

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 9, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Preston Campbell, Steve Joyce, John Phillips, Doug Thimm

EX OFFICIO:

Bruce Erickson, Interim Planning Director; Kirsten Whetstone, Planner; Mark Harrington, City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioners Band and Worel who were excused.

PUBLIC INPUT

Morgan Bush, representing Intermountain Health Care, stated that two items needed to be corrected on the August 26th minutes regarding the IHC matters.

Mr. Bush referred to page 22, Finding of Fact #1, and noted that it was information for the wrong application. Their application was submitted on February 18th, 2015 for 750 Round Valley Drive, and not September 2, 2014 for Ability Way as reflected in the minutes. He requested that the address and date be changed to correctly read 750 Round Valley Drive, which is Lot 8 where the Peace House would be located.

Mr. Bush referred to Finding #3 on page 22, which talks about the studies required for a full MPD application. He believed the majority of the studies refer to the density item that was continued at the last meeting. Mr. Bush suggested that they either defer until the Finding can be addressed when that matter is discussed at a future meeting, or amend the language to say, "...studies per direction of the Planning Commission", instead of mandating all of the studies that may not apply to the Peace House.

Planner Whetstone reviewed the list of required studies and noted that most were standard for a conditional use permit. She pointed out that the Peace House itself was a conditional use permit, but it was actually amending the MPD. Mr. Bush wanted the opportunity to have a conversation about it as opposed to having it as a Finding of Fact that was not discussed. That was his reason for suggesting that it be deferred or amended. He was not comfortable being locked into something that was not addressed at the August 26th meeting.

Chair Strachan stated that he is never in favor of amending minutes after the fact. He understood that Mr. Bush was concerned that the studies would not be required for the Peace House CUP and that some only apply to the MPD. Chair Strachan did not believe the wording of the Finding required the studies to be submitted with both the MPD and the CUP. He thought the LMC was clear in terms of which studies are required for an MPD and which ones need to be submitted for a CUP. The LMC controls and the Finding as written would not present a problem. Mr. Bush clarified that his intent for raising the question was to make sure that it was clear to the Planning Commission that they had not had that conversation on August 26th. He was comfortable leaving the Finding as written as long as they had that understanding.

Planner Whetstone referred to Finding #29 and stated that prior to the August 26th meeting she knew the item regarding additional density for IHC would be continued. In cleaning up the findings and conclusions to be specific to the action the Planning Commission would be taking regarding Peace House she had missed some of the language in Finding #29. The Finding reads that with the proposed changes the MPD would require a minimum of 80% open space, excluding hard surface parking, driveways and buildings. Planner Whetstone thought that language was specific to the additional density rather than the Peace House. She suggested revising Finding #29 to state that any proposed changes to increased density would require a minimum of 80% open space, excluding all hard surfaces.

Chair Strachan clarified that Planner Whetstone was requesting that the Planning Commission revise Finding #29 from the current language written in the minutes. Planner Whetstone replied that this was correct. She was suggesting that they revise the Finding to state, **Any proposed changes to increased density would require a minimum of 80% open space, excluding all hard surfaces.** It would replace the language, With the proposed changes. Planner Whetstone explained that the Planning Commission had ruled on the Pre-MPD that the Peace House was appropriate at that location; however, they did not rule on the Subdivision and the density.

City Attorney, Mark Harrington, noted that the open space already exceeded 80% and he did not believe it was necessary to amend the Finding. Mr. Harrington stated that adoption of the Minutes was not the time to change what has already been adopted by motion. However, it was appropriate to change technical errors as in the case of the wrong address in Finding #1.

ADOPTION OF MINUTES

August 26, 2015

MOTION: Commissioner Phillips moved to APPROVE the minutes of August 26, 2015 as amended to correct the date and address in Finding #1 for 900 Round Valley Drive pre-MPD. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Interim Planning Director, Bruce Erickson, stated that in accordance with the ongoing work with historic preservation the Planning Department received a list of 15 mine sites that were currently being discussed for remediation. All 15 sites were appropriate for the remediation funding. When the final selection of the sites is made, the mine sites would be in substantial compliance with the MPD.

City Attorney Harrington remarked that inclusive of those sites was Comstock, which was technically outside of the MPD area. However, it was close enough to the boundary that the City would consider it.

