

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF JUNE 20, 2012

BOARD MEMBERS IN ATTENDANCE: Sara Werbelow, Puggy Holmgren, Dave McFawn, Kathryn Matsumoto-Gray, Judy McKie

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

ROLL CALL

Chair Werbelow called the meeting to order at 5:16 p.m. and noted that all Board Members were present except David White and Alex Natt who were excused.

WORK SESSION

Historic Sites Inventory – Nomination Discussion

Planner Sintz reported that the City Council and Staff were requesting input from the HPB Board on the Historic Sites Inventory Nomination process. On May 2, 2012 the HPB discussed the process and provided input, which the City Council discussed at their May 17th work session. The minutes from both meetings were included in the Staff report. The City Council discussion was very broad and the Staff was directed to craft options, including an option for additional public input. When the Staff presents the options to the City Council they will direct the Staff to make changes. The changes could be in the form of a Land Management Code amendment; therefore, it would not come back before the HPB. However, the Staff would provide updates to the Board.

Planner Sintz noted that Board member Matsumoto-Gray had contacted the Staff for further discussion. It was scheduled as a work session item this evening to allow a formal discussion with the entire Board.

Board Member Matsumoto-Gray recalled from the last discussion that the Board has the ability request that a site be researched and a nomination presented; and that the Staff was the appropriate body to do the research of historical significance. Board Member Matsumoto-Gray remarked that she needed clarification on the difference between request for nominations, a nomination, research and recommendation, and determination. Currently, the Staff nominates the structures for the Historic Sites Inventory. She understood that to mean that the HPB could request that the Staff research a property for significance. Once the research is completed, the nomination is bringing forward a recommendation to list the property on the inventory. If the Staff does the research and finds that it does not meet the criteria, it would not come back to the HPB because it would not be nominated.

Board Member Matsumoto-Gray felt that nomination and determination of significance were bundled together in one step. She agreed that the Staff was the body to do the research and provide a recommendation. However, she suggested that the HPB should be able to officially nominate a site and that the research and the recommendation should be a second step. Another option is to change the nomination process so the

HPB can see the outcome of the research on properties that are not eligible for nomination.

Director Eddington clarified that every year the Staff brings nominations to the HPB based on research, data collection, and information provided by Dina Blaes, and sites are added to or removed from the Historic Sites Inventory. He remarked that 920 Empire was a property that presented the greatest challenge. The Staff reviewed the site and questioned some of the data and analysis. Based on their concerns, the Staff requested that the applicant do an intensive level survey because the information was unclear. The applicant complied and the Staff conducted an independent survey that focused on the entire property. Therefore, two intensive level surveys took place simultaneously on that property. When the information came back it did not meet the criteria and the site was not nominated.

Director Eddington suggested a change in the process, whereby if the Staff requests an intensive level survey by the applicant, it would come before the HPB since it would not be a nomination at that point. Planner Sintz noted that one idea discussed was that any intensive level survey would automatically trigger a determination of significance. That process is already set up in the Code and allows a public hearing. Regardless of whether a site goes on the HSI or is removed from the HSI, it goes through the same process. Planner Sintz believed the suggested process would address everyone's concerns.

Chair Werbelow asked if the intensive level survey addressed the process Board Member Matsumoto-Gray was looking for. Board Member Matsumoto-Gray stated that if the HPB has the purview to determine whether a site should be on the HSI, it was inappropriate for that decision to be made elsewhere. Chair Werbelow clarified that Board Member Matsumoto-Gray was making the point that the HPB only has the opportunity to make that determination when it is a positive recommendation from Staff. Board Member Matsumoto-Gray answered yes. She preferred a process that sends it to the HPB anytime an intensive level survey is requested by either the Staff or the HPB. Director Eddington pointed out that the HPB currently has the ability to direct Staff to research a site that is not on the list or to suggest an intensive level survey.

Board Member McKie asked about requesting an emergency meeting. She remarked that the HPB was told they could request an intensive level survey, but when they wanted to do it they were told it was not necessary because the research was done and the intensive level survey was not needed.

