

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF OCTOBER 6, 2010

BOARD MEMBERS IN ATTENDANCE: Roger Durst – Chair; Ken Martz, Dave McFawn, David White, Sara Werbelow

EX OFFICIO: Thomas Eddington, Kayla Sintz, Polly Samuels McLean

ROLL CALL

Chair Durst called the meeting to order at 5:06 p.m. and noted that all Board Members were present except Brian Guyer and Adam Opalek, who were excused.

ADOPTION OF MINUTES

August 4, 2010

MOTION: Ken Martz moved to ADOPT the minutes of August 4, 2010. Dave McFawn seconded the motion.

VOTE: The motion passed unanimously.

September 1, 2010

MOTION: Sara Werbelow moved to ADOPT the minutes of September 1, 2010. David White seconded the motion.

VOTE: The motion passed unanimously.

WORK SESSION

Recap/Discussion on tours of Old Town by the HPD held in August and September

Chair Durst noted that Board Member Opalek had taken the same tour of Old Town but separate from the other Board Members and had submitted written notes and comments regarding his thoughts.

Board Member Werbelow found the tour to be helpful in terms of having the ability to discuss guidelines and other issues with the Staff and Board members on-site. She requested that tours be scheduled on a consistent basis since it is an educational opportunity for the Board members. Board Member Werbelow pointed out that the HPB has not had the opportunity to look at projects analyzed under the new guidelines. She looked forward to visiting those projects as they develop to get a sense of how the new guidelines are affecting projects.

Planning Director Eddington remarked that none of the projects approved under the new guidelines were ready for the August and September tours. He suggested the possibility of quarterly tours to visit new projects. Director Eddington had distributed a list of projects to update the HPB on the Historic District Design Review process.

Chair Durst asked if the 37+ projects pending Design Review on pre-application were all under the new guidelines. Director Eddington answered no and explained that the application number identifies the year the project was approved. For example, PL-07 indicates that the project is from 2007. The new guidelines are only a factor on the last third of the list with application numbers of 09 and 10'. The new guidelines were approved in April 2009.

Board Member Martz also found the tour to be helpful, particularly the project down by the Park where there are a number of violations. The previous process was to drive-by the properties and if a Board member had questions or concerns on something they saw, they would have to ask the Staff. Many times there was no follow-up and their question was never answered. He liked how taking the tour together gave the Staff and the Board Members the opportunity to address issues together. He felt this was a better monitoring system as opposed to waiting until something is completed and the applicant asks for forgiveness rather than permission. The tour allowed the Board members to see projects from the perspective of the good, the bad and the ugly. He stressed the importance of scheduling tours more often.

Director Eddington stated that the tours are beneficial for the Staff because they have the opportunity hear comments and impressions from the HPB.

Board Member McFawn remarked that besides homes, the Historic District is also sidewalks and streets. They need to maintain a sense of safety for emergency vehicles, pedestrians and users as a whole. Director Eddington agreed and believed those would continue to be challenges in the future. He encouraged the Board to provide input and to stay involved in that process. He used Norfolk Avenue as an example where there is continued debate for whether or not to put in sidewalks. Those types of concepts are tied to the Design Review and to the Old Town Improvement Study. Tying it all together and looking at the complete fabric is a challenge.

Chair Durst stated that he observed approximately 12 to 14 active projects in the process of infill or restoration within the town. Director Eddington believed that was an accurate estimate. Chair Durst agreed that the walking tour was valuable and he favored more frequent tours.

Chair Durst did not recall that any of the projects on the tour had come before the HPB for consideration or appeal. Director Eddington concurred that none of the projects on the tour had come before the HPB for appeal. He understood that 147 Ridge Avenue came to the HPB for input, but it was not an appeal.