Commissioner Joyce commented on updates to the PDF. He noted that the Commissioners put their comments into the PDF copy, and when an update is sent out their comments are lost or end up on different pages. He asked the Staff to keep that in mind when they send out updates, particularly at the last minute.

Chair Strachan confirmed the joint meeting with the Snyderville Basin Planning Commission on Tuesday, September 22nd. The majority of the Commissioners were planning to attend.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. 900 Round Valley Drive Pre-Master Planned Development review for an amendment to the IHC master Planned Development regarding subdivision of Lot 8 and request for additional density, and Development Agreement (Application PL-15-02695)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE the 900 Round Valley Drive Pre-MPD review to a date uncertain. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. 550 Park Avenue – Steep Slope Conditional Use Permit for construction of a new single-family dwelling and a Conditional Use Permit for a parking area with five or more spaces (Application PL-14-02451 and PL-15-02471)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE 550 Park Avenue Steep Slope CUP and the CUP for a parking area with five or more spaces to September 23, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

3. 2001 Park Avenue – Pre-Master Planned Development review for an amendment to the Hotel Park City MPD (aka Island Outpost MPD) (Application PL-15-02681)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to CONTINUE 2001 Park Avenue pre-MPD review for Hotel Park City to a date uncertain. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

4. 738 Main Street – First Amendment to the Summit Watch at Park City Record of Survey (Application PL-15-02844)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE 738 Main Street First Amendment to the Summit Watch at Park City record of survey to September 23, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

5. 738 Min Street – Summit Watch at Park City Conversion of Convertible Space to Units, First Amended, Fourth Supplemental Record of Survey – proposal to remove existing plat note that requires Planning Commission approval for all uses except outdoor dining (Application PL-15-02845)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE 738 Main Street, Summit Watch at Park City conversion of convertible spacer to units to September 23, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

6. 900 Main Street – Summit Watch at Park City Phase 3 and 3A First Amended, Third Supplemental Record of Survey – proposal to remove existing plat note that requires Planning Commission approval for all uses except outdoor dining.
(Application PL-15-02846)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to CONTINUE 900 Main Street – Summit Watch at Park City Phase 3 and 3A First Amended, Third supplemental record of survey to September 23, 2015. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

Chair Strachan asked if the public or the Commissioners wanted to remove an item from the Consent Agenda for comment or discussion. None of the Consent Agenda items were removed.

1. 260 Main Street – AG10 Second Amended Condominium Plat to reflect as- built conditions (Application PL-15-02860)
2. Lot 19 Norfolk Avenue (located between 1102 and 1046 Norfolk Avenue) Steep Slope Conditional Use Permit for construction of a new single-family dwelling on a vacant lot. (Application PL-15-02853)

MOTION: Commissioner Joyce moved to APPROVE the Consent Agenda. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

City Attorney Harrington reported that there has been a migration in the use of the Consent Agenda and he was working with the Planning Staff to scale it back. He anticipated that the Planning Commission would start to see Consent Agenda items only for Steep Slope applications where it is expressly allowed; or for subdivision applications where a public hearing is not required. He explained that the confusion with the Consent Agenda relates to noticing for the next public hearing at City Council.

Findings of Fact – 260 Main Street

1. The property is located at 260 Main Street within the Historic Commercial Business (HCB) District.
2. The AGIO 260 First Amended condominium plat was approved by City Council on July 10, 2008 (Ordinance # 08-28) and was recorded at Summit County on November 21, 2008. The AGIO 260 condominium plat was approved by City Council on October 4, 2007 (Ordinance # 07-66) and was recorded at Summit County on May 30, 2008. The original 260 Main Street Subdivision was approved by City Council on May 31, 2007 (Ordinance # 07-29) and was recorded at Summit County on July 31, 2007.
3. On July 17, 2015, the applicants submitted an application for a condominium plat amendment. The application was deemed complete on July 17, 2015.
4. The total square footage of the exterior roof deck that was converted to interior space is 327 square feet as approved under the HDDR application on April 17, 2014.
5. The condominium plat amendment does not increase the parking requirements for these units, parking is sufficient to meet the size of each of the two residential units. A total of four spaces are provided in the basement of the building for residential use. The property paid into the 1984 Special Improvement District (SID) which waives the parking requirement of 1.5 FAR for the commercial use.
6. As conditioned, this condominium plat amendment is consistent with the conditions of approval of the AGIO 260 First Amended condominium plat, the AGIO 260 condominium plat, and the original 260 Main Street Subdivision.
7. The findings in the Analysis section are incorporated herein.