Assistant City Attorney McLean stated that the HPB needs to be proactive and the difficulty is trying to find a balance. The applicant has a right to rely on the status of the building as it was when they submitted the application. There should not be a need for emergency meetings because if the historic status of a structure is questioned, it needs to be looked at prior to when it was vested. Ms. McLean understood that there have been discussions about doing an intensive level survey on a whole district, which could alleviate some of the problems of determining the status of individual structures.

Board Member McKie clarified that her comment was more about the HPB having the ability to make the decision. The Board was told that they had the ability to call an

emergency meeting and request an intensive level survey, and she always thought it was a tool they could use at their discretion. Board Member Matsumoto-Gray agreed, and asked about the HPB process for requesting an intensive level survey.

Director Eddington remarked that if an intensive level survey was already done on a property, there would be no reason to do another one, even if it was requested by the HPB. Board Member Matsumoto suggested the possibility that there could be additional information available since the time of the first survey. Board Member McFawn believed that one intensive level survey was sufficient because all available information would have been researched. He felt the problem was that many of the properties on the HSI Inventory had not gone through an intensive level survey. Director Eddington replied that this was correct. When the list was adopted in 2009 the properties were surveyed, but the City Council did not allocate funds for intensive level surveys on all structures. The Staff had done a thorough analysis and survey of all the sites, but it was not as extensive as an intensive level survey on each site. Some structures have gone through an intensive level survey, but most have not.

Director Eddington stated that the City Council was considering allocating funding for a three-year process to do intensive level surveys on National Register Districts and landmark and significant buildings. It would then move out to the significant buildings in other Districts. He thought that process would alleviate the need for intensive level surveys. However, in the interim, if the HPB thinks a neighborhood or area should be focused on, they need to be proactive and inform the Staff. Director Eddington used 16 Sampson Avenue as an example.

Board Member Matsumoto-Gray suggested that nominations for the Historic Sites Inventory be defined as the Staff or the HPB suggesting an intensive level survey on a property. Board Member McFawn remarked that just because the HPB does not request an intensive level survey would not mean that it should not be on the list. Board Member Matsumoto-Gray clarified that moving forward, if they want to nominate a property to the list it would require a survey; but it would not always have to be an intensive level survey. She wanted to work out what "nomination" means in this process. If you know everything about the property and it meets the criteria, that would be "determination" rather than "nomination".

Assistant City Attorney McLean thought the comments this evening were 180 degrees from the last discussion. Board Member Matsumoto-Gray believed they were missing the first step. The Staff process, which is called nominating, is the second step in the process. The first step should be to look into the property as a possible Historic Sites Inventory candidate. Director Eddington was unsure whether the HPB would have the power to both nominate and designate. Under the current process, the HPB can request that the Planning Department conduct the appropriate analysis. If the initial analysis shows that the property warrants an intensive level survey, the Staff would conduct that survey. As a result of that intensive level survey, the Staff could require a determination of significance, which would come before the HPB.

Board Member Matsumoto-Gray stated that her intent is to have a formal process for requesting an investigation into potential significance. Board Member McFawn thought the process could be a vote by the HPB. Board Member Matsumoto-Gray was

comfortable with a vote by the HPB, as long as the Staff would definitely follow up on that property. She asked if the request needed to be a vote by the entire Board or whether it could be suggested by one or two Board members.

Assistant City Attorney McLean outlined the current process. At this point the only people entitled to nominate a property is the owner or the Planning Department. The Planning Department is used as a filter to evaluate whether or not to bring those nominations to the Board. Ms. McLean believed that when this matter was previously discussed, the Board had indicated that they were comfortable with the process. However, she was now hearing suggestions to expand the HPB's role to be the decision makers on whether an intensive level survey is required. Ms. McLean thought they would be casting a wide net because the Board would become both the nominator and the one determining significance.

