come to the Board and ask a question regarding a property and expect a knowledgeable answer. Ms. Meintsma pointed out that if the HPB used the Historic District Guidelines on a regular basis, they would be better able to assess the need for change in those Guidelines. Lastly, she believed the HPB would be more capable of being extra eyes on the street.

Ms. Meintsma stated that the Board of Adjustment applies Code in making their decisions. She noted that the purpose of the HR-1, 15-2.2-1(A) is to preserve the character of the Historic Residential Area; (B) is to encourage preservation of historic structures; (C) is to encourage historical compatible structures. The Board of Adjustment could actually use the first three purposes of the HR-1 and apply what they need to in terms of preserving character. Ms. Meintsma remarked that the BOA is already the Appeal Board for determination of significance. The BOA would also have the Design Guidelines discussion of the HPB to use as a tool in applying the Code. She stated that the under Architectural Review in the LMC for HR-1, the Code requires compliance with Guidelines. If the BOA applies Code they would apply it in those terms. Ms. Meintsma reiterated her argument that the HPB would be much better as a review board.

Ms. Meintsma commented on the Grant Program and the possibility about the Grant being need based. However, some have argued that preservation needs to take place regardless of whether or not someone has the means to do it. She stated that one reason why it may be good to be need based is to focus on the historic structures that cannot be managed because there is no money. Ms. Meintsma suggested adding a statement of intent stating that, "the intention of the Grant Program is to offer financial support to HSI owners for whom the investment required for maintenance and preservation of their historic structures is financially burdensome if not prohibitive". She clarified that it would only be a statement of intent, and it would not prohibit anyone from applying for a grant.

Chair White closed public comment.

Chair White called for further comments on the pending ordinance. There was no further discussion.

MOTION: Board Member Stephens moved to CONTINUE the discussion on the Demolition Ordinance to September 16th, 2015. Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

ELECTRONIC PARTICIPATION RESOLUTION

Assistant City Attorney McLean stated that there was a miscommunication regarding the electronic discussion; however, the Board could still have that discussion without a Staff report.

Mr. Erickson stated that the Staff has been coordinating with the IT Department on electronic participation. There were issues regarding the acoustics in the room and how to manage public participation. The Staff would provide an update at their next meeting on September 16th.

MOTION: Board Member Holmgren moved to CONTINUE the discussion regarding Electronic Participation until September 16th. Board Member Stephens seconded the motion.

VOTE: The motion passed unanimously.

REVIEW OF DEMOLITION PERMITS FOR THE FOLLOWING BUILDINGS AND STRUCTURES TO BE CONSIDERED UNDER THE PENDING ORDINANCE:

539 Park Avenue – Removal of the non-historic wood material from the rear deck and replace it with similar wood material as well as additional footings and supports to the deck. (Application PL-15-02891)

Planner Christy Alexander stated that 539 Park Avenue is a Landmark structures that has a non-historic wood deck to the rear of the home that could not be seen from the street front. The deck has become dilapidated and the owner was requesting to replace some of the wood with the same type of wood that exists, and to add additional supports so the deck could support a hot tub in the future.

The Staff recommended that the HPB conduct a public hearing and approve the request.

Board Member Melville could not find where the owner was requesting to remove or replace the wood. The project description only talks about reinforcing by centering additional support members and additional footing. Planner Alexander explained that some of the wood is not holding up and it needs to be removed and replaced. However, it would not increase the square footage of the deck. Ms. Melville asked Planner Alexander to show where it said they were removing wood and replacing it. Planner Alexander was not certain that it was written specifically in the application, but the applicant mentioned it during the DRT meeting. Ms. Melville thought it was more of a reinforcing and repair project. Planner Alexander remarked that some of the wood needs to be removed in order to repair and replace it. For that reason it requires HPB approval as a demolition. Ms. Melville asked how the Staff knew the wood was non-historic. Planner Alexander replied that it was apparent that the deck was recently built and it was not older than 50 years.

Board Member Melville remarked that demolition was something completely different than was being requested this evening. She clarified that the applicant was not asking to demolish the deck. Planner Alexander replied that taking wood out is technically a demolition.

Board Member Melville did not believe the Staff report was clear about the wood being removed. She thought the recommendation was incorrectly written in terms of what the applicant was proposing. She thought more accurate language would be to say, "Reinforce the existing rear deck by adding support members and additional footings. If non-historic material is removed to accomplish the reinforcement, it would be replaced with similar wood material". Ms. Melville reiterated her belief that this was nothing more than a repair and reinforcement, but she thought Finding #4 needed to be specific on what was being done.