Conclusions of Law – 260 Main Street

1. There is good cause for this condominium plat amendment.
2. The amended condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended condominium plat is consistent with the AGIO 260 First Amended condominium plat as approved by City Council on July 10, 2008, the AGIO 260 condominium plat as approved by City Council on October 4, 2007, and the original 260 Main Street Subdivision as approved by City Council on May 31, 2007.
4. Neither the public nor any person will be materially injured by the proposed condominium plat amendment.
5. Approval of the condominium plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 260 Main Street

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the condominium plat.
2. The applicant will record the amended condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the condominium plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the AGIO 260 and AGIO 260 First Amended condominium plat continue to apply.

Findings of Fact – Lot 19 Norfolk Avenue

1. The property is located at 1060 Norfolk Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.

3. A single family dwelling is an allowed use in the HR-1 District.
4. The property is described as Lot 19, Block 9 of the Snyder's Addition to the Park City Survey.
5. The lot contains 1,875 square feet.
6. The lot is currently vacant.
7. A Historic District Design Review (HDDR) application has not yet been approved.
8. This is a 25' x 75' "Old Town" lot. There is minimal existing vegetation on this lot. This is a downhill lot.
9. Access to the property is from Norfolk Avenue, a public street.
10. Two (2) parking spaces are proposed on site. One (1) space is located inside a single-car garage and one (1) is accommodated by a driveway parking space.
11. The neighborhood is characterized by a mix of historic and non-historic residential structures, single-family homes and duplexes.
12. The proposal consists of a single-family dwelling of 2,532 square feet, including the basement area and single-car garage.
13. The driveway is designed with a maximum width of eleven feet three and-a-half inches (11'3½") and is approximately thirty-five feet (35') in length from the garage to the existing edge of Norfolk Avenue with a minimum of eighteen feet (18') of driveway located on the property. The garage door complies with the maximum height and width.
14. The proposed driveway has an overall slope of 6.6% as measured from the front of the garage to the edge of the paved street.
15. An overall building footprint of 844 square feet is proposed. The maximum allowed footprint for this lot is 844 square feet.
16. The proposed structure complies with all setbacks. The minimum front and rear yard setbacks are ten feet (10'). The minimum side yard setbacks are three feet (3').

17. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty-seven feet (27') in height.

18. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Norfolk Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.

19. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is no existing significant vegetation on the lot.

20. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 40% slope area.

21. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet (27') in height.

22. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

23. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.

24. This property is required to have independent utility services for water, sewer, power, etc.

25. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.

26. The findings in the Analysis section of this report are incorporated herein.

27. The applicant stipulates to the conditions of approval.

Conclusions of Law – Lot 19 Norfolk Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – Lot 19 Norfolk Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house to the west from damage.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance. .
5. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.
6. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared,

stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the west and the non-historic structure to the north.

7. This approval will expire on September 9, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.

8. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.

9. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.

10. Modified 13-D residential fire sprinklers are required for all new construction on this lot.

11. The driveway width must be a minimum of ten feet (10') and will not exceed twelve feet (12') in width.

12. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.

13. Construction waste should be diverted from the landfill and recycled when possible.

14. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ 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. (Application PL-15-02895)

Interim Planning Director Erickson noted that this item was noticed for a public hearing this evening.

Mr. Erickson commented on the draft Staff reports for possible additions to the means and methods for addressing historic structures that are contributory to the District but do not meet the level of Significant or Landmark Sites. He reiterated that he had also received the list of agreed on mine sites that are in need of protection. The Staff was crafting new language within the ordinance to make sure that mine sites are identified in subdivisions and MPDs. Mr. Erickson noted that this Item was being continued to October 14th, at which time the Staff would come back with additional information and details. He commented on the importance of hearing from the public this evening and again on October 14th.