Chair Werbelow asked if there was a middle point where the Board would not be nominating; but there would be another mechanism for the Board to formally bring something to the Staff's attention. Ms. McLean stated that if the HPB asked the Staff to do an intensive level survey of a property and the Staff evaluated it and determined that the property did not meet the threshold for nomination, the HPB would be updated during the Staff Communications portion of their meeting.

Board Member Holmgren understood from the discussion that they were looking for a procedure for a request. She thought time could be set aside at every meeting to discuss properties that Board members might be interested in pursuing. It would not be a nomination but the Board would be requesting additional information. The request would be in the minutes and officially recorded.

Board Member McFawn commented on the importance of getting feedback and guidance from the Planning Department to make sure they do not make so many requests that it depletes the allocated funds. Rather than do an entire section or neighborhood, they could pick out the questionable structures in each neighborhood and rule them in or out. Director Eddington reiterated that the intensive level surveys would start with the National Register District first because those are the cream of the crop properties. They would then move into landmark and then into significant. He noted that the Board currently has the right to suggest that the Planning Department do an analysis on a specific site. The Staff would conduct that analysis and report back to the HPB. He pointed out that the Board needs to be very proactive in that process. Board input would help the Staff compile a more thorough list.

Board Member Holmgren liked the idea of having their discussions in the minutes and for the Staff to provide regular updates.

Board Member McKie was under the impression that when structures are researched and analyzed it does not come back the HPB. However, Ms. McLean indicated that the Staff would report back to the HPB on the results of the analysis and the determination of the structure. She used 920 Empire as an example for purposes of discussion. Board Member Matsumoto-Gray pointed out that there definitely was new information on 920 Empire, but the information did not change the recommendation for the decision. She understood that if the recommendation had changed it would have come back to the

HPB. Director Eddington explained the entire process for 920 Empire and why the applicant was required to do an intensive level survey. The Staff also did an intensive level survey internally to examine a larger portion of the property to include the primary structure as well as the accessory structure. Director Eddington stated that the new information made the structure less historic than what they originally thought.

Director Eddington explained that if the Staff requires the applicant to do an intensive level survey, as a policy they could require them to do a determination of significance as a result of the intensive level survey, and bring it before the HPB. Board member Matsumoto-Gray remarked that the process as outlined by Director Eddington would give the neighbors avenue to hear the results of the intensive level survey to understand why a certain decision was made.

Assistant City Attorney McLean referred to the City Council minutes attached to the Staff report and noted that the City Attorney had expressed concern with balancing the property rights and predictability. If a property is nominated, the homeowner is faced with potential restrictions that could change what he was originally able to do with his property. Ms. McLean remarked that the City Attorney had suggested a timeline when people could expect properties to be reviewed. She emphasized that the concern from a legal standpoint is that it becomes ad hoc. It was important for the HPB to understand that Utah is a very pro-property rights State, and to think about what they want to achieve within that context. Board member McFawn asked if the timeline could be twice a year. Ms. McLean answered yes.

Board Member Holmgren asked if an owner could decline the nomination if the analysis changes the historic designation of their home and what they would be allowed to do with their property. Director Eddington replied that the HPB would make that decision.

Board Member McFawn pointed out that this was why Ms. McLean was concerned about an arbitrary and capricious policy. There needs to be a formalized process in terms of how sites are reviewed and nominated. He suggested May and October, so they could look for suggested properties during the winter and again in the summer.

Board Member Matsumoto-Gray thought the Board should consider formalizing a twice a year policy. Board Member McFawn suggested that for the short term they speed up the time frame of identifying potential properties in question. The Board has the choice to be proactive and if they bring nothing to the table that responsibility falls on them. Board Member Matsumoto-Gray felt it was important to specify that if an application comes in and the Staff requests an intensive level survey, it can occur at any time and is not restricted to the twice a year schedule. Those applications would still trigger a determination of significance hearing before the HPB.

Planner Sintz summarized that there were two suggestions from the HPB to the City Council. One would be for a semi-annual nomination review. The second is that an intensive level survey would trigger a determination of significance. Board Member McFawn emphasized the importance of making sure their discussions are reflected in the minutes. Therefore, if something is handled at the Staff level, it should still be incorporated in the minutes as an update to the HPB.

