

**PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
CITY COUNCIL CHAMBERS
December 5, 2018**



AGENDA

MEETING CALLED TO ORDER AT 5:00 PM
ROLL CALL
ADOPTION OF MINUTES OF November 7, 2018
PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Staff has provided a list of meeting dates for the Historic Preservation Board for the upcoming 2019 calendar. *Planner Grahn* 23

WORK SESSION

Historic District Grant Program *GI-17-00353* 26
Planner Grahn

Legal Training *City Attorney* 93
Mark
Harrington

ADJOURN

***Parking validations will be provided for Historic Preservation Board meeting attendees that park in the China Bridge parking structure.**

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF NOVEMBER 7, 2018

BOARD MEMBERS IN ATTENDANCE: Lola Beatlebrox, Puggy Holmgren, Jack Hodgkins, Randy Scott, Jordan Brody

EX OFFICIO: Bruce Erickson, Anya Grahn, Laura Newberry, Mark Harrington, Liz Jackson

Douglas Stephens was absent and the Board voted on a Vice-Chair to conduct the meeting this evening.

MOTION: Board Member Holmgren nominated Randy Scott as Vice-Chair. Board Member Beatlebrox seconded the motion.

VOTE: The motion passed unanimously.

ROLL CALL

Vice-Chair Scott called the meeting to order at 5:00 p.m. and noted that all Board Members were present except Douglas Stephens and John Hutchings.

ADOPTION OF MINUTES

October 3, 2018

Board Member Hodgkins referred to the motion on page 6 and changed John Hodgkins to correctly read John Hutchings.

MOTION: Board Member Holmgren moved to APPROVE the minutes of October 3, 2018 as corrected. Board Member Hodgkins seconded the motion.

VOTE: The motion passed. Board Member Beatlebrox abstained since she was absent from the October 3rd meeting.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Board Member Scott reported on the free film screening at the Park City Library on Monday, November 12th at 7:00 p.m. The film is called A Midnight Clear. It was filmed in Park City and most of the staff and crew are from Park City. The film shows a lot of Park City history. Mr. Scott encouraged everyone to attend.

Planner Grahn reported that the next HPB meeting is scheduled for December 5th. The Staff will determine the meeting dates for 2019 and send those dates to the Board before the end of the year.

Planner Grahn stated that the Design Guidelines were tentatively scheduled to go before the Planning Commission on December 12th.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. 140 Main Street – Material Deconstruction – Landmark Site. The applicant is proposing to impact the following materials including the removal of historic and non-historic siding material in order to construct a new addition. (Application PL-18-03994)

Planner Grahn reported that 140 Main Street was a simple material deconstruction. The house was extensively renovated and relocated in the early 1990s. The house as it exists today is largely historic. The applicant had restored a lot of the woodwork, the siding, and the materials with the restoration work in the 1990s.

Planner Grahn stated that the applicant would like to put in a breezeway between the house and the garage, which would be located at the midpoint of the historic house. It would impact approximately 54 square feet of siding on both the historic elevation, as well as the garage that was built in 1995. The applicant was proposing to replace a door with a window and cutting in a new door. Planner Grahn remarked that the work being proposed was very minimal.

The Staff found that the proposal complied with the Design Guidelines. The material deconstruction of the siding materials will not damage or destroy the exterior architectural features of the subject property that are compatible to the character of the historic site.

Vice-Chair Scott understood that it was a Landmark site; however, he was not familiar with the restrictions associated with a Landmark site. He assumed this project had gone through the proper qualifications and the material deconstruction would not disrupt the Landmark status. Planner Grahn replied that the Staff gave it careful consideration because it is a Landmark site. She believed the breezeway design is subtle and very subordinate to the historic house. The house itself will continue to be the gem and the focal point of the project.

Board Member Hodgkins understood that the site was City-designated Landmark and not a National Landmark. Planner Grahn replied that he was correct. Park City does not have any National Landmark sites.

Board Member Beatlebrox thought it looked like the breezeway was set back and angled more towards the garage. Planner Grahn thought the picture was distorted because of how curved the road looked. She noted that the house and the garage are already connected and share a basement. The breezeway addition is very small. The applicant used the same woodwork and detailing to connect with the garage and the house without being overwhelming.

Board Member Beatlebrox asked for the footprint of the actual breezeway. Planner Grahn did not have the exact measurement, but she believed it was less than 100 feet. She noted that it was at the midpoint of the gable and only one story in height. The garage is 1-1/2 stories with the pitch of the roof.

Board Member Hodgkins asked if it will sit on the existing foundation. Planner Grahn answered yes.

Board Member Beatlebrox asked if the door being removed was historic. Planner Grahn believed the door was added in when the house was remodeled. A new door would be added to connect the breezeway to the house.

Board Member Hodgkins noted that the Board considers most transitional elements to be on the back. Having a transitional element on the side is rare and he wanted to know how far back it needed to be per the Guidelines. Planner Grahn replied that currently the Design Guidelines are not that strategic; however, that was addressed in the Design Guideline revisions that are not yet in effect. The transitional elements are taken on a case by case basis. The main goal is to make sure the transitional element is subordinate. Planner Grahn stated that in this case the breezeway is the same height as the porch trip. The house is small and the breezeway will appear small and very subordinate to the house. Board Member Hodgkins asked if it would be mostly glass. Planner Grahn answered yes. It was beaded siding and two windows in the middle. It will be constructed to look like a sleeping porch but on the main level.

Board Member Holmgren liked the glass look and how it ties in with the windows. Board Member Hodgkins thought it would be nice to maintain a sense of the original volume of the house. Planner Grahn believed that would definitely occur and that the house would be minimally impacted.

Vice-Chair Scott opened the public hearing.

There were no comments.

Vice-Chair Scott closed the public hearing.

Board Member Holmgren referred to page 33 of the Staff report and the language referencing the materials at 732 Crescent Tram. Planner Grahn apologized for the inadvertent error and changed it to 140 Main Street.

MOTION: Board Member Beatlebrox moved to APPROVE the Material Deconstruction of historic and non-historic materials at 140 Main Street, pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report. Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 140 Main Street

1. The property is located at 140 Main Street.
2. The site is designated as Landmark on the Historic Sites Inventory (HSI).
3. In November 1892, Irish immigrant and widow Mary Sullivan purchased Lots 8 and 9 of Park City Block 20 in November of 1892 (roughly present-day 148 Main Street).
4. Immediately, Mary built the two-story T-shaped cottage which is believed to have been completed in 1892 or 1893. She lived in the home with her four children, and later her third husband John McLeod.
5. Upon Mary's death in 1915, her daughter Elizabeth and son-in-law John Tallon inherited the house. They lived in it with their five children. The house was later transferred to Elizabeth's daughter Mildred Tallon.
6. By the mid-1980s, the house was vacant and had become dilapidated. Then-Chief Building Official Ron Ivie condemned the house due to its uninhabitable condition and threat to community safety.
7. In 1988, Douglas Stephens purchased two lots on Main Street with the purpose of relocating the historic house. He received variances to the front and rear yard setbacks due to the unusual shape of the lots that same year.
8. In 1988, Stephens applied for a building permit to relocate the historic house to the lot at 140 Main Street. He also received \$5,000 in Historic District Incentives Program matching grant funds.
9. From 1993-1995, the house was restored. A new foundation was constructed beneath the historic house and extended beneath a new single-car garage. From the Main Street right-of-way, the house and garage appear as detached structures.
10. In 2018, the applicant obtained a building permit to complete some maintenance work on the house. The work included repairing and replacing the porch decking, restoring the wood siding on the historic house and garage, and replacing an exterior door on the historic house.
11. The applicant proposes to construct a breezeway measuring approximately 7 feet wide and 8 feet tall to connect the historic house to the garage. A new door

will be installed on the north wall of the historic house; the existing door will be replaced with a new double-hung window.

12. The proposed material deconstruction to the siding materials on the historic house and non-historic garage will not damage or destroy the exterior architectural features of the subject property which are compatible with the character of the historic site.

13. The project complies with the Design Guidelines for Historic Sites in Park City, specifically Universal Design Guidelines #9 and #10 in that the new addition will not destroy historic materials, features, and spatial relationships that characterize the site or building. The new addition will also be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property could be restored.

14. The project also complies with Specific Design Guideline D.1.3 as the new addition will not obscure or contribute significantly to the loss of historic material.

Conclusions of Law – 140 Main Street

1. The proposal complies with the Land Management Code requirements pursuant to the HR-2 District and regarding historic structure material deconstruction.
2. The proposal meets the criteria for material deconstruction pursuant to LMC 15-11-12.5 Historic Preservation Board Review for Material Deconstruction.

Conditions of Approval – 140 Main Street

1. Final building plans and construction details shall reflect substantial compliance with the HDDR proposal stamped in on October 1, 2018. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.

2. 732 Crescent Tramway—Material Deconstruction—Landmark Site. The applicant is proposing to remove of additions constructed between 1926 and 1938 in order to temporarily mothball the historic structure.
(Application PL-17-03621)

Planner Grahn reported that the Planning Department had received significant public comment and the Board was provided with copies of the emails and the letter. She noted that the public has concerns with removing additions that they believe should be considered historic.

Planner Grahn stated that in March 2017 this applicant went through the Determination of Significance process and the HPB looked at those additions. The Board deemed certain additions were not historic and those are the

additions the applicant was proposing to remove. At this time a plan has not been submitted to the City for redevelopment of the site. Therefore, the applicant was proposing to mothball the building. Planner Grahn pointed out that the City does not see many requests for mothballing, but it does happen. The additions, particularly the one on the rooftop, is causing the building to settle and it is putting a strain on the original historic portion of the building they want to maintain.