Chair Strachan noted that the agenda indicated a continuance to September 23rd, and the Staff report indicated October 14th. Mr. Erickson replied that the correct date was October 14th.

Chair Strachan opened the public hearing.

John Plunkett voiced his support for this legislation. He and his wife moved to Park City 24 years ago. They live at 557 Park Avenue, and over that time they have redone four historic houses in town. Mr. Plunkett understood the difficulties involved in preserving historic structures, but he found it to be worthwhile. Mr. Plunkett stated that he was also speaking on behalf of two neighboring friends and property owners on Park Avenue; John Browning and Linda Cox. They wanted to thank the City for swinging the pendulum back in favor of preservation and being more careful about demolition in particular. Mr. Plunkett noted that Mr. Browning had sent in a letter that he hoped would be included in the next Staff report. Mr. Plunkett read one paragraph from the letter that he thought was important and useful. "Given the economic pressures in a resort town, regulation only of individual buildings will be corrosive. Each year a few of the least architecturally significant houses will be demolished or transformed beyond recognition. Their neighborhood will no longer look as charming or picturesque. Eventually, after some years of erosion Park City's essence could be lost." Mr. Plunkett believed the community shared the concern of not letting that happen. He appreciated the efforts of the City on this matter.

Andy Bern, a 33 year resident of Park City stated that 31 of those years have been in Old Town. Mr. Bern expressed his support for the expansion of the Historic Sites Inventory in

Old Town. He is against demolition of Historic Properties such as 569 Park Avenue. As a neighbor he knows many people who put a lot of time, money and their hearts into preserving these historic houses. Mr. Bern noted that many of his neighbors, including Mr. Plunkett, are primary residences. They were not secondary homeowners who purchased the home with the idea of maximizing their square footage for financial gain by demolishing the house and putting two buildings in its place. Mr. Bern stated that he was just a neighbor looking out for his neighbors. He appreciated the City for the Ordinance to preserve Historic Buildings and for being against demolition.

Sandra Morrison with the Park City Historical Society and Museum, offered support from the Historic Society and Museum and the Board of Trustees, and thanked the Staff and City Council for taking the step of broadening the definition of historic districts and the Historic Sites Inventory, and also for allowing the Historic Preservation Board to review all of the requests for demolition, especially the panelizations and deconstructions.

Mr. Erickson stated that Anya Grahn and Hannah Turpen were the Planners who had done the real work on this project. Neither of them was in attendance this evening, but they both deserved all the credit.

Mike Sweeney had read the Staff report and he thought it was well-written, pithy and right to the point, and it was easy to understand. It was one of the best Staff reports he has read. Mr. Sweeney wanted to express that comment and he assumed it would be passed on to Anya and Hannah because they had done a great job.

Chair Strachan closed the public hearing.

Commissioner Thimm noted that the Staff report mentioned a concern regarding the definition of demolition. He asked if there was a proposed new definition for demolition. Mr. Erickson replied that it was a convoluted situation. The question of the definition of demolition came up during a joint meeting between the City Council and the HPB. The Planning Staff proposed using the definition of demolition from the International Building Code, which is the document used by the Building Department. That proposal failed because the IBC does not have a definition of demolition. The Staff then reached out to OSHA and ANSI, the American National Standards Institute. OSHA recommended the ANSI definition of demolition. It is a broad sweeping, more rigorous definition and the City will use it in the LMC update. It covers many of the elements being covered under the ordinance regarding historic structures.

Chair Strachan suggested that the Staff also look at the definition of demolition used by other jurisdictions. Mr. Erickson stated that they were currently looking at Truckee, California, Edgartown, Massachusetts, Monroe, Ohio, Denver, Colorado, and Aspen,

Colorado. Chair Strachan suggested that they add Crested Butte to the list. Mr. Erickson remarked that they were pulling resources from the locations he named and they would also look at Crested Butte.

Commissioner Joyce asked if the ordinance had any impact on the issue of demolition by neglect. Mr. Erickson replied that they were re-writing the Demolition by Neglect section of the ordinance to make it broader and more affirmative. Currently, there is a theoretic prohibition of demolition in the LMC Historic District section. The language is badly written and they have taken language from other jurisdictions to improve Demolition by Neglect. Commissioner Joyce asked if it would apply to the broader inventory. Mr. Erickson stated that it would apply to the homes that are considered contributory, as well as the listing of mine structures that would be added to the List of Historic Sites.