Chair Durst felt the tour indicated that the Design Review Team is doing an incredibly good job of abiding by the guidelines. However, he seriously questioned the role of the HPB. On several occasions he has raised the issue of the HPB participating in Design Review and he recalled that the City Attorney was going to see if there was an ad hoc position with the DRT and/or the Planning Commission.

Director Eddington noted that the Legal Department had done that research and was prepared to update the HPB. He suggested that the Board complete their discussion of the walking tour and hear Board Member Martz's presentation of the City Tour before they address that issue.

Board Member Martz presented slides of 130 Sandridge Avenue and noted that this structure was brought to his attention by the Historical Museum Board. The house was taken down and the siding was preserved. The home is listed as significant on the HSI. Board Member Martz stated that the building is all new with the exception of portions of the siding that was saved and attached to the new building. He pointed out that the smaller area is the shape of the original building without the addition. He remarked that in every sense, except for the siding, this project was a reconstruction. The question is whether it is considered preservation, panelization or duplication. Board Member Martz believes there is a significant difference between someone who wants to preserve a building and someone who wants to do the very minimum of preservation.

Board Member Martz presented a slide of a structure on Park Avenue where the entire building was lifted and the roof was maintained. A new foundation was poured and the building was set back in place. In his opinion, this was a perfect example of preservation of an older building. Board Member Martz hoped that the new guidelines would look closely at the project on Park Avenue and shy away from projects like the one shown on Sandridge Avenue.

Board Member White asked if anyone knew the condition of the original structures at 130 Sandridge and whether or not it was a panelization. He stated that the structure on Park Avenue appeared to be in good condition, which makes it easier to raise the building. Board Member Martz clarified that he was not making an analysis or a value judgment on these projects. He was merely showing them as examples. He had spoken with Katie Cattan regarding 130 Sandridge and she told him they were only able to preserve one wall. However, Board Member Martz thought there would be three walls, not a pile of siding. He felt the Staff should give these types of projects careful consideration as they proceed under the new guidelines.

Director Eddington pointed out that the project at 130 Sandridge was based on the old guidelines. The new guidelines recommend preservation of material and panelization. Reconstruction is a last resort alternative. Director Eddington noted that 130 Sandridge was a combination of all three.

Planner Sintz remarked that 1059 Sandridge will be the first project under the new guidelines. She stated that often times, when an applicant goes through the process they want to take the structure back to its historic period and remove additions that are not historic. When that happens, entire facades and walls are exposed that have no historic material. Board Member Martz clarified that he was not challenging the process, he was only trying to point out the difference in projects.

Chair Durst stated that his firm was doing the 1059 Sandridge restoration and he would recuse himself from evaluating that project. However, he pointed out that the only reason that structure was able to be lifted intact was due to new framework that was put on the inside. To some extent, he believed that was panelization. Chair White clarified that the interior walls were structurally braced before the structure was raised. Chair Durst replied that this was correct.

Board Member McFawn asked if the City has a policy in place to address projects that are questionable in terms of whether they followed the guidelines. Director Eddington stated that some of the buildings on the City tour were specifically visited to show

examples of projects that did not follow the approved plans. As a result of the past year analysis and the new guidelines, the Staff will now be working with the Building Department on mid and final inspections. The intent is to identify and correct violations before a project is completed. In addition, the Staff is paying particular attention as they drive or walk around Old Town and they have been successful in catching a few themselves over the past few months.

Board Member McFawn asked if the Building Department has a checklist of particular items they should be looking for on historic structures or a significant site. Director Eddington stated that there is not a formal checklist, but there is a checklist for each approval. He believed the most successful approach is for the project planner to accompany the building inspector.

Chair Durst suggested that if a member of the Building Department was part of the Design Review Team, that would be an ideal time to establish a program for the inspections. Director Eddington clarified that as part of the process under the new design guidelines, the Building Official sits in on Design Review meetings.