Board Member Melville read Conclusion of Law #1, "The proposal complies with the 2009 Design Guidelines." She thought it was important to note which specific Guidelines. Ms. Melville noted that Conclusion of Law #3 needed specificity in terms of compliance with the LMC HR-1 District.

Board Member Melville questioned why this application was being reviewed under the new pending ordinance. Mr. Erickson replied that it involves potential modifications to the exterior of an existing Landmark home. There are no exclusions for any portion of the Landmark site. It was still under the official terminology of demolition.

Chair White asked if there is evidence that this particular deck was built after 1975. Mr. Erickson answered yes. Assistant City Attorney McLean explained that under the pending ordinance as written, the deck still requires approval by the HPB.

Mr. Erickson stated that the ANSI Code has a demolition for demolition that would probably be referenced in the new ordinance. He explained that the deck is a structure in the Building Code, and the HPB was making a determination that demolition of the deck was in conformance with the pending ordinance. Mr. Erickson noted that it was common practice for the applicant to modify his application during design review and the modification to the application is not required to be in writing. One of the purposes of design review is to clarify what the applicant is presenting, and in some cases the applicant is not entirely clear in filling out the application. Mr. Erickson believed Planner Alexander was correct in her presentation that the applicant represented that some of the decking would have to be removed and replaced, as well as reinforcing the supports.

Board Member Melville clarified how this fits under the current proposed ordinance. It includes reconstruction, disassembly or panelization for demolition of any building, accessory building or structure that was constructed before 1975. She asked if they were looking at the rear deck as part of the building or as a structure constructed before 1975.

Chair White understood that this particular deck was constructed after 1975. Assistant City Attorney McLean replied that he was correct. However, the Staff has been interpreting the ordinance for historic sites in general by looking at the entire site. She believed that part of this exercise, and clarified as they move forward with the pending ordinance to get the best ordinance possible, is balancing the different levels of requiring HPB approval. She explained that this item came before the HPB because it is part of a Landmark building.

Board member Melville understood that the intent was to be all encompassing because it is a Landmark structure. Mr. McLean stated that it was also because the pending ordinance is extremely broad at this point; however, that may change based on input to the City Council from the HPB and the Planning Commission.

Board Member Melville was unsure how the HPB could say that the Conclusions of Law comply with the Design Guidelines or the LMC because nothing was presented to support that Conclusion of Law. Ms. McLean agreed that they could have been more specific in the Findings of Fact regarding which Guidelines were applicable. Ms. Melville thought it was a minor issue for this project, but it is important to provide more basis for future applications. Ms. McLean thought it would be appropriate to strike Conclusions of Law #1 and #2 and leave Conclusion of Law #3 because it refers to the pending ordinance and meets the requirements for demolition. Ms. Melville suggested the language, "As represented by Staff" because it was more accurate. Ms. McLean recommended striking #1 and #2, or else they could just say, "Based on the non-historic material being removed, this is permitted to be demolished under the pending ordinance."

Board Member Melville did not believe the applicant was asking to actually demolish the deck. She preferred to revised Finding #4 to state, "The applicant is proposing to repair and reinforce the existing deck by adding support members and additional footing. If non-historic wood material is removed to accomplish the reinforcement it will be replaced with similar wood material." She believed that was most precise to the actual project. Ms. McLean stated that the ANSI definition of demolition is, "The dismantling, raising, or wrecking of any fixed building or structure or any part thereof." Ms. McLean pointed out that the Board could make a finding that this was not a demolition. She remarked that the Building Department was interpreting any removal of material as a demolition.

Planner Grahn stated that the Board should think of the word “remove” as the synonym for “demolition” because demolition does not always mean scraping the lot. Board Member Melville did not think the Board should find that the deck could be demolished. They should just be specific in terms of what the applicant was requesting. Planner Grahn understood her point; however, in looking at the photos it was evident that many of the decking floor boards were rotted, which is why they may also need to be replaced. To be replaced they have to be removed. Planner Grahn suggested adding language as a Finding or a Condition stating that the decking is included and may be replaced if necessary.

Board Member Melville reiterated her concern that it should not evolve into a broad statement that the HPB was recommending the deck could be demolished, because it was not the general understanding of what the applicant was requesting. Planner Grahn remarked that the Building Department would still interpret it as demolishing the deck either to gain access to the structural supports or to replace it. Ms. Melville had no objection to that interpretation, as long as they were specific in the Findings.

MOTION: Board Member Melville made a motion to recommend and approve the reinforcing and repair of the rear deck at 539 Park Avenue in accordance with the Findings of Fact, Conclusions of Law, and Condition of Approval as amended with the revision to Finding of Fact #4, and to strike Conclusions of Law #1 and #2, and renumber Conclusion #3.