Historic Preservation Board
Minutes of June 20, 2012

Assistant City Attorney McLean stated that the Staff should also notify the Board when the discussion appears on the City Council agenda so a representative from the HPB could attend.

REGULAR MEETING

CHAIR Werbelow opened the regular meeting of the Historic Preservation Board.

ADOPTION OF MINUTES

April 4, 2012

MOTION: Board Member McFawn moved to APPROVE the minutes of April 4, 2012. Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

May 2, 2012

MOTION: Board Member McKie moved to APPROVE the minutes of May 2, 2012. Board Member Matsumoto-Gray seconded the motion.

VOTE: The motion passed unanimously.

May 29, 2012

MOTION: Board Member Holmgren moved to APPROVE the minutes of May 29, 2012. Board Member McFawn seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Director Eddington reported that Sara Werbelow and Alex Natt were stepping down from the Historic Preservation Board. Ms. Werbelow has been on the Board for three years and he thanked her for her service. Ms. Werbelow stated that she enjoyed her time on the Board and she is very committed to historic preservation.

Director Eddington introduced John Kenworthy and Marian Crosby, the new members to the HPB.

Director Eddington noted that the next scheduled HPB meeting was July 4th. Since it was a holiday, he asked if the Board preferred to wait until the first Wednesday in August, or schedule a meeting on July 18th. The Board agreed to meet on July 18th.

Director Eddington reported that Kayla Sintz was leaving the Planning Department. Her last day is July 13th and this would be her last HPB meeting. Director Eddington stated that Kayla has been a tremendous asset as both a planner and architect and she would be missed.

REGULAR AGENDA – Discussion/Public Hearing/Possible Action.

National Historic Preservation Award

Planner Sintz noted that at the last meeting the HPB toured several properties; some of which were under the old guidelines and others that were under the new guidelines. The tour provided a mix of different things for the Board to consider. The tour ended with the Washington School Inn. A significant number of the public accompanied them on the tour.

The Staff was looking for direction as to whether the Board was ready to nominate a site or whether they needed time for more research.

Board Member McKie asked for a status update on the Washington Inn School related to compliance issues. Planner Sintz believed the application would be heard by the Planning Commission in August.

Board Member Matsumoto-Gray felt the tour was helpful. She thanked the members of the public who joined them and provided input. She asked if the Washington School Inn was renovated under the old or new guidelines. Planner Sintz replied that it was under the new guidelines. Board Member Matsumoto-Gray favored the Washington School Inn for the award because it is a semi-public building and people can stop by and see the example set by this award. She believed it was a great addition to Old Town.

Board Member McKie was involved in the Historic Home Tour the previous weekend and everyone was talking about the Washington School Inn being the most exciting site on the tour. She also favored the Washington School Inn for the award.

Board Member McFawn asked if the Washington School Inn would fall into one of the categories listed on page 59 of the Staff report. Board Member McKie thought that Excellence in Restoration was an appropriate category for the Washington School Inn site. Another appropriate category was Adaptive re-use. Board Member McFawn thought it was a beautiful property and he was comfortable recognizing them with the award this year.

Board Member McKie asked if the Staff thought the Washington Inn School would qualify based on their application. Director Eddington believed they were in the midst of remedying their situation. Planner Sintz remarked that the problem was that the applicant had to modify their original approval. Board Member McFawn noted that the Historic Preservation Award program is not tied to a particular status. He thought the Board could choose the Washington Inn School as the recipient based on the job they did renovating the building and the fact that it is a great adaptive reuse. Planner Sintz stated that the issue was not related to the status of the structure but rather to the use. In terms of adaptive reuse, the modification that came forward is related to the use and

has put it into jeopardy. The issue is the bed and breakfast, the exterior pool on the outside and the use of the site.