Board Member Martz asked if anything could be done to encourage the City Council to promote things such as tax incentives to encourage owners to strive for maximum preservation. Director Eddington replied that the City Council is committed to promoting preservation. At their last visioning session in January, the Council put Park City character and preservation, as well as a number of related components, as their top priority. Tax incentives would need to be done in conjunction with the County. The issue of incentives was also raised by the Planning Commission earlier this year. Director Eddington noted that more people are becoming familiar with the new guidelines and the Historic Sites Inventory with a two tiered approach of significant and landmark sites. People with landmark structures have the benefit of owning a great piece of history, but that comes with negative ramifications of additional constraints. Some could argue that people with landmark structures are penalized. Director Eddington suggested that tax incentives, abatements, or better granting opportunities for landmark structures should be considered and recommended to the City Council.

Board Member Werbelow questioned why the status for 1059 Park Avenue was shown as "pending". Director Eddington explained that a slight modification was made to the structure and he expected that the status would be resolved within the next week or two. The project was proceeding based on the original application.

Planner Sintz reported that the City has a new financial guarantee in place. Therefore, for minor or major modifications to a historic site, a fee of \$150 per square foot is assessed per exposure to the historic for the main home, and \$50 per square foot for a porch. As an example, the fee for 1059 Park Avenue could exceed \$100,000. The owner would have the option of either a lien on the property, another method worked out by the Legal Department, a letter of credit, escrow or cash. Planner Sintz pointed out that the financial guarantee provides an incentive for the owner to recoup their money or remove a lien as quickly as possible. The owner cannot recoup that money unless the project is built exactly to the approved historic preservation plan. The preservation plan occurs prior to issuance of a building permit. The Staff was encouraged that the financial guarantee would result in better preservation plans and more attention to detail.

Director Eddington stated that the financial guarantee stemmed from the fact that some people were deviating from the approved plan. Many of the issues could be addressed by using a financial guarantee and the new guidelines.

Presentation of City Tour to Montana

Board Member Martz had attended the City Tour to Virginia City, Bozeman, Montana and Livingston, Montana. He had prepared a presentation with photographs of buildings and areas of interest and he provided a brief history and update of each city. Board Member Martz stated that Virginia City is a State Park/Museum, and he felt it was a great example of what a preserved historic mining town looks like. The buildings are all owned and maintained by the State and individual buildings are rented out for bars, antique shops, etc.

Board Member Martz stated that Bozeman is a fairly wealthy city similar to Park City. The historic district is intact, but it also has farming and mining at a distance. Ted Turner owns an old-time hotel and he has purchased and preserved a significant amount of property. Like Park City, Bozeman has sustainability programs, a historic district, and a historic preservation board. The historic commission and preservation guidelines are not quite as complex in Bozeman, but there is a lot of enthusiasm for their historic district. Board Member Martz noted that Bozeman is a wealthier city than Park City, primarily because many of the mining people in Park City chose to build in Salt Lake. He showed photos of large mansions in Bozeman that were built during the mining era. Board Member Martz stated that Montana does not have State tax so there are no funds for non-profits to tap into. Unlike Park City, which has the RAP tax or other entities as funding sources, the non-profits in Bozeman need to raise funds on their own or solicit the State for funds.

Board Member Martz stated that originally Livingston, Montana was a railroad town. A main structure in that town is a beautiful railroad station. At one time Livingston had wealth, which is evidence in many well-constructed buildings. Board Member Martz had noticed a lot of adaptive re-use, even though Livingston has less money than Park City. Condos and other uses were built above, but within, historic structures. Livingston is a more depressed town but it has more interesting shops and activities. The majority of people in Livingston are full time residents. Livingston does not have a demolition ordinance; however, several historic committees address trails, preservation, etc. Board Member Martz noted that the people who live in Livingston have a high level of enthusiasm for their town.

Board Member Martz stated that Bozeman and Livingston have many of the same things as Park City, but with less bureaucracy. Because of the different financial backgrounds, the mentality was different from Park City and different things occurred in those towns.