Planner Grahn explained that the applicant was proposing to remove the non-historic additions which she had highlighted in red. Once the additions are removed the applicant will add framed walls and stabilize the building as necessary. Over the framed walls some exterior siding is still available in some areas. Where siding is not available, there will be plywood and the plywood will be painted to match the exterior walls. Planner Grahn stated that the plywood will not be visible when the building is viewed from Crescent Tram.

Planner Grahn remarked that the next step would be mothballing. Because the City does not have regulations, she had checked with the National Park Service. She believed the applicant was following best preservation practices as required by the Design Guidelines. They were sealing the openings to protect it from weather and vermin. The house will be reframed and structurally stabilized. Planner Grahn stated that the proposed work mitigates, to the best extent possible, any impact to the historic structure or the importance of the building. Planner Grahn stated that mothballing is intended to be temporary. Temporary is not defined, but the goal is to secure the building until a future plan to rehabilitate it is submitted.

Planner Grahn understood that the public was concerned this proposal was a way to let the building decline and be neglected. She did not believe that was the case, but if it becomes the case, it would be addressed by the City Code Enforcement Officers. If the building becomes rundown or a health and safety concern, the Building Department can issue a Notice and Order. However, based on what the applicant was proposing, Planner Grahn believed it was an effort to secure and stabilize the building and to prevent it from falling into further decline.

Director Erickson noted that the Preservation Planners would be looking at this building annually as they do their inventory. Planner Grahn stated that the Planning Staff and the Building Department visit the site regularly. The policy is if they see something they say something.

Board Member Hodgkins asked if temporary is not defined, who would make that judgement call. Planner Grahn stated that she spoke with the Building Department and as long as the building is not habitable they could have the plywood sheathing. The temporary nature is not defined, but as long as the

plywood is maintaining the building and it is not falling over, rotting through, or becoming a health and safety issue, it can remain. Planner Grahn believed the building was well documented, and if this applicant or a different owner tries to renovate the house in the future it would be easy to see what the City agreed to and why.

Vice-Chair Scott stated that when the Board previously visited the site the applicant had done an interior demo and they were able to see transitions of what they thought were the original versus additions. He recalled seeing a variety of construction techniques. Mr. Scott thought shoring it up with plywood would be a good idea to help preserve it.

Board Member Beatlebrox noted that the Board spent a great deal of time on this particular property. In the first meeting she recalled being very concerned about those additions because they were done in the very late Mining Era transitioning to later, and they were done by Mr. Carl Winters. Ms. Beatlebrox stated that the Board spent a lot of time discussing whether the fact that Mr. Winter had put up the additions in a haphazard manner meant that they were significant and contributed to the Landmark building. They also looked at a photograph of the property before the additions were added. The second meeting they visited the site and saw the poor condition of the additions. Ms. Beatlebrox stated that the Board had agonized over the decision and eventually realized that it was a Landmark building as it exists, and it would remain a Landmark building if the additions were removed and the house was put back to its original footprint.

Board Member Holmgren and other Boards members concurred with Board Member Beatlebrox's recollection of the two meetings. Ms. Holmgren noted that Mr. Winter's daughter remembers it initially as a small home. Planner Grahn stated that it started as a single cell dwelling that was later expanded in every direction, including up. Ms. Beatlebrox assumed Mr. Winters needed the space for his five children.

Board Member Beatlebrox referred to the public comment letter which talked about density as a future plan for the property. Planner Grahn stated that currently this was the only application that had been submitted for the site. If a future application comes in with a proposal to subdivide the lot or add more density, it would have to comply with the HRI Zoning District. She emphasized that at this time there was no other application to review. Ms. Beatlebrox asked if the applicant could address that issue. Director Erickson replied that it was outside the scope of the material deconstruction review. The public comment was noted and in the record, but it was outside of the HDDR review.

Planner Grahn stated that if the applicant comes in with a plan to add additions in the future, under the current LMC it would come back to the HPB for material deconstruction to see how the addition interacts with the historic house. Board

Member Hodgkins questioned why it would come back to the HPB if it meets the LMC once the historic material has been removed. He thought it would only come back if demolition was proposed. Planner Grahn explained that it would come back for something such as raising the house and taking out the flooring. She would not expect a re-review of the additions. Planner Grahn reiterated that density is outside the purview of the HPB.

Director Erickson asked Planner Grahn about the process after the stabilization. Planner Grahn stated that when the applicant applies for a building permit, before they close the building permit the Planning Staff will make sure the work was done in accordance with what was agreed to and approved by the HPB. Additionally, a financial guarantee will be put on the project. Before the Staff signs over the building permit, they will make sure the conditions of the financial guarantee have been met.

Board Member Hodgkins asked if there was a reason why the demolition needed to occur in order to mothball and stabilize the structure. Planner Grahn replied that a material deconstruction review is required any time a historic building is touched and modified. Director Erickson stated that another reason is that the roof is causing the walls to fail. Mr. Hodgkins understood that the second floor addition was causing strain and threatening the historic structure. He thought it made sense to remove that piece. He pointed out that the piece to the back and other pieces were determined by the Board to be non-historic, but they are clearly over 50 years old. He asked if those pieces needed to be removed at this time versus when the applicant has a plan for the structure. Planner Grahn did not believe the City had the right to ask the applicant to keep those pieces on the structure because they were already deemed as non-historic additions. The applicant was asking to remove the pieces and mothball the building.

City Attorney, Mark Harrington, stated that the only relevant question the HPB could ask the applicant is whether the materials on the stable sections are more protective than the proposed mothballing.

Tom Peek, the owner/applicant, asked the Board members to recall when they visited the site that the wall on the uphill side of the house was caved in from the rocks from above. When the driveway was cut in on the house above, a lot of the material came down off the driveway and kicked into the house. Therefore, the wall on the west side of the building is completely failed. Mr. Peek stated that the house is currently in a very detrimental situation and he did not believe it would last another winter. Mr. Peek remarked that he wanted to remove some of the non-historic pieces, but the primary goal was to stabilize the structure.

Board Member Hodgkins asked why this was before the HPB tonight if the Board already determined that the pieces were non-historic. He wanted to know what exactly was happening to the historic portion that the HPB needed to consider.

Planner Grahn stated that it goes back to the Code, which states that the HPB has to review all Historic District Design Reviews to make sure the proposed work is not impacting the historic materials. In this case there might be some changes to the historic materials only in the sense of removing the additions and making sure the framing is attached to other historic materials on the interior sides of the building. On the question of whether removing the additions will impact the historic building, Planner Grahn stated that if the additions were only removed it would structurally destabilize the building. However, because the applicant is proposing framing and patching the roof, it will stabilize and help preserve the historic materials for a longer period of time. Planner Grahn remarked that the HPB needs to consider 1) whether the proposal impacts the materials; 2) does it impact the historic structure. Planner Grahn stated that the additions have already been found to be non-historic and removal will not impact the designation of the historic building. Based on the conditions proposed and the scope of the work, they have mitigated anything that might endanger the historic building.

Board Member Hodgkins understood that based on the scope of the work, at this point material deconstruction was not anticipated on any historic materials. Planner Grahn replied that he was correct.

Mr. Peek clarified that when he previously came before the HPB he thought he was done with that process and could apply for a building permit to begin work in the summer. However, he later found out that he needed to go through this material deconstruction process before he could apply for a permit. Mr. Peek had no intention of mothballing the building for several years. He anticipated possibly one year or less. He commented on the condition of the back wall and stated that he would not be opposed if the Board wanted to include specific restrictions on how the back wall should be finished.

Vice-Chair Scott opened the public hearing.

Nick Frost stated that he was an attorney representing some of the adjoining land owners to Mr. Peek's property. His colleague was the author of the long public comment letter. Mr. Frost stated that the adjoining landowners wanted him to express that he was not here this evening in an adverse capacity. His clients have some concerns that he believed were accurately outlined in the letter. Mr. Frost highlighted some of the key points. He stated that one of the main concerns is the plywood. There appears to be a disconnect between the integrity that is usually given to historic homes, and the fact that they were contemplating approving plywood to replace 80-year-old material; even if it has been declared non-historic. The plywood will be visible to his clients and Mr. Peek's neighbors. Mr. Frost commented on the longevity of plywood. He pointed out that no time limits have been associated with how long the plywood could remain. He assumed it could be up indefinitely as long as the City approves it, which causes

a lot of concern for his clients. Mr. Frost thought a simple solution would be to add a condition of approval requiring a reasonable time line. He understood that Mr. Peek anticipates beginning the work by summer of next year. Mr. Frost suggested that a reasonable compromise would be a two or three-year timeline where Mr. Peek must take action by that time.

Mr. Frost stated that multiple adjoining property owners have a problem with the junk accumulating on the property. The concern is that the mothballing process will remove Mr. Peek from the property even more, and the junk will continue to accumulate. He requested adding a condition requiring that the property be cleaned up to be consistent with the surrounding houses.

Mr. Frost was concerned that there was always step in a multi-step process. He understood it was out of the jurisdiction of the HPB, but there is a lot of concern about what will happen to this property. It appeared they were trying to reduce the footprint to increase the density on the property. In his experience, the lack of knowledge creates nervous neighbors, and he suggested more transparency as a way to garnish more allies than opponents. Mr. Frost stated that other points were outlined in the letter and he had only underscored a few of them.

Vice-Chair Scott closed the public hearing.

Board Member Beatlebrox asked if the Board could address the clutter on the property. City Attorney Harrington was unsure of the degree of the clutter and asked the Staff to address whether it was at the level of Code Enforcement action. Planner Grahn stated that the neighbors have requested that Code Enforcement be made aware of some of the tractors and construction equipment being stored on the gravel driveway. She noted that a Code Enforcement Officer has been working with one of the neighbors who stores his materials on the property. If it had not already been removed it was in the process of being removed. Planner Grahn commented on concerns raised about another property that also had construction debris and clutter, and Code Enforcement has been working to address that complaint as well.