Planner Sintz explained that the Washington School Inn previously had a CUP for a bed and breakfast. Two years ago they came in and requested a pool in the rear. Because it is in the HR-1 Zone, a CUP is required for a bed and breakfast, which they had. Because it is a residential zone, a CUP was required for a pool or a bed and breakfast use. The pool was designated as recreation public/private and a number of concerns needed to be mitigated for the neighbors, such as lights, pool access, noise, landscape buffer, etc. When the project came forward they had excluded a lot that was not part of the plat amendment. However, when built, the lot was actually included as part of their use and that was never contemplated. Therefore, the use spills over into an area where it was not approved to occur, which created the issue. Planner Sintz noted that the Planning Commission could deny the application or make additional changes. How they would address the issue was unknown at this point.

Assistant City Attorney McLean pointed out that the Washington School Inn still has a temporary certificate of occupancy. One consideration is whether they should grant an award to a structure that does not have a permanent certificate of occupancy. On the other hand, it could be viewed as the pool does not affect the historic status or the adaptive re-use. Board Member McFawn thought the Board could recognize the improvements to the building over the course of the last five years.

Board Member McKie remarked that the building has been used as a bed and breakfast for a number of years. She felt that Excellence in Restoration was more appropriate than Adaptive Re-use. Excellence in Restoration of the Building would eliminate the issue with the pool.

Board Member Matsumoto-Gray believed there would be some sensitivity to a City Board granting an award to a property that did not follow the rules.

Assistant City Attorney recommended that the HPB forward a recommendation to the Public Art Board to help choose an artist. Board Member McKie asked if the recipient needed to be chosen before the HPB could start talking to the Arts Board. Chair Werbelow believed it would be difficult to choose an artist without knowing the structure. Director Eddington thought an artist could be chosen to do a building without knowing the specifics at this point. He agreed that the HPB could wait on the nomination and begin the artist selection process.

Director Eddington thought there was general consensus for considering the Washington School Inn. The Staff could tell the Arts Board that the art piece would be The Washington School Inn or another Old Town structure. Board Member Matsumoto-Gray stated that she was meeting with the Arts Board Chair that evening and offered to talk to her about it.

The Board discussed the type of artwork they preferred and the size. Assistant City Attorney McLean remarked that the Arts Board is delegated to make recommendations to the City Council for art within public spaces in the City. Last year the HPB was unaware of the process to involve the Arts Board. Now that they understand the

Historic Preservation Board
Minutes of June 20, 2012

process, they have to honor that jurisdiction. Ms. McLean noted that a Board member could attend the Arts Advisory Board Meeting when this particular artwork is discussed.

Board Member Matsumoto-Gray summarized that she should tell the Arts Board Chair that the HPB was looking for artwork that represents the recipient building and the piece would be displayed at the Marsac Building. Board Member Matsumoto-Gray stated that the HPB could provide input, but she thought the Arts Board was much more qualified to choose the appropriate artist and art form. Director Eddington clarified that last year the original piece was displayed in the Marsac Building and the recipient received a digital copy of the image, as well as a plaque.

Board Member McKie agreed that the Arts Board has the expertise, but she felt it was important for the HPB to be involved in the discussion and have input on the type of art.

In terms of the financial element, Director Eddington stated that the City has committed to funding the artwork up to \$1,000. Assistant City Attorney McLean suggested that Director Eddington communicate with Sharon Bauman, the City's representative to the Arts Board, to make sure the item gets scheduled on the next agenda.

The Board discussed timing and when they would know if the Washington School Inn would be eligible to receive the award. Planner Sintz estimated that the Washington School Inn application would not be scheduled for the Planning Commission until August. The HPB could continue their discussion in July. Planner Sintz stated that the Staff would update the HPB at the July 18th meeting.

Board Member McFawn thought the HPB should choose another structure in July if the Washington School Inn is delayed in going to the Planning Commission beyond August. Another option would be to not give the award this year and look for a recipient next year.

Assistant City Attorney McLean informed the Board that they needed to elect a new chair at their next meeting.

The meeting adjourned at 6:38 p.m.

Approved by: _____
Sara Werbelow
Historic Preservation Board