Historic Preservation Award Program

Chair Durst reported that based on an initial discussion regarding a historic preservation award program, he had met with Planner Sintz and Board members Martz and Werbelow to develop critical target points for recognition of the historic legacy that the HPB is commissioned to support and encourage. Chair Durst noted that the agenda outlined four points for discussion and he requested that the Board members provide their input and discuss ways to develop an awards program.

Board Member Werbelow clarified that in setting up this awards program, they do not want to detract from the Historic Society's award program. The intent is to make this award a more conceptual recognition and less related to aesthetics. Board Member Werbelow hoped to create a recognition program that would add to the qualities and characteristics in the Historic District that the Board could acknowledge, recognize and reward. Of the four bullet points on the agenda, she was particularly interested in the adaptive reuse concept.

Board Member Martz noted that Planner Sintz had suggested that they select a property each year and have an artist do a rendering or painting of the selected property to present to the winner instead of a plaque. A second copy of the rendering could be displayed in the City hallway recognizing the winning property for that specific year.

Board Member White favored the awards program. He thought that awarding a painting rather than a plaque was a great idea.

Board Member Werbelow clarified that the ideas discussed were only brainstorming. The program needs to be concrete with a set of defined and articulated criteria. Once that is done, the HPB as a body needs to present their idea to the City Council. The intent is to take a more proactive stance in a different direction than the appeal and typical criteria they are tasked with. Unless the HPB is clear in their intent and purpose, the community will not understand what they are trying to acknowledge or recognize.

Chair Durst suggested that three or more volunteers from the HPB work as a task force to put together this program. This group would be assigned the task of writing this program as an annual awards program that would recognize specific factors in the City. They would also select one or two candidates for Board consideration. The HPB as a whole would initiate the awards program.

Board Members Werbelow, Martz, McFawn and White volunteered. Assistant City Attorney Polly Samuels McLean, stated that if four members from the HPB are on the task force it would be a quorum and their meetings would need to be noticed to the public, recorded and minutes taken. That could be accommodated if more than three members wanted to volunteer.

Board Member Martz preferred to notice the meetings so they could make the opportunity available to all the Board members. Ms. McLean commented on the importance of coordinating with Patricia Abdullah so she can properly notice their meetings. Ms. McLean clarified that a sub-committee or task force should be three or less. If the whole Board is involved, they can meet as a sub-committee whenever they want, but it should be a predictable time that can be noticed. They would also need to make sure someone is available to record the meeting and take minutes.

Chair Durst requested that Board Member Werbelow structure a task force meeting and work with Patricia to make sure it is properly noticed. Board Member White thought the entire Board should be involved. The Board members concurred. Board Member McFawn believed it would take time to draft the guidelines. Before they take it to the City Council, he thought they should coordinate with the Historic Society.

Director Eddington asked if the Board would consider having two or three members meet with the Staff during a lunch hour to work on items that could be brought to the whole HPB for input, without having to go through the formality of minutes and noticing. The entire Board would still be involved, but the subcommittee would work with the Staff.

Assistant City Attorney McLean advised that if the entire Board was not meeting together, she preferred having a sub-committee that could begin to gather materials. If other Board members have input prior to a meeting of the full Board, they should send it to Patricia or one designated person. She was concerned about creating the possibility for back and forth communication outside of an open meeting.

Board Member McFawn suggested two subcommittees. One could focus on coordination with the City and the Historical Society and the second could focus on guidelines and structures. Board Member Werbelow understood that Director Eddington had suggested a sub-committee that would work with Staff to compile data that could be presented to the entire Board for discussion and conclusion. Once that is done, the Board would take it to the City Council for approval. The Board concurred.

Board Members Werbelow, White and Durst volunteered for the sub-committee.

Board Member Martz stated that he has discussed this awards program with Sandra Morrison and she is aware that the HPB is moving in a different direction. Board Member Werbelow asked about available funds if the HPB asked the City to contribute towards the painting or award. Director Eddington offered to research the availability of funds and to see if the City Council would approve a contribution.