Board Member Beatlebrox stated that in her opinion the term “density” implies multiple homes. She had the impression from Mr. Frost that density implies one home with an addition, which is typical for historic homes of any size. She asked Mr. Frost to explain what he meant.

Mr. Frost stated that the concern is what comes next. He thought it was logical that a lot line adjustment would follow with additional homes. He pointed out that Mr. Peek owns several parcels that surround the current parcel at 732 Crescent Tram. Mr. Frost recognized that density was outside of the HPB purview.

Vice-Chair Scott thought Mr. Frost raised a good point regarding a potential condition of approval with a timeline. It is an important structure in the community and they were allowing deconstruction of portions. As much as the Board appreciates whatever can be done to preserve the structure, they do not want it in a state of flux for a long period of time.

Director Erickson stated that as part of the material deconstruction authority the Board has as the HPB, they may consider whether additional material will be negatively impacted if the house stays mothballed for too long. He noted that the Board could consider a reasonable time period, after which the applicant would have to reapply. Director Erickson clarified that when the applicant comes in with the Historic District Design Review, the property will be posted. Lot line adjustments or other proposals being requested would also be posted.

Planner Grahn drafted conditions of approval as follows:

Condition #4 – The applicant will use salvage siding from the demolition of the non-historic additions to side over the proposed new framed plywood exterior walls.

Condition #5 – The applicant will submit a Historic District Design Review (HDDR) application to redevelop the house within the next three years.

City Attorney Harrington simplified the condition to say, “The approval of the mothballing is effective for three years, unless the applicant returns to the HPB for an extension”. Planner Grahn preferred the language stated by Mr. Harrington.

Board Member Brody understood that the applicant wanted to blend the plywood with the rest of the house. He asked if that related to the conditions of approval and whether it would result in a stop work order. Planner Grahn stated that they initially thought that painting the plywood would help blend in a little more since it was temporary. However, she was less concerned about it now because they are using salvage siding.

Board Member Hodgkins thought the salvage siding would continue to deteriorate. If they intend to use it in the long term, he asked if it would be better to store the siding off-site. He was concerned they would risk losing historic siding if it was a condition of approval. Planner Grahn agreed. Once the house is sided it becomes a permanent solution. That is not a problem, but if the new addition cuts in in that area, they would be cutting out the historic siding that was just salvaged. That was one reason why they thought of plywood as a temporary solution to protect and secure the home.

Board Member Hodgkins thought plywood was the right solution for stabilization purposes. He thought it would help to preserve the historic structure. However, Mr. Hodgkins thought they should also consider the long-term historic piece they were trying to protect and how long they could protect the historic siding.

Director Erickson stated that the Staff has not had the opportunity to be specific about removing each individual board like they have on other properties. He suggested adding a condition of approval stating, “The final materials selection, with a preference towards preserving historic materials, can be at the discretion of the Historic Preservation Planner”.

Planner Grahn stated that if the Board agrees to allow painting the plywood to blend with the historic house, that would implement a timeline by saying that mothballing is only good for 3 years. In 3 years-time, if the applicant has changed plans they could then discuss bringing back the siding to create a more permanent solution.

Board Member Hodgkins was not opposed to using the plywood as a temporary solution, and keeping the siding for future use. Mr. Peek reviewed images of the different sides to show what currently exists on each side. Mr. Hodgkins asked if Mr. Peek had a recommendation on what to use for the siding. Mr. Peek stated that using the original Channel 105 siding would work well on the top side. He recommended using pressure treated plywood on the other part. He thought everyone should be concerned about the hill falling into the house. The goal is to have a wall that can hold the weight of the roof above it to stabilize the roof structure.

Board Member Beatlebrox was impressed with mothballing rather than the benign neglect on other properties where the building falls down and nothing is done to protect it. She thought this was an important first step. Mr. Peek thanked Ms. Beatlebrox for recognizing that he was being responsible in maintaining the structure. No one has lived there for 15 years and they continued to take care of it. He was certain that the building would fall down if they did not do more.

Vice-Chair Scott asked City Attorney Harrington to state the added conditions. Mr. Harrington stated that Condition #4 should read, “The mothballing approval shall be limited to three years, unless the applicant returns to the Historic Preservation Board for an extension”. Board Member Hodgkins asked if that was the only added condition of approval. Mr. Harrington understood that the Board intended to leave the determination of materials to Staff approval and the preservation plan as described by the applicant. He thought that was sufficient unless the Board wanted to codify the specificity. Mr. Hodgkins was comfortable leaving it to the Staff. The Board concurred.

MOTION: Board Member Hodgkins moved to APPROVE the material deconstruction for 732 Crescent Tramway, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended. Board Member Beatlebrox seconded the motion.

VOTE: The motion passed unanimously.

Finding of Fact – 732 Crescent Tramways

1. The property is located at 732 Crescent Tram.
2. The site is designated as Landmark on the Historic Sites Inventory (HSI).
3. On March 1, 2017, the Historic Preservation Board (HPB) reviewed a Determination of Significance (DOS) application at this site and found that additions A, B, C, E, and F did not meet the criteria for historic designation as outlined in Land Management Code (LMC) 15-11-10(A).
4. On August 14, 2018, the owner submitted a Historic District Design Review (HDDR) application to remove the additions the HPB had found to not be historic. The applicant intends to secure and mothball the house after the additions are removed. The HDDR application has not yet been approved as it is dependent on the HPB's Review for Material Deconstruction approval.
5. The single-cell house was initially constructed on this site in c.1904.
6. Analysis of the 1900, 1907, and 1929 Sanborn Fire Insurance Maps demonstrates that a second room was added to the west of the single-cell to create a hall-parlor form by 1907. A third in-line addition was also added to the south of the single-cell to create an L-shape. This is further supported by physical evidence found inside the house.
7. Carl Winters purchased the house in 1926. His daughter Marie remembers the house only consisting of —kitchen, bathroom, dining room, front room, and one bedroom.” This is supported by the 1941 Sanborn Fire Insurance Map that shows the L-shaped cottage.
8. During Winters' ownership of the house (1926-1938) several additions were made that are documented by the c.1941 tax photograph. An in-line addition was constructed to expand the c.1907 rear addition; a staircase addition was constructed along the west wall of the c.1907 rear addition; a bathroom addition was built to the south of the original kitchen, or c.1907 west addition to the single cell; a root cellar was built west of the original kitchen, and a second story was added to the house.
9. Carl Winters' daughter also remembers that her father —tore off the kitchen and bathroom and made them new.” It's unclear if he demolished and rebuilt the kitchen and bathroom or simply renovated them. New construction materials are found in the kitchen wing; however, it maintained the footprint of the original c.1907 addition that was made to the west side of the single-cell and that created the original hall-parlor form.
10. The house has remained largely unchanged since Winters' improvements were constructed between 1926 and 1938.

11. G. Leo and Margaret Rodgers purchased the house in 1985; in 1988, they received \$3,770 in grant funds for painting, a new roof, and fixing a wall.
12. The house, with its additions, was designated as a Landmark Structure in 2009 by the Historic Sites Inventory.
13. The applicant is proposing to remove Additions A, B, C, and E on the main level and Addition F on the second level, as identified in this report. Following removal of these additions, the openings will be closed with new framed walls. Plywood visible from the exterior will be painted to match the historic siding. The rooftop addition will be removed and the applicant will reframe the opening in the roof to restore the original side-gable form. The applicant will stabilize the existing roof form, as necessary, to hold the new roof structure. New metal roofing will be installed to cover the plywood sheathing. These additions to the Historic Building have been found to be non-contributory to the historic integrity or historical significance of the structure, they can be removed.
14. Following removal of the additions, the applicant will mothball the structure by adding new framed walls and bracing to the interior of the house to structurally stabilize it. The house will remain secured and regularly maintained. All utilities have been disconnected. The proposed scope of work mitigates to the greatest extent practical any impact to the historical importance of the structure located on the property and on adjacent parcels by only removing those additions that have been found to be non-historic. The applicant will then secure and stabilize the historic portions of the house.
15. The proposed work complies with Universal Design Guideline #3 in that the historic exterior features of the building that have been identified to be Historic by the DOS will be retained and preserved. The applicant is only proposing to remove non-historic additions.
16. All improvements made to stabilize and mothball the house are intended to be temporary, not permanent solutions.

Conclusions of Law – 732 Crescent Tramway

1. The proposal complies with the Land Management Code requirements pursuant to the HR-1 District and regarding historic structure deconstruction.
2. The proposal meets the criteria for material deconstruction pursuant to LMC 15-1112.5 Historic Preservation Board Review for Material Deconstruction.

Conditions of Approval – 732 Crescent Tramways

1. Final building plans and construction details shall reflect substantial compliance with the HDDR proposal stamped in on August 14, 2018. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. Should additional framing or bracing be required to stabilize the historic house, the applicant shall work with the Chief Building Official and Historic Preservation

Planner to ensure the new framing and bracing does not detract from the historic integrity of the exterior of the house or cause damage to historic materials.

3. The applicant shall provide the city with a Financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.
4. The approval of the mothballing shall be limited for three years, unless the applicant returns to the Historic Preservation Board for an extension.