Commissioner Phillips asked if a property owner would have to submit a plan for demolition and panelization when they go before the Historic Preservation Board. Mr. Erickson replied that it was a change in the making. Currently, the owner is not required to submit a plan for the first determination by the HPB because they have no idea what is inside the building. He believed that was a weak spot and the change would require a preliminary plan for demolition when it first goes to the HPB. It would give the HPB an idea of what could happen and it would make it easier to notify the public on potential options such as panelization or removal of exterior materials.

Mr. Erickson stated that giving more “demolition” authority to the HPB would give them a better knowledge of what to expect. However, with the HPB also sitting as an appeal body, it is not a good idea to have the HPB review final designs.

Commissioner Phillips remarked that in the past he has made comments that it would be helpful if there was more predictability when panelizations are approved to keep people informed. Mr. Erickson stated that demolition plans are vigorously reviewed during the HDDR process, but it is still based on the caveat that a structural engineer was willing to stamp the drawings. A second factor is not having knowledge of what is inside the walls. Mr. Erickson assumed the Planning Director would have the authority to authorize minor demolitions and exploratory work inside the building that would not affect the interior or structural integrity. For example, an exploratory could not be done around a window, but they could do it from inside the building to look for steel in the masonry.

Chair Strachan stated that once a historic structure is torn down its gone. He understood that the City makes people post a bond, but he wanted to know if they were exploring other preventative options to address those who disregard the law and the community and are willing to forfeit their bond to demolish a structure. Mr. Erickson noted that the City is allowed to charge a fine. Chair Strachan remarked that a fine does not replace the historic

structure. Mr. Erickson agreed, and noted that another drawback is that the fine could not be any higher than the State fine, which is not significant. He stated that the Staff was exploring the issue and the Legal Department was also working on other options.

City Attorney Harrington stated that it was a balancing act. Traditional criminal and civil penalties can do as much harm as good because they are more imbedded in a strict weighing of the Building Code and Dangerous Building Code. They typically do not want those options invoked in this situation. Mr. Harrington remarked that the City is limited in what they can do affirmatively. He commented on one property was in the process until the City successfully prosecuted an administrative enforcement action. However, it still had implementation problems and the owner would lose part of their bond because of it; but it was still better than where it was prior to that. Mr. Harrington remarked that each situation is very specific and it is not always a developer trying to take advantage and maximizing. Some issues are truly discovered during exploratory demolition and legitimate modifications have to be made. Mr. Harrington believed they would eventually see those field adjustments get a higher public review. It is appropriate and they would see proposals to that effect.

Mr. Harrington stated that the discussion has not focused on the deliberate decisions that the former Planning Director and Preservation Consultant made in evoking amendments to the second tier of historic significant structures. It was increased at that time with the idea that they would be more encouraging of more significant alterations as part of the balance. Mr. Harrington remarked that the phrase "bringing the pendulum back" is accurate and they were seeing a reaction to that permissiveness that was not supported at a policy level. How far back they should go must be weighed carefully. The biggest challenge has been keeping things fair given the surrounding development. Mr. Harrington believed the City Council, the Planning Commission and the HPB were aware of the problem. As much as they want to hold everyone now to the same restrictions that were put in place in the past, they faced new challenges in terms of how far they could go due to State restrictions. Mr. Harrington stated that the Staff was drafting proposals and he hoped they could be evaluated without indicting the former Staff, because what was done in the past was a deliberate attempt that just missed the mark.

Mr. Harrington believed they would see an equally important discussion with the City Council for an increased incentive in terms of funding. It must be a dual approach. It cannot just be done at the regulatory level.

Chair Strachan asked if there was criminal liability currently. Mr. Harrington stated that there could be, but it is a misdemeanor and the burden is difficult because most cases are evidentiary. The ordinance could be amended, but it would not solve the problem. Mr. Harrington believed that the City taking control of the materials at the outset, having more

oversight and dedicating the resources necessary to make sure that the approval given is implemented will be more effective; however, it will also require large resource allocations. One question will be whether to designate a City holding facility for materials. He noted that it was the approach used for High West. In order to secure the Department of Interior approval to keep the building on the list, the City had to commit to being the holding facility. He suggested that the City might have to do that more broadly, but it would come with a big price tag for the public. The flip side is how much to subsidize private developments. Mr. Harrington believed subsidies are necessary, and additional tax abatements and other things could be considered to further subsidize. The challenge is finding the balancing point.