Chair Durst believed the HPB was commissioned to raise certain awareness. He had taken the initiative to write an article for the newspaper and he was interested in beginning a dialogue with the City. He felt it was critical to get the word out from the Historic Preservation Board. Chair Durst stated that he has shared articles he has read regarding historic preservation because they are relevant to what is going on in Park City. He would like to have his article entitled Historical Perspectives published in the paper with a photograph. He encouraged other Board members to express their thoughts on the importance of the historic legacy of the town, and what it is they are trying to perpetuate and sustain as the community grows as a tourist Mecca. Chair Durst stated that he planned to release his article as an architect and as a member of the Historic Preservation Board. He asked if any of the Board members were uncomfortable with that.

Assistant Attorney McLean advised that if Chair Durst was doing it as a member of the HPB, the whole HPB would have to vote or endorse it. Otherwise, she suggested that Chair Durst submit the article from a personal standpoint. Chair Durst clarified that the thoughts were strictly his, but he hoped it would provide a vehicle for the community to respond to the Historic Preservation Board. He was willing to put it up for a vote.

Assistant Attorney McLean stated that it could be scheduled on the agenda for the next meeting to give everyone a chance to provide input. The Board could then decide whether they wanted to endorse it or how it should be structured. Ms. McLean pointed out that once the HPB label is attached to the article, it appears to represent the views of the entire Board and it was important to make sure they all shared the same view.

Chair Durst was not opposed to waiting until the next meeting. He wanted to encourage the community to express their viewpoints to the HPB and he asked that all the Board members be prepared to provide their own thoughts and ideas at the next meeting.

Recap of Joint Work Session Meeting with City Council

Assistant City Attorney McLean noted that minutes were available from the joint session between the City Council and the HPB. The minutes provided a good recap of the discussion and she would make sure the HPB were provided with copies.

Assistant City Attorney McLean noted that during the meeting it was clearly stated that the City Council was supportive of having an HPB member on the Design review Team. Her primary concern was the conflict of having a member of the HPB sit on the Design Review team and the HPB acting as an appeal board. Ms. McLean stated that she and Director Eddington discussed the issue and determined that from a legal standpoint it was best to have one HPB member assigned to the DRT rather than rotating members. Ms. McLean remarked that she and Director Eddington felt that a one-year term would be a good length of time for one Board member to sit on the DRT. She explained that if a project is appealed, that person would need to recuse himself or herself because they would have provided input on the project. The HPB position on the DRT would begin January 1, 2011.

Assistant City Attorney McLean noted that Patricia Abdullah had completed a summary of all the projects. They could update the entire Board on the list of projects being discussed by the Design Review Team, with the caveat that many projects do not go any further than the DRT. Oftentimes people come in and ask about a project but never do anything with it. She believed the list would help the Board understand where a project is in the process and alert them to the types of projects and who is doing them. The list includes everything historic and everything in Old Town. Mr. Eddington noted that the DRT meets every two weeks and discuss approximately three or four projects. Ms. McLean stated that during the joint meeting the Board expressed a desire to be more informed in terms of what is occurring in town so they are not blind sighted when approached by the public. She remarked that providing updated lists would accomplish that goal and keep the Board in the loop.

Assistant City Attorney McLean stated that another suggestion evident in the minutes was that the HPB should appoint a member to be the liaison to the Planning Commission and to attend the Planning Commission meetings. She clarified that the liaison would not need to attend every meeting, but it would be their responsibility to review the agenda and attend if a matter involved a historic structure or matters in the Historic District. The liaison would then report back to the HPB.

Board Member Werbelow asked about the DRT list. Director Eddington replied that it is a compilation of all the projects in the Planning Department with regard to Historic District Design Review. Beginning from now, they would send the HPB members the agenda packet for the DRT meeting, so they will know what projects are being reviewed. It would be emailed as a PDF every two weeks.