3. Amending the LMC to clarify and promote greater consistency in Zoning requirements in all six Historic Districts (H-zoning districts) by amending LMC 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.5, 15-2.6, and 15-4 Supplemental Regulations; codifying policy regarding vinyl and Solar Reflective Index by amending LMC 15-5-5 Architectural Design Guidelines; and 15-15 Defined Terms. (Application PL-18-03895)

Planner Laura Newberry reported that the proposed changes to the LMC were numerous, but most were minor changes. The intent is to make the language more consistent in the Historic Districts, which includes adjusting the window well, setback exception, the patio setback exception, adding a shared driveway exception in the rear yard, changing the corner lot setback, and moving goods and uses to be within an enclosed building into the Supplemental 15-4.

Planner Newberry stated that the most significant change was changing the Steep Slope CUPs to administrative if the lot is less than 3,750 square feet. The reason behind the change is that with the Historic District Design Guidelines and the HDDR review, there is no need for a conditional use permit review by the Planning Commission on smaller lots. The Steep Slope Conditional Use Permit would still be required on lots that are larger than 3,750 square feet.

Planner Newberry noted that in the Architectural Design Guidelines, a solar reflective index requirement was added. The intent is to keep metal materials from shining into neighboring properties. Planner Newberry stated that vinyl was being added to the list of discouraged materials to keep more in line with historic materials. Definitions were added for solar reflective index and a shared driveway.

Vice-Chair Scott understood that these items consistently go before the Planning Commission for approval; and that the intent is to incorporate them into the LMC for efficiency. Planner Newberry replied that he was correct. She explained that the Staff was bringing it to the HPB for a recommendation because most of the changes are in the Historic Districts.

Board Member Hodgkins had concerns with the section that talks about reducing the setback on corner lots on the side to 3 feet. From a preservation perspective, he wanted to know what happens if the 3' setback is not consistent with the

typical historic house setback for the street, and it interrupts the line of setbacks for the neighbors.

Planner Grahn stated that there is a lot of history behind why the Staff decided to make the Code change. She commented on the number of platted rights-of-way that do not have a built road. On 25' lots, to have a 5' setback and 3' on the other side takes away 8'. It is difficult to build a house with a garage and an entryway on an undeveloped lot. Per the Design Guidelines, entryways are encouraged. Many 25' x 75' single lots have to go through the Board of Adjustment for a variance. The BOA requested a change to the Code because it is so common.

Planner Grahn pointed out that a historic building on a corner could not be relocated to meet the setback without going through the HPB approval process. She believed it would impact the undeveloped lots more than the developed lots.

Board Member Hodgkins understood that in a historic situation, in order to encroach the setback, the owner would have to come before the HPB. He asked if that also applied to an addition to the historic structure. Planner Grahn stated that under the proposed amendment, an addition would be allowed to have a 3' setback off of the unbuilt right-of-way. If the historic portion of the house is only 1' off the platted right-of-way, it can remain unless the HPB approves relocation. She clarified that the encroachment would not have to be approved. It would just be recognized as an encroachment.

Director Erickson stated that the amendments also include what has been his administrative policies for the past year. The solar reflective and the window well has been an administrative policy. These items are not cold recommendations and already have a one to two-year life span under administrative review. The purpose is to have it in the Code so everyone is aware and it has more teeth.

Planner Grahn stated that the Board should take public input and forward a recommendation to the Planning Commission and the City Council.

Board Member Hodgkins commented on the height. He understood that it was 27' off grade, with few exceptions. He was surprised that a garage was one of the exceptions. Planner Grahn replied that the exception comes into play primarily on a downhill lot.

Vice-Chair Scott opened the public hearing.

There were no comments.

Vice-Chair Scott closed the public hearing.

MOTION: Board Member Brody moved to forward a POSITIVE recommendation to the Planning Commission on the Land Management Code Amendments to the Historic Districts as noted in the Staff report; and the Supplemental Regulations, Architectural Review, Architectural Design Guidelines, and Defined Terms as outlined in the draft ordinance. Board Member Beatlebrox seconded the motion.

VOTE: The motion passed unanimously.

4. Annual Preservation Award - Staff recommends the Historic Preservation Board choose one (1) awardee for the annual Preservation Award, choose up to four (4) nominees for a historic award plaque, and select three (3) members to form an Artist Selection Committee.

Planner Grahn reported that there were two steps to the Preservation Award. The first is for three Board Members to volunteer to be part of an artist selection committee. Up to five award winners can be chosen for the award; however, the artwork is only done for one of the winners. The rest receive plaques.

Board Members Holmgren, Beatlebrox, and Scott volunteered for the committee.

Planner Grahn stated that she had emailed the Board Members asking them to contribute to the nominee list. The Planning Department Staff and the Historic Preservation Board were polled to create a list of final nominees. Planner Grahn asked the Board to keep in mind that the intent of the award is to honor the public. It is good recognize the City's efforts in historic preservation, but it is more meaningful to acknowledge what those in the public are doing.

Planner Grahn reviewed the list of nominees as follows:

- 1450 Park & 1460 Park is the City's affordable housing project. She explained what was done to restore and preserve the two structures. Six new single-family homes were built behind the historic houses. This project was a good adaptive reuse of the buildings.

- Little Bell Ore Bin and the Jupiter Ore Bin are the only remaining structures associated with those mine sites. The rest of the mill buildings, boarding houses and other structures on those sites were destroyed or demolished a long time ago. Planner Grahn stated that on the Little Bell it was Deer Valley, the Park City Museum, and the Friends of the Ski Mountain Mining History who raised money and stabilized the structure. The Jupiter Ore Bin was a project this year between Vail and Park City Municipal. In addition to the City contributing funds, it was also a project for the Museum and the Friends of the Ski Mountain Mining History. Both structures have been stabilized.

- The Alliance Mine Site. This site has been vandalized. Over the past couple of years, there has been a lot of painted graffiti on the inside and outside of the buildings, and concrete ramps were built. The City worked with United Park City Mines in an effort to clean up the mine site. The Friends of the Ski Mountain Mining History and the Mountain Trails Association organized a cleanup and removed as much graffiti as possible and removed debris from the site. The City Trail Department worked with the Water Department and a gate was installed on Daly Avenue to make the site less accessible. Planner Grahn thought this was a good example of stewardship.

- The Glenwood Cemetery is also an example of a stewardship project. The cemetery was developed in the 1880s by the local fraternal organizations. It was not a public cemetery and a person had to belong to a fraternity to be buried in the cemetery. It was in use through the 1920s, but as the mines declined and population left town, the fraternal organizations dissolved or relocated and the cemetery fell into neglect. By the 1980s the Glenwood Cemetery Committee was organized and they started doing work to restore the headstones and maintain the grounds. Currently, the site is owned by the Park City Museum, but the Glenwood Cemetery Committee continues to maintain the grounds.

Planner Grahn noted that the Board should choose five or less from the six projects mentioned.

Board Member Holmgren stated that she was disappointed with how 1450 & 1460 Park Avenue turned out. She thought they could have done a better job. In her opinion, cutting down the old apple trees and lilac trees was not acceptable, especially since she went on record more than once to say they should not be damaged. Ms. Holmgren was in favor of the other projects mentioned.

Board Member Hodgkins concurred with Board Member Holmgren. He also was disappointed with how it turned out. If they look at past award winners, the use of the land and the structures behind it distract from the historic piece. Mr. Hodgkins was also disappointed with the transitional element between the historic building and the addition. For those two reasons, he would eliminate 1450 & 1460 from the list.

Planner Grahn pointed out that 1450 & 1460 Park Avenue were considered two sites. If the HPB agreed on the other four; the two ore bins, the Alliance Mine Site, and the Glenwood Cemetery they could move forward on those four sites. They would all get plaques but the Board needed to choose one for the artwork.

Board Member Holmgren recalled that the current artwork hanging in City Hall includes a mining site, an iconic theater and several homes. They have never awarded a cemetery. Vice-Chair Scott agreed with the cemetery. Board

Historic Preservation Board Meeting
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Member Hodgkins liked the cemetery, but he also liked the stewardship project that was done on the Alliance Mine Site. That was his first choice.

Board Member Holmgren stated that her first choice would be the Glenwood Cemetery and her second choice was the Alliance Mine Site.

Planner Grahn clarified that the Board had acknowledged four sites; the Little Bell and Jupiter Ore Bins, the Alliance Mine Site, and the Glenwood Cemetery. Based on their comments, the Glenwood Cemetery would receive the art award. The Board concurred and gave a verbal vote to commission artwork for the Glenwood Cemetery.

The Meeting adjourned at 6:17 p.m.

Approved by _____
Douglas Stephens, Chair
Historic Preservation Board

PENDING APPROVAL



Historic Preservation Board Staff Communications Report

Subject: Historic Preservation Board Meeting Dates 2019
Author: Anya Grahn, Historic Preservation Planner, AICP
Department: Planning
Date: December 5, 2018
Type of Item: Staff Communication

Staff has provided a list of meeting dates for the Historic Preservation Board for the upcoming 2019 calendar. The meeting dates are listed in bold and the alternate dates are italicized. The alternative date will only be used if required due to the number of items that need to be on the agenda.

January 2, 2019 – cancelled due to New Year’s Day holiday

January 16, 2019

February 6, 2019

February 20, 2019

March 6, 2019

March 20, 2019

April 3, 2019

April 17, 2019

May 1, 2019

May 15, 2019

June 5, 2019

June 19, 2019

July 3, 2019 — cancelled due to Independence Day holiday

July 17, 2019

August 7, 2019

August 21, 2019

September 4, 2019

September 18, 2019

October 2, 2019

October 16, 2019

November 6, 2019

November 20, 2019

December 4, 2019

December 18, 2019

Historic Preservation Board Staff Report

Subject: Historic District Grant Program
Author: Anya Grahn
Date: December 5, 2018
Type of Item: Work Session
Project Number: GI-17-00353

Summary Recommendations

Staff recommends that the Historic Preservation Board (HPB) review this staff report and provide input on the purposes of the Historic District Grant program.