Board Member Melville read Finding of Fact #4 as revised: The applicant is proposing to reinforce and repair the existing rear deck by adding support members and additional footing. If non-historic wood material is removed to accomplish the reinforcement, it will be replaced with similar wood material.

Board Member Hewett seconded the motion.

VOTE: The motion passed unanimously.

Finding of Fact – 539 Park Avenue

1. The property is located at 539 Park Ave.
2. The historic house is listed as a Landmark Site on the Historic Sites Inventory.
3. On August 11, 2015 the applicant submitted a Historic District Design Review Pre-application (HDDR-Pre)
4. The applicant is proposing to reinforce and repair the existing rear deck by adding support members and additional footing. If non-historic wood material is removed to accomplish the reinforcement, it will be replaced with similar wood material.
5. No historic material will be removed.

Conclusions of Law – 539 Park Avenue

1. The proposal complies with the Land Management Code requirements pursuant to the HR-1 District and the pending ordinance.

Conditions of Approval – 539 Park Avenue

1. Final building plans and construction details shall reflect substantial compliance with the proposal stamped in on August 11, 2015. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. An HDDR review or a Waiver by the Planning Director is required for the approved design before a Building Permit can be issued by the Building Department.

115 Main Street – Removal of the non-historic wood lattice porch skirting and replacement with vertical wood boards and installation of a new metal railing for the existing non-historic natural stacked stone steps (Application PL-15-02900)

Planner Hannah Turpen reviewed the application for 115 Main Street. The structure is listed as Significant on the HSI. She reported that a Stop Work Order was issued on August 14th because the non-historic lattice work on the porch skirt was being moved without Planning Department approval. Planner Turpen noted that the applicant submitted the proper application on August 17th which was reviewed by the Design Review Team and determined that the lattice material was not historic and that it could be removed.

Planner Turpen presented photos. She noted that the applicant was also proposing to install a railing, which would cause minor demolition to the existing new stacked stone wall, as defined by the Building Department.

The Staff recommended that the HPB approved the minor demolition of the lattice work, as well as the small holes that were made for the railing.

Mr. Erickson clarified that the outcome of the architecture was not the finding the HPB would be making in this case. The Board was being asked to make a determination that the action proposed by the applicant is consistent with the ordinance. Planner Turpen stated that the applicant has not finalized the design of the railing. Per the Building Department a railing is required for safety. The result is that a railing must be installed and it will cause minor demolition to the stacked stone wall. Chair White asked if the Planning Department would review the railing design. Planner Turpen answered yes.

Board Member Melville understood that the lattice work had already been demolished. Planner Turpen replied that it was removed without Planning Department approval, which resulted in the Stop Work Order. Ms. Melville stated that the HPB would not have to approve the demolition because it was already gone. Planner Turpen explained that the HPB would be approving the demolition of the lattice work because they do not want the situation where someone panelizes a structure without having to come back to the HPB. If someone is issued a Stop Work Order for a demolition that was approved, they still need to get approval. Otherwise there is no consequence for doing demolition without getting the proper approval. Ms. Melville noted that the old photo showed cement in the front which was replaced with stacked stone. She asked if that was an issue. Planner Turpen stated that the stacked stone work was approved through Design Review. However, the applicant went beyond that scope of work, which resulted in the Stop Work Order on August 14th.

Planner Turpen reiterated that the HPB was only looking at removal of the lattice work and drilling a hole into the stacked stone wall.

Board Member clarified that similar to the last item, this application falls under the pending ordinance because the lattice work was attached to the building. Planner Turpen replied that she was correct. She asked how the Staff determined that the lattice was non-historic. Planner Turpen stated that it was installed in the 1990s.

Board Member Melville thought the same issue applied to the Conclusions of Law in terms of striking Conclusions #1 and 2 because they were not looking for compliance with the Guidelines or the LMC. Board Member Melville revised Finding of Fact # 6 to state, "The applicant has removed the non-historic wood lattice porch skirting and proposed to replacing it." Planner Turpen stated that in this case the lattice has already been removed and the applicant was asking for forgiveness. She was unsure how the Finding should be correctly worded. Mr. Erickson explained that the applicant was still requesting that the HPB approve the demolition, even though the demolition has already occurred. He clarified that the action this evening is to determine whether it complies with the current ordinance, because it was not affecting the historic structure.

Board Member Hewett understood the reason for the process. She thought the Board needed to ignore the fact that the work had already been done, and focus on whether or not to approve it.