Board Member Werbelow suggested that the Board members rotate the liaison position to the Planning Commission so they could all have the experience. The Planning

Commission would appoint a member to the DRT and a Planning Commission liaison at the next meeting.

Assistant City Attorney McLean noted that Roger Durst's term as Chair had expired and she recommended that the HPB elect a new chair at the next meeting. She stated that a Board Member can serve two consecutive terms and the Board could vote to re-elect Roger Durst for a second term if they wished.

Assistant City Attorney McLean thanked the Board for their enthusiasm and for following up with questions and requests for additional information when needed. Their input is valuable and it helps create better things for the City.

Public Input

Ruth Meintsma, a resident on Woodside Avenue, thought it appeared that the Board member assigned to the DRT for one year would be more of an adversary as opposed to an advocate to the applicant. She commented on the possibility that someone with a historic structure may want to do something that would be beneficial for the aesthetic historic value, but for some reason the Staff could not approve it based on the guidelines and the LMC. If the applicant appealed the Staff decision to the HPB, she suggested that the person assigned to the DRT could be an advocate for the aesthetic value of the historic. If that person is an advocate she wondered if the recusal could be a choice by the applicant to allow the opportunity for that Board member to participate in the appeal if they shared the same view. Ms. Meintsma thought the HPB representative on the Design Review Team would tend to be more pragmatic and hopefully the applicant would allow them to stay for the appeal.

Assistant City Attorney McLean agreed that the suggestion made by Ms. Meintsma had merit. However, when the HPB acts as an appeal body, they are acting basically as a judge in a quasi-judicial process. A person cannot be part of the decision and part of the appeal. Ms. McLean explained that the DRT is not a vote. It is a team that determines whether or not a project complies with the Code. Having a liaison to the DRT allows a voice from the perspective of the HPB. Director Eddington asked if the DRT liaison would be precluded from voicing their opinion of the Design Review during an appeal. Ms. McLean remarked that the liaison would need to be recused and he or she would not be allowed to participate in any way.

Board Member Werbelow asked if a project goes to appeal, whether someone on the Board could speak to the liaison prior to the appeal meeting regarding that particular application. Ms. McLean replied that a discussion outside of an open meeting would be worse than having the liaison person make a statement at the meeting. She was not opposed to having the liaison sit at a different table away from the rest of the Board and express their view to represent what happened at the Design Review meeting. Ms. McLean was concerned about fairness and being clear that there is a level playing field.

Chair Durst wanted to know how that would correlate with the HPB's diversity and independence. He thought Ms. Meintsma raised a good point and he had never considered the role of the liaison to be either an adversarial or advocacy position.

Board Member Martz thought the process should be followed as explained by Ms. McLean and that the DRT liaison should be recused when an appeal comes before

them. He commented on the number of disclosures they have all had to make in the past and he felt strongly about a recusal for this particular position. Ms. McLean recalled a provision in the Code that specifically states that a Board member cannot sit on an appeal where they made the underlying decision. Even though the Design Review is somewhat different and does not require a vote, it is a similar situation because there is collaborative input.

Future Meeting

Director Eddington asked if the Board would be available to meet at noon on October 13th to review a grant request. The project is for a re-roof and the work needs to start before it snows.

Director Eddington stated that the October 13th meeting would only be for the grant. The other items discussed during this meeting would be scheduled for November 3rd.

Chair Durst stated that he would be conducting a walking tour of Old Town on Saturday from 3:00 to 5:00 for architects in town for the American Institute of Architects. The tour will begin at the top of Main Street and they will be looking at the architectural aspects of the infill and adaptive re-use. He invited all the Board member to join them if they are interested.

The meeting adjourned at 6:47 p.m.

Approved by _____
Roger Durst, Chair
Historic Preservation Board