Background

In January 2017, the Planning Department contracted Kjersti Monson of Duval Companies to conduct a study of our Historic District Grant program and recommend changes for its administration. A joint City Council-HPB work session was held on November 16, 2017 [[See Staff Report](#) (starting page 16) + [Minutes](#) (starting page 2)]. Based on the feedback we received, the report was completed in May 2018.

The final Historic Grant Study has been attached as Exhibit A.

Staff first met with the Historic Preservation Board on August 1, 2018 during work session to start revising the Historic District Grant Program [See [Staff Report](#) (starting page 185) and [Minutes](#) (starting page 14)]. During that meeting, the HPB requested addition information, which has been reflected in the Analysis section of this report.

Analysis:

Based on the consultant's report, staff finds that the HPB needs to forward positive recommendations to City Council for the following:

1. Establish target outcomes and develop a mission statement
2. Create a revised list of eligible improvements, including stabilization of mine structures
3. Set biannual application deadlines
4. Identify program funding sources and levels
5. Develop a score card to rank grant applications and determine funding for a two-tier funding approach (immediate and competitive grant programs)
6. Improve public engagement

During this work session, staff will be working with the HPB to accomplish tasks #1, 2, and 3 as discussed in August and we will be introducing item #4 to discuss in more depth at a later date. Staff is currently working through tasks #5 and #6 to present to the HPB at a later date.

1. Establish target outcomes and develop a mission statement.

The Historic Grant Study outlines several goals and objectives for the Historic District Grant Program. These are summarized as:

- Promoting Park City's story and authentic sense of place through its historic sites and structures
- Committing to an affordable, complete community and social equity.
- Making a positive and proactive difference in lives of residents and businesses.
- Encouraging projects and enhanced outcomes that may not happen but for the investment.

The Historic Preservation Board was generally supportive of the proposed mission statement but asked that a few revisions be made. The amendments are made in red below.

Park City is committed to creating an affordable, socially equitable, and complete community that honors its past by preserving and maintaining its historic buildings and structures while by encouraging their adaptive reuse ~~of historic buildings~~. The Historic District Grant program seeks to make a meaningful contribution to building community identity, improving public awareness of local history, and supporting local residents and businesses by financially incentivizing the preservation and emergency repair of historic sites and structures designated on the Historic Sites Inventory.

The HPB also questioned the definition of social equity, which Planning Director Erickson discussed as the grant serving as a mechanism to lessen the financial burden placed on historic property owners.

HPB Discussion Requested.

2. Eligible Improvements

In August, staff proposed reorganizing the Historic District Grant Program into a two-tier approach focused on (1) competitive grant awards and (2) emergency grant funding. This approach was generally acceptable to the HPB, though the HPB requested more discussion on the eligible improvements for both categories. (For complete lists, see Exhibit B.)

A. Emergency Repair Work

During the August work session, staff presented their recommendation to create an Emergency Grant Program to cover the costs of repair work that have been caused by a recent incident or natural disaster, not deferred maintenance. The grant is intended to cover up to \$5,000. The goals of this program are to follow the Mission Statement, be fiscally responsible with the investment of municipal funds, and increase the visibility of the program. Emergency Grant funds will be deducted from the total amount

of grant funds available for the biannual review for Competitive Grant Funds.

Staff presented a brief overview of the objectives for the Emergency Grant funds, which included:

- Repair work caused by a recent incident, natural disaster, or force of nature. Deferred maintenance would not be considered emergency repair work.
- Issue that the Chief Building Official (CBO) has found to be a current health/safety hazard and endangers the long-term stability or architectural integrity of the structure.
- An issue which, if not attended to immediately, could cause further damage to the historic materials and features of the structure.

The HPB requested a better definition of “Emergency”. Our current Land Management Code (LMC) provides the following:

EMERGENCY REPAIR WORK. *Work requiring prompt approval because of an imminent threat to the safety or welfare of the public or to the structure or site. The scope of the approval for emergency repair work shall only be to the extent related to stabilizing or repairing the emergency situation. Staff shall give a verbal report regarding the emergency repairs at the next Historic Preservation meeting.*

The HPB also requested a better definition for routine maintenance and staff is introducing a definition for deferred maintenance. Neither of these definitions is currently provided in the LMC.

ROUTINE MAINTENANCE. *Simple, small-scale activities made for the regular upkeep of properties, including recurring, preventative and on-going maintenance necessary to delay or prevent the failure of critical and non-critical building systems. Examples include painting, re-roofing, and upgrades of building components.*

DEFERRED MAINTENANCE. *Repair or replacement of all, or a part of, an existing property that was not repaired or replaced at the appropriate time because of lack of funds or inaction.*

HPB Discussion Requested.

Staff presented the proposed list of eligible and ineligible improvements that could be covered by the Emergency Repair Grant during the August work session. The HPB did not comment on the proposed list. These lists

have been included as Exhibit B. Staff has not made any changes since August.

HPB Discussion Requested.

B. Competitive Grant Program

1) Create a revised list of eligible improvements, including stabilization of mine structures.

Staff presented the proposed list of eligible and ineligible improvements that could be covered by the Competitive Grant during the August work session. These are attached as Exhibit B.

In August, staff explained that the stabilization of the mine structures by the Friends of the Ski Mountain Mining History and the Park City Museum would be eligible for competitive grant funds. Staff found that the priority was to incentivize repairs to historic houses and commercial buildings first, and mine structures second. As the majority of the mine sites are located outside of the Main Street and Lower Park Avenue RDAs, grants will need to be awarded from the General Fund to finance any restoration or stabilization work on the mine sites.

HPB Discussion Requested.

2) Setting biannual application deadlines.

In the Historic Grant Study report, our consultant outlines the benefits of a competitive grant cycle:

- a. It would be easier for staff to administer;
- b. It would lead to applications competing on the merits of their proposal and allow HPB and City Council to better distribute the grant funds based on need or the positive impacts of the project;
- c. Applicants in competition would be more incentivized to be responsive to City goals by identifying and delivering enhanced outcomes;
- d. It would be newsworthy and therefore give the city an opportunity to communicate on a regular basis about program goals and successes.

In August, staff explained that the grant program would be competitive and there would be a biannual review of the grant applications. Staff had analyzed peaks in the submittal of building permits. Based on this analysis, staff recommended accepting grant applications in February for review by HPB in March and City Council determination in late March/early April for the spring construction season. Staff also recommended accepting grant applications in July for review by HPB

in August and City Council determination in late August/early September for the fall construction season.

HPB Discussion Requested.

3. Identify program funding sources and levels.

A. Funding

The Historic Preservation Grant program was originally housed in the CIP and funded with the Main Street and Lower Park Avenue (LOPA) RDA funds as directed by Council and included in the RDA resolutions. The majority of historic preservation grants are awarded within these two (2) RDA boundaries. Occasionally some historic preservation grant applications have been received from property owners outside the RDAs. To provide for this, Council allocated some general fund (GF) transfer funding in the CIP for them.

Since the 2015 changes to the government accounting rules (GASB), the City can no longer fund capital improvement projects with CIP funds for projects or assets the City does not own. Historic Preservation Grants fall into this category. In order to continue the Historic Preservation Grant program, the Finance and Budget Managers moved funding for the program into the operating budget.

When the City implemented the GASB, the amount remaining in the CIP from the GF transfer was \$47,000. This was the total amount available to be drawn down or carried forward into future years (the total amount available from the GF was \$47,000). When the budget was moved to operating, that amount was entered into the operating budget as an annual amount. Meaning rather than a total of \$47,000, the program now has an annual amount of \$47,000 per year for properties in the general fund area (City limits) but not eligible for funding in an RDA.

The Grant Program budget also now includes two (2) non-departmental operating budgets for both the Main Street and Lower Park Avenue (LoPA) RDA. The direction which has been provided by City Council was that Historic Preservation Grants are a priority for the City and the RDA. As part of the FY2015 budget, Council approved funding within the LoPA RDA at \$50,000 per year and the Main Street RDA at \$30,000 per year. Any adjusted budgeted amount within the RDA would be approved as part of the year-end budget adjustment process. If the total amount of the awards (within the 3 GL codes) goes over the Council-approved allocated budget then it needs to go back to Council for approval. Normally, Budget Department staff adjusts the budget at the end of the fiscal year and provides a public hearing. The total annual budgeted amount available to the Historic District Grant Program is as follows:

Lower Park RDA*	\$50,000
Main Street RDA*	\$30,000
City Wide (General Fund)	\$47,000
<u>Total</u>	<u>\$127,000</u>

**Amount in excess of budget to be approved by Council as determined available in the Lower Park or Main Street RDAs.*

Maps of the two RDAs are available as Exhibit C.

These allocated funds are based on a one-year budget cycle; there is no rollover option. For this reason, the Historic District Grant program has become competitive as, in the past, a single grant has expended all available funds in the beginning of the year, leaving no grant funds available for projects later in the year. By creating a grading sheet, as staff proposes, and reviewing grant funds biannually, the HPB has the opportunity to distribute the funds to a greater number of projects.

Per State law, only City Council has the ability to authorize expenditures through the budget and contracting process. The City Council must review and approve the distribution of the funds. Only the City Council has the ability to increase the budget for the Historic District Grant program. Should the City Council choose to award more funds than what has been budgeted, they will need to direct staff to reexamine the budget and increased the budgeted line items. As previously noted, this will occur at the end of the fiscal year.

B. Preservation Easements

Prior to 2015, the City required a five year lien on a property that received Historic District Grant funds. If the property were sold within five years of the grant payout, the property owner was required to pay back a prorated amount of the Historic District Grant. A lien was placed on the property outlining the details of this agreement. During the 5-year period, the agreement mandated that the property owner not demolish or destroy the historic property.