Commissioner Campbell commented on the reference to tax abatement. He recalled that the Planning Commission had discussed that approach on another project and former Planning Director Eddington had said that it was difficult to do in Utah. That was an issue he wanted to learn more about in the future because if it is a tool they would be able to propose it. Mr. Harrington explained that tax credits have not been used or implemented in Utah as they have in other states. However, in terms of local property taxes he believed there was some latitude to do that, but it is a step that faced policy opposition in the past. Mr. Harrington remarked that the Grants are easier to administer because it is an affirmative way to enable the desired end result. Commissioner Campbell understood that it was a decision for the City Council, but he would like to know in general if there were positive incentive aspects and whether it was a tool they could recommend. He personally favored offering an incentive to help achieve the end result as opposed to threatening jail if it is done wrong.

Mr. Erickson stated that the pending ordinance has a time frame and the Staff was pushing to meet the deadline. In addition, they were also working with the City Finance Department to devise a mechanism of funding and financing and looking at the budget for Fiscal 2017. There were RDA funds and other opportunities to help subsidize.

Commissioner Phillips stated that he was having a hard time understanding the 1975 date. Mr. Erickson explained that the year 1975 was established in the pending ordinance to fix a date that was 40 years previous. Historic structures are 50 years, and the Staff wanted a 10 year window to make sure they catch every potential historic structure or structures that had modifications after the 50 year threshold but before the 40 year threshold. Mr. Erickson stated that it has been revised to a 40 year floating threshold from current date. He pointed out that the 1975 date would eventually be replaced with a 40 year threshold to see if it meets the test of being a historic site.

Commissioner Thimm asked what would be meaningful to a particular structure during the 40 to 50 year period. Mr. Erickson was unsure specifically; however, the direction in the

ordinance was to be rigorous and cast a wide net to catch something that may be historic in a home that had been reconstructed in that period. There may be historic features or a historic foundation that meets the test of history. Mine structures could also slide into that realm. Commissioner Thimm asked if a person could be limited to what they could do to a building on their property within that ten year period. Mr. Erickson answered no; not unless something is determined to be historic consistent with the City regulations. He explained that the 40 year threshold is the identification criteria that alert the Staff to make sure there are no historic elements.

Planner Whetstone noted that there were three criteria. Some of the qualifying criteria are the ones they were proposing to revise, especially the one about retaining historic form. There is also criteria on whether or not it is important to the historic era. Mr. Erickson stated that it was a policy question they were still wrestling with. Mr. Harrington remarked that it was a temporary catch-all. The second component is public information and review, and making sure there is a second set of eyes on these determinations rather than just having one person in the Planning Department make the determination. Everything goes to the HPB pending these revisions. The only change to the criteria is the increase in eligibility.

Commissioner Campbell stated that because of the publicity he has been stopped at the store and other places by people wanting to comment on the ordinance. He thought a lot of people misunderstood the intent and believed that no structure could ever be torn down if it was older than 1975. The reality is that structures must be reviewed by the HPB to determine whether or not they could be torn down. Mr. Erickson clarified that the criteria had not changed for demolitions or tearing down, but the net for looking at demolitions had grown. No one would be restricted from tearing down anything older than 40 years to the 50 year threshold, but it must be looked at first. The main philosophy is to make sure an additional Board of educated eyes is watching over the Historic District in addition to the Staff and the Planning Commission. Commissioner Campbell thought it was important to make sure the public has that understanding when this is noticed. He believed they would get less pushback if the public understood that demolitions would not be prohibited; but it would require a mandatory review.

MOTION: Commissioner Joyce moved to CONTINUE the ordinance amending the Land Management Code, Section 15, Chapter 11 in all Historic Zones to expand the Historic Sites Inventory to October 14th, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

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The Park City Planning Commission Meeting adjourned at 6:20 p.m.

Approved by Planning Commission: _____