Planner Turpen noted that the language Ms. Melville was proposing was stated in Finding #3, and she could restate it in Finding #6. Chair White thought the Findings as written were very clear.

MOTION: Board Member Hewett made a motion to approve the request for 115 Main Street in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as amended by striking Conclusions of Law #1 and #2 and renumbering Conclusion #3. Board Member Melville seconded the motion.

VOTE: The motion passed unanimously.

Finding of Fact – 115 Main Street

1. The property is located at 115 Main Street.
2. The historic house is listed as Significant on the Historic Sites Inventory.
3. On August 14, 2015 a Stop Work Order was issued by the Park City Planning Department for unapproved work related to the removal of the non-historic wood lattice porch skirting.
4. The removal of the non-historic wood lattice porch skirting was not approved by the Planning Department.
5. On August 17, 2015 the applicant submitted a Historic District Design Review Pre-application (HDDR-Pre)
6. The applicant is proposing to remove the non-historic wood lattice porch skirting and replacement with vertical wood boards and installation of a new metal railing for the existing non-historic natural stacked stone steps.
7. No historic material will be removed.

Conclusions of Law – 115 Main Street

1. The proposal complies with the Land Management Code requirements pursuant to the HCB District and the pending ordinance.

Conditions of Approval – 115 Main Street

1. Final building plans and construction details shall reflect substantial compliance with the proposal stamped in on August 17, 2015. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. An HDDR review or a Waiver by the Planning Director is required for the approved design before a Building Permit can be issued by the Building Department.

Board Member Stephens noted that the two items the HPB reviewed this evening were insignificant in terms of how the demolished portions affect the structure. He believed the Board was getting design review and their review of demolitions entangled. For example, in the case of both 539 Park Avenue and 115 Main Street, it was not the purview of the HPB to look at what would replace the

removed or demolished materials. Mr. Stephens preferred to keep the process as simple as possible, and not include that as part of the discussion. The focus of their issue should be whether the material being removed is historic or non-historic. He pointed out that if they keep their focus simple the Findings of Fact and Conclusions of Law would follow and the discussions would take less time.

Board Member Melville disagreed with Mr. Stephens because the replacement material is important in the Historic District. Mr. Stephen pointed out that the HPB is a review Board. If they start getting into Design Guidelines and dictate design, they would lose their ability to be an appeal Board.

Assistant City Attorney McLean suggested that the Board have this discussion with the City Council at the joint meeting in terms of changing their role. She agreed with Mr. Stephens that if they get involved with the Design Guidelines, the role for the HPB would be a different from what is currently allocated in the LMC. If the City Council agrees to make the HPB a design review body, she assumed any demolitions would be encompassed in the design review applications.

Board Member Stephens commented on the typical process of a development under construction. He noted that the HPB is just now reviewing the demolition applications because of the pending ordinance. Otherwise, an owner or architect would have to come before the Board to ask what could be demolished on a property without getting into the context of the design. Based on the discussions this evening, he believed they were getting ahead of the curve by asking for the design without knowing what could be demolished.

Mr. Erickson explained that the HPB makes the determination on what is or is not appropriate. The question for Staff is whether or not the request would harm the structure. If they think the structure might be harmed, the Staff brings it to the HPB to determine compliance with the ordinance. Mr. Erickson stated that there has been some discussion about adding a clause where the Staff will bring a preliminary demolition plan back with a compliance of Finding for Use. That would help the HPB understand what would happen to any historic materials that would be affected under this ordinance. It would not be a design review role, but it is a preservation role of knowing exactly what will happen to the building.

Chair White noted that in larger projects, demolition is part of the whole project. A project goes through the Planning process and the HDDR, and then to the Building Department. The building permit gets approved but demolition is part of the entire project. Ms. McLean stated that the pending ordinance addresses that issue. Currently, if someone comes in for a building permit, the demolition portion still needs to comply with the pending ordinance and go through the HPB process. Mr. Erickson clarified that per the ordinance, a building permit would not be issued until the HPB makes a determination on the demolition. Ms. McLean explained that the reason for holding extra HPB meetings is ensure that

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the applicants are not being delayed from obtaining a building permit because of the ordinance.

Chair White asked if the 1975 clause would still be part of the ordinance. Mr. Erickson answered yes; however they were talking about making it flexible by removing "1975" and having the date rollover to keep a continual ten year window between the current date and the 50 year threshold. He explained that the ten year window enables the Staff to identify historic elements that should be preserved so they do not slip through the cracks.

The meeting adjourned at 6:57 p.m.

Approved by _____
David White, Chair
Historic Preservation Board