More recently, and intermittently in the past, the City has required a preservation easement in exchange for the Historic District Grant funds. City staff is strongly in favor of the preservation easement as it protects the investment of public funds in perpetuity. It is not uncommon for preservation nonprofits and government agencies to require a preservation easement in exchange for funding.

What is a preservation easement?

According to the National Trust for Historic Preservation (NTHP), “An easement is a legal agreement between a property owner (the grantor) and the holder of the easement (the grantee), which governs the current and future owners’ treatment of the property.”

Easement programs enable public agencies, such as Park City Municipal Corporation, to protect buildings or land against adverse development or changes by acquiring a partial interest in the property. The easement assures a measure of protection for the historic property without burdening the City with the greater costs and responsibilities of full ownership. The historic property remains privately owned and the property owner can continue to enjoy use of the property, though there may be some restrictions to ensure the protection of the property for the benefit of the general public and future generations.

Staff has included a sample preservation easement as Exhibit D.

Benefits of Preservation Easements:

- Preservation easements and local historic preservation laws are two distinct legal tools. Whereas the easements use private legal rights of property owners to protect historic properties, local laws (or ordinances) use governmental regulatory powers. Unlike zoning, preservation easements are resistant to political pressures to weaken preservation ordinances as the easement is typically in perpetuity. As explained during the August 2018 HPB meeting, should state legislative mandates ever eradicate our local historic preservation program, the easements would ensure that the historic resources are safeguarded.
- Affirmative maintenance provisions require the historic property to be maintained in a good and sound state of repair. This is to prevent the deterioration and loss of the historic asset. The easement holder retains the right to carry out easement inspections to ensure that the property is maintained.
- Absolute prohibitions are outlined in the easement agreement in order to prevent damage or demolition of the historic asset. Park City's preservation easements prevent the property owner from demolishing, removing, or razing the structure without the permission of the City. It also prevents the owner from altering the structure's form, structurally destabilizing the structure, making material changes, and other work that significantly alters the appearance and integrity of the historic structure.
- Changes to the historic building must be approved by the City prior to the start of construction as the City is the easement holder. In the past, the City Council has approved proposed changes to those buildings that are protected by a preservation easement.
- The easement is limited to the exterior of the building. It does not protect the interior space, nor does it prevent the property owner from making repairs or constructing a new addition.
- Potential tax benefits- property owners may seek their own financial advice regarding tax implications where easements are donated or exceed the value of any in kind exchange. The City doesn't make any guarantees or representations regarding such benefits.

The NTHP provides additional information about [preservation easements](#).

Staff has compared our Historic District Grant Program to other similar programs throughout the country (Exhibit E). Overall, staff has found that many municipalities make no special requirements in exchange for the grant funds. This is in part due to the low monetary amount of the grants, funding sources, and sufficient historic district regulations to ensure the preservation of the historic building/structure. Others required a 5- or 10-year covenant or lien agreement requiring the property owner to payback a prorated portion of the grant should they not abide by the terms of the agreement or sell the property. In talking to different grant program managers, Park City is different due to the constant threat of the state legislature dismantling our historic preservation program.

Going forward:

Staff is currently developing a strategy to address the following topics, which staff will bring to the HPB to discuss during a later work session:

- **Develop a score card** to rank grant applications and determine funding for a two-tier funding approach (immediate and competitive grant programs). *Once we have consensus on the issues identified above, we can begin to develop a scorecard to evaluate and prioritize grant applications based on available funding.*
- **Improve public engagement.** *The Historic Grant Study found that many property owners are unaware of the grant program and how it functions. Staff is developing a robust plan to further promote the grant program and educate potential grant applicants on the process. Staff will present ways to improve community outreach to the HPB for discussion.*

Recommendation

Staff recommends that the Historic Preservation Board (HPB) review this staff report and provide input on the purposes of the Historic District Grant program.

Exhibits

Exhibit A — Historic Grant Study

Exhibit B — Eligible Costs for Emergency Repair and Competitive Grant Funds

Exhibit C — RDA Map

Exhibit D — Sample Preservation Easement—664 Woodside Avenue

Exhibit E — Comparison of Historic District Grant Programs

Historic Grant Study

Park City
Planning Department

2018



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Set with Galaxie Polaris.

This report was prepared by Duval Development (www.duvalcompanies.com) under the direction of Kjersti Monson.

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Foreword from the Mayor

Park City's historic architecture contributes to our sense of place while paying tribute to our industrial mining history. We have the opportunity to embrace our past through our historic preservation efforts while encouraging new architecture that is both of its time and paying tribute to our historical roots. Since 1987, the Historic District Grant program has incentivized private investment in historic preservation through a matching grant program that invests public funds to offset the often restrictive costs of restoration projects. The success of the Historic District Grant program's early efforts contributed to Old Town's transformation from a dilapidated ghost town into the thriving downtown that exists today.

Historic preservation has not only revitalized our downtown but spurred the local economy. Property values within Park City's two (2) National Register Historic Districts—the 1979 Main Street National Register Historic District and the 1984 Mining Era Residences Thematic National Register District—are some of the highest statewide. Additionally, historic preservation efforts have led to Main Street emerging as the cultural heart of our community. Small-scale commercial buildings such as the Old County Sheriff's Office at 509 Main Street have served as incubator spaces for start-ups while rehabilitation projects such as that at High West Distillery, formerly the National Garage, at 703 Park Avenue are embraced by local businesses that provide vibrancy to our local entertainment district.

Historic preservation has also contributed to City Council's goals for sustainability. For decades, the historic preservation movement has recognized that existing buildings are inherently greener when compared to demolition and new construction, particularly when considering their embodied energy and the carbon impacts generated by new construction. The Historic District Grant program encourages property owners to maintain and restore existing historic materials, reducing the demand for new milled lumber and demolition waste.

The buildings and sites that contribute to our community's historic fabric promote economic vitality, socially equity, and a strong, resilient complete community. Much of the restoration work to bring back the vibrancy of these structures is credited to the Historic District Grant program. This study is key to helping us move forward with restructuring the grant program so that it may continue to incentivize and promote historic preservation efforts in our community.

Sincerely,



Jack Thomas
Mayor
January 2014 - January 2018



Andy Beerman
Mayor
January 2018 - Present

Preface

As early as the 1970s, Park City recognized the need to safeguard its industrial mining history through historic preservation. These early efforts were initiated by local residents utilizing private investment to rehabilitate their historic miner's shacks and commercial buildings; however, by 1987, the City had established the Historic District Grant program to further incentivize preserving historic buildings through a collaborative public-private partnership. The grant program played a significant role in promoting historic preservation while also spurring investment. Park City's commitment to historic preservation has continued to prosper, and today the City has some of the highest property values in the state.

Since its creation in 1987, Park City's Historic District Grant program has been modified to continue to serve the needs of the community. Initially developed as a matching grant program to offset the costs of exterior restorations, grant requests were reviewed on an annual basis and small expenditures provided seed money for small projects. As the grant program matured and costs of construction increased, the grant program was reviewed on a "first-come, first serve" basis with grant distributions increasing to cover the costs of whole-house renovations. As grant awards increased, staff and the Historic Preservation Board began to question the effectiveness of this public-private investment.

Changes to government accounting rules (GASB) in 2014 to the Historic District Grant program led to the Park City Planning Department engaging Kjersti Monson of Duval Development, LLC in 2017. Ms. Monson has provided a detailed history of the grant program in order to aid staff and decision makers in understanding the history of the program. On November 16, 2017, Ms. Monson engaged leadership in an in-depth, robust work session with City Council and the Historic Preservation Board (HPB) to identify current priorities, conditions, and trends. The outcome of that discussion, as well as her community engagement, has served as the basis for her recommendations in this report to restructure the program going forward.

This report is intended to aid staff in considering options and priorities as we continue to revise and adapt the grant program to changing demands. Originally, the Historic District Grant program served as a catalyst to incentivizing historic preservation by helping to offset the costs of expensive exterior restorations; however, as real estate prices have increased and the trend in renovations has shifted from small-scale to larger, more intensive projects, the goals and priorities of the grant program have changed. As we move forward with restructuring the Historic District Grant program, it will be imperative that we find a way to balance these changing demands while still encouraging and promoting historic preservation in throughout the community.

Sincerely,



Bruce Erickson, AICP
Planning Director



Doug Stephens
Historic Preservation Board Chair

Acknowledgments

City Council

Andy Beerman, Mayor (2018-present)

Jack Thomas, Mayor (2014-2017)

Becca Gerber

Tim Henney

Steve Joyce

Lynn Ware Peek

Nann Worel

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Introduction

Park City has benefited culturally and economically from the community's longstanding dedication to historic preservation. The initial success in 1979 of achieving national designation for the historic Main Street district, followed by the creation of a dedicated commission in the early 1980s (the Historic District Commission, which in 2003 was restructured as the Historic Preservation Board) focused on preservation matters, led to purposeful and strategic public investments in restoration, enhancement, and interpretation.

It was the Historic District Commission (HDC) that designed and implemented the Historic District Grant (HDG) program.

the goal of incentivizing private investment through an injection of public dollars.

The overwhelming private response to the grant program over many years has resulted in hundreds of properties improved through not only investment of dollars, but through cultivation of knowledge and a culture of preservation.

Applicant property owners entered into purposeful dialogue with the City and the HDC as they explored their options and achieved compliance with guiding preservation policies. Newspaper articles highlighted and interpreted significant renovation stories, and in so doing served to celebrate the town's history.

Historic preservation has contributed to Park City's vibrant Main Street.



The character and charm of historic Main Street has contributed to Park City's appeal as a destination for both tourism and events. Economic activity has risen as a result of the community's policies and investments in preservation.

Because funds for the HDG program originated with the Redevelopment Agency (RDA) – which remained the funder for much of the life of the grant, there was an underlying framework of economic development thinking in the program's formation and administration. It was a dollar-for-dollar matching grant program designed as a public-private initiative, and was fully intentioned about

The Park City Historical Society and Museum recognized achievements in historic preservation with certificates and plaques. As more properties were renovated and became contributing properties, the downtown that was once considered "blighted" became one of the most desirable places to live in the country: a place of great character and a viable second home option for many.

The overwhelming success of Park City's historic-building investments, to which the Historic District Grant program has been a core contributor, has led to a different set of challenges and issues for the community. Policymakers are now wrestling with how to maintain affordability in housing, and how to retain local primary residents in light of the area's desirability as a second home and short term rental option.

The Historic District Grant program has been a major player in the growth and success of Park City as

a tourist destination and a valued community. The program has had a long and illustrious life, with great success over many decades, and it has evolved over time. The grant program of today is not the same as the program that was launched in 1987. Levels of funding, types of grants, and eligible expenditures have all evolved numerous times over the course of the grant program's life, and the City has sensed that the program must evolve again to adapt to new community realities and to reflect current City goals.

The purpose of this study, commissioned and overseen by the Planning Department, has been to document the grant's history, understand and contextualize the grant through the lens of current priorities and conditions as well trends through time, and to make recommendations for how to shape the grant going forward so that it can continue to contribute to both the character and the values of Park City.

History

ABOUT THE PROGRAM

In 1977, the Park City Redevelopment Agency was created with multiple goals in mind, most notably the improvement of Main Street. In 1979, as part of a burgeoning preservation movement, the City succeeded in having Main Street designated as a National Register Historic District, and city leaders envisioned enhancements to downtown that would contribute to Park City becoming a recreational and touristic destination.

Under the same leadership who sought the National Register designation, additional historic residential and historic commercial zoning was put in place by the City over the next couple of years, and historic properties were identified. In 1981, the Historic District Commission was created by ordinance and given broad powers within the historic districts, including authority over the review and approval of building permits, demolition permits, and shaping preservation policy.

HPB Packet 12.5.18

Although there was significant interest in preservation and renovation in these early years, demonstrated through formal actions of government in ordinance and policy, there were very limited resources to undertake renovation of historic properties. A headline on December 18, 1986 in the Park Record declared "Renovation is expensive, but it may be the only hope." The article laments historic properties in limbo - homes that are too run down to be rented or inhabited, yet too expensive to fix.

In their first few years, the Historic District Commission explored several ways to incentivize restoration of historic properties by owners, including a revolving loan program, a matching grant program, and a no-strings-attached grant program. In March 1987, the HDC conducted surveys to identify homeowner needs pertinent to historic renovation activities, and a month later they presented their finalized proposal for the preferred incentive program: a matching grant program for historic renovations.

The Historic District Grant program, approved that spring, was part of a proposed 3-year, \$2.5 million initiative of the RDA to improve downtown Park City, including park, street, historic property, and parking enhancements. It was initially conceived as a three-year program, but was so successful and popular that it became institutionalized. In the first year, 33 projects were funded. In the second, 40, and in the third, 47. It was designed to be simple, with a one page application once a year, and the results were immediate and dramatic, leveraging an incredible private response of over 100 projects completed in the first 5 years (by 1991) with approximately half a million public dollars invested.

This pace heated up, with 224 projects reported complete just three years later, in 1994. Over the next two decades, hundreds of projects would be completed, and more than \$2 million would be invested, transforming Park City into a quaint destination with a strong sense of place and touristic appeal.

CHANGES & ADAPTATION

The goals and criteria for the program changed over time. From 1987 to 1991, the grant was for exteriors only – intended to fund “physical improvements to the outside of the building so all residents would benefit.” In 1992, foundation and stabilization work became eligible. Wiring heating and plumbing became eligible expenditure in 1995. By 1997, critical structural and foundation work became the major focus and priority of the grant.

Funding levels and the number of grants also changed over time. The initial \$5,000 residential maximum and \$10,000 commercial maximum became \$10,000/\$15,000 respectively in 1998, and during that same year a \$50,000 grant was offered for the first time. Grant maximums by type were eventually phased out and replaced by a common pool of allocated funds distributed to eligible and approved projects on a first come first served basis. This was one of the changes implemented under new grant governance put in place in 2003.

Changing Authorities & Governance

In July 2003, a sweeping set of actions disbanded the Historic District Commission and replaced it with the Historic Preservation Board, which was given more limited authority. During this time, the City also streamlined and restructured other parts of government leading to the departure or dismissal of three department directors: community development, administrative services, and leisure services.

The HDC had become the subject of ire by many who claimed that the

Commissioners held too much power to make subjective decisions, and that their authority was unchecked. Initial indications by elected officials that the Commission would be eliminated were not well received, however, and a restructuring by ordinance was pursued instead. In the restructuring, a new body was formed with diminished authority. City staff would now take on the authority to review and approve permit applications – a power previously held by the HDC. Demolition permit decisions in historic districts were shifted to an independent hearing board. The newly formed Historic Preservation Board would retain the authority to shape city policy on preservation, and would continue to oversee the grant program.

One of the first changes made to the Historic District Grant program was to end the annual application and award cycle and replace it with year-round applications and awards, a change which remains a popular characteristic of the program today. Although the change was a welcome one for homeowners, it had the potentially unintended consequence of reducing opportunities for annual press coverage of the program.

In past years, reporters covered announcements of the upcoming deadline, informational meetings were organized in the weeks leading up to the deadline, metrics from the previous grant cycle were published (including fun facts like which street had received the most investment that year), and human interest stories were featured about very significant properties or projects renovated that year. The annual cycle also inspired events and awards, for instance the Historical Society honoring the best projects with certificates and plaques at an annual event.

Adapting to New Rules

In 2014, changes to government accounting rules (GASB) resulted in a finding that the City could no longer fund capital improvement projects with Capital Improvement Project (CIP) funds for projects or assets the City does not own. Historic District Grants constituted capital improvement projects of this type.

The Historic District Grant program was originally housed in the CIP and funded with the Main Street and Lower Park Avenue (LoPA) RDA funds as directed by Council and included in the RDA resolutions. The funding questions raised in 2014 spurred broader questions about administering the program including a review of the application process and eligibility criteria, which reflected an interest in aligning the program more closely with other City priorities and objectives.

In 2012, City Council adopted the Park City 2030 Long Range Strategic Plan, and defined a set of priorities that reflected a significant policy focus on housing, transportation, and energy. The top priority identified was affordability. Staff and elected officials observed that Park City was becoming an expensive place to live, and, in particular, the historic districts were becoming popular second home communities where locals and primary residents were at risk of being priced out.

In a conversation with Planning Director Bruce Erickson, it was evident that this trend was perceived as not only a housing challenge, but a vibrancy challenge. In addition to promoting an equitable and complete community, Erickson is focused on keeping a local influence on and around Main Street and elsewhere,

noting that chains and franchises diminish the value of Park City as a place with a unique local flavor that tourists and residents both value.

To keep local influence vibrant, it's important to make it possible for primary residents, who comprise local business owners and the workforce that supports them, to remain in Park City, owning and operating authentic local establishments and not being driven out by rising costs of housing. For many reasons, affordable housing is a major initiative of the City and a value that policymakers and staff seek to embed in public dollars expended.

The HPB was asked to review recommended changes to the program, and to provide direction regarding the application process and policy for administration of the program.

At that time, the HPB approved the following changes, which began to reflect consideration of primary versus secondary homeowners and their eligibility to receive Historic District Grants:

- Houses lived in by primary residents (those houses in which the homeowner or a renter lives in full time) can be awarded up to 50% of

Locally owned and operated businesses contribute to the vibrancy and authenticity of Main Street. It's important to support primary residents in Park City.



Main Street is home to many unique local businesses and establishments. A sense of authenticity and local flavor is generated as a result of local influence and investment.

Recommended Changes Approved

Issues directly and tangentially pertinent to an update of the Historic District Grant program were fleshed out by staff with leadership at a Council working session on October 9, 2014. In a staff report to City Council, a recommendation was made for Council to review and adopt a new policy for the administration of the Historic District Grant program. Staff brought the matter to the Historic Preservation Board on November 5, 2014.

their eligible costs, while homes which are to be used as secondary homes or nightly rentals (i.e. not lived in by the primary residents) can be awarded up to 40% of eligible costs.

- Commercial properties continue to be eligible for up to 50% of construction costs regardless of ownership.
- An additional 10% may be awarded to those property owners committed to renovating a significant structure to elevate its status to *landmark*.

2.0 History

Staff sought and received a positive recommendation from the HPB to City Council on the proposed changes, and on December 4, 2014, staff recommended to City Council that they review recommended changes and adopt a policy for administration of the program.

In January 2015, staff submitted a report to City Council consistent with this recommendation, and Council supported staff recommendations. Throughout 2015-2016, staff considered ways to adjust the program in light of the funding question and adopted City priorities. On January 5, 2017, the following staff report was made to City Council:

"Since 1987, the Historic District Grant program has operated continuously with the support of City Council and the Historic Preservation Board (HPB). The Historic Preservation Grant program was originally housed in the Capital Improvement Project (CIP) and funded with the Main Street and Lower Park

Avenue (LoPA) RDA funds as directed by Council and included in the RDA resolutions.

With changes to the government accounting rules (GASB) in 2014, the City can no longer fund capital improvement projects with CIP funds for projects or assets the City does not own such as properties awarded grants through the Historic District Grant program. In 2015, staff revised the Historic District Grant program in order to reflect changes to the GASB.

Due to the concerns and feedback we received from the Historic Preservation Board (HPB) in early 2015-2016, staff has been analyzing ways in which to restructure the grant program."

The Planning Department engaged Duval to document the grant's history, understand and contextualize the grant through the lens of current priorities and conditions as well trends through time, and to make recommendations for how to shape

the grant going forward so that it can continue to contribute to both the character and the values of Park City. This report is the outcome of that engagement, and is intended to inform staff and policymakers as they consider options and make decisions about the grant program in its next iteration.

Analysis

An analysis of history and trends was necessary to inform the process of defining the next iteration of the Historic District Grant program. Considerations included Park City land value trends, a study of buying power of grant dollars over time based on costs of construction, ownership trends, economic impacts, and City values and priorities.

preservation, and the grant's performance over time. A summary of findings follows.

Based on sample data, Park City property values have risen more and at a faster rate in historic districts than in the city generally. 1990 data was too incomplete to analyze, but the trend of a widening gap is legible in an analysis of data from 2000-16..

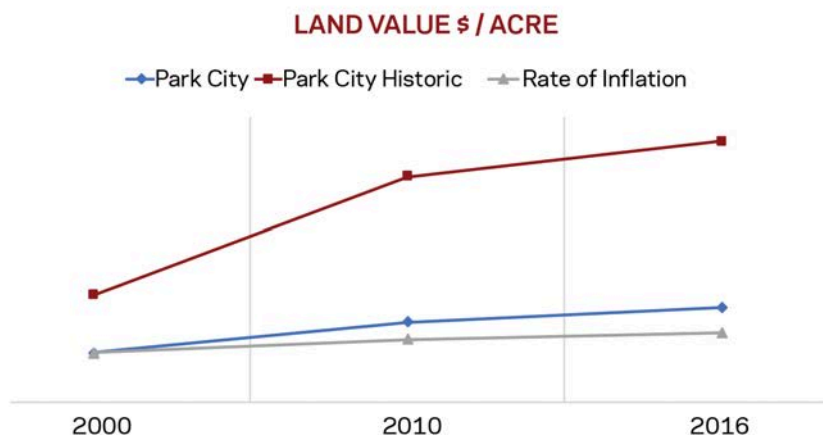
SOURCES & METHODS

For this study, decades of parcel data from multiple sources was utilized, including Summit County, the City of Park City, and the US Census. Additional non-parcel data sources include the ENR Construction Cost Index, City staff reports, adopted plans and policies, and news archives (Park City Record) spanning 1979-2004. Finally, direct engagement

The City completed a housing assessment and plan in 2012 aimed at addressing growing challenges of affordability, and these issues have been raised by both City staff and stakeholders as an important consideration in determining how to shape and administer the grant.

Park City's investments in historic preservation, as well as the success

Property values in Park City have risen faster than inflation, especially in historic districts.



A random sample of parcels was analyzed, showing the value of land per acre over a sixteen year period in Park City. Values in historic districts were greater and rose faster than the city-wide average.

was undertaken, including stakeholder interviews, a facilitated workshop with leadership and a technical advisory meeting with staff.

the city has seen as a ski and resort destination, have created lasting value and appeal, which brings both benefits and costs.

FINDINGS & OBSERVATIONS

Our analysis has considered property values, income, ownership trends, economic impact of historic

Because land value in Park City has outpaced the rate of inflation over decades, and land value in historic districts has risen at an even greater rate than Citywide, affordability and

3.0 Analysis

equity concerns have now become a focus of policymaker attention.

Wealthy Households a Large Share of Total

Park City's median household income in 2015 was \$105,102, which is almost twice the US median income of \$53,889. It also exceeds the median income in the state of Utah (\$60,727) and Summit County (\$91,773). The median household income in Park City grew from \$90,567 in 2000 to \$1,050,102 in 2015, outpacing inflation by over 15%, while the US median household income shrank over that same period from \$79,542 in 2000 to \$53,889 in 2015.

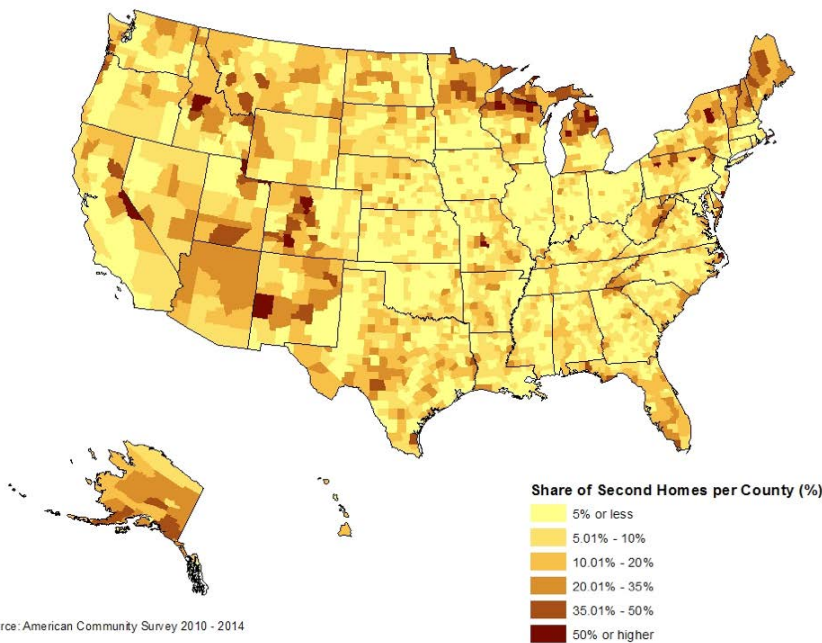
Households with income over \$200,000 per year comprise over 25% of households in Park City; by comparison, households earning over \$200,000 per year make up just over 5% of all households in the U.S.

Affordability of housing is a major concern of Park City leadership, who commissioned a housing study in 2010 and have since taken steps to make the issue a policy priority. Deeper consideration of this issue is beyond the purview of this report, but it is included as an observation due to the interest of some stakeholders in addressing affordability goals in the expenditure of public dollars, including grant dollars.

Secondary Homeownership is a Factor

The National Association of Home Builders (NAHB) estimated from American Community Survey data that in 2014, the share of second homes among the entire U.S. housing stock was 5.6% . For those areas with robust second home markets like Summit County, there are pros and cons to having a much higher rate of non-primary owners. In a 2011 analysis , the Summit County

Percent of Housing Stock Allocated to Second Homes



More than half of residences in Summit County are second homes.

With access to scenic beauty, skiing and recreation, Summit County has become a popular second home market.

Assessor found that more than half the homes in the County were in non-primary ownership. This places Summit County in company with other major second home markets, though still not breaking into the range of the top ten counties which range from 62% (Dukes County, Massachusetts) to nearly 80% (Hamilton County, NY) second homes.

According to the Assessor, the tax benefits garnered by the presence of second home owners are desirable, but are countered for some by a sense of diminishing community cohesion.

Two themes pertinent to second home ownership rates have been specifically identified through outreach and engagement. One is about maintaining housing affordability so that Park City remains a complete community with a strong sense of local identity. The other is about ensuring that the City retains its authenticity and unique character through the viability of locally owned and operated businesses. If the owners of these vibrant establishments can no longer afford to be a resident of Park City, they could be lost and replaced by establishments with less interest in reflecting local identity.

These issues are a consideration of the Historic District Grant program design inasmuch as the City and the Historic Preservation Board have directed that ownership type should inform levels of eligibility for grant support.

Historic Preservation has Economic Impact

PlaceEconomics, with the University of Pennsylvania, prepared a study for the Advisory Council on Historic



Authentic locally owned businesses are an important part of Park City's character and identity.

Preservation (AHCP) in 2011 (updated in 2013) called Measuring Economic Impacts of Historic Preservation. The study proposes a number of metrics for use in placing economic value on historic preservation, including:

- Jobs / Household Income
- Property Values
- History/Culture Tourism
- Environmental Measurements
- Downtown Revitalization

The study outlines the definition and purpose of such metrics, as well as potential methods of analysis. Detailed work on the subject of economic impact is beyond the scope of this study, and yet the economic impact of historic preservation has been a substantial part of Park City's story and is important to observe in this context.

Metrics are a Valuable Tool

Leadership may wish to pursue the development of metrics for Park City to guide future policy and to test several hypotheses that can be made based on a more casual analysis of the facts:

- Jobs have grown along with businesses, events, and resorts in Park City, and the City's investment in historic resources like Main Street has contributed to that.
- Property values have grown in part due to historic investments, with values in historic districts above the City average.
- Tourism has boomed in Park City; natural resources and character-building historic resources are both major contributors to Park City's appeal as a destination.
- Restoration of older properties contributes to sustainability with building efficiency and compact development benefits. Metrics for environmental/historic preservation outcomes could be developed.
- Downtown revitalization was the original purpose that drove the RDA and HDC to pursue public investments in both infrastructure and historic preservation in the 1980s. That trajectory has transformed historic Park City and created economic value.

Buying Power Outpaced the Cost of Construction

The average cost of construction nationally, according to the ENR Construction Cost Index (CCI), has risen by 2.37 times from the time of the grant’s launch in 1987 to the current day, meaning in short that it has become more expensive to build things. In 1987, the CCI was \$4,406 and by 2016 the CCI had risen to \$10,443.

Many stakeholders who were interviewed during the engagement process identified *rising construction costs* as a reason for the diminished perceived relevance of the grant program. However, the rise in construction costs over time was matched and exceeded by a more significant rise in the buying power made possible by the rising value of grant awards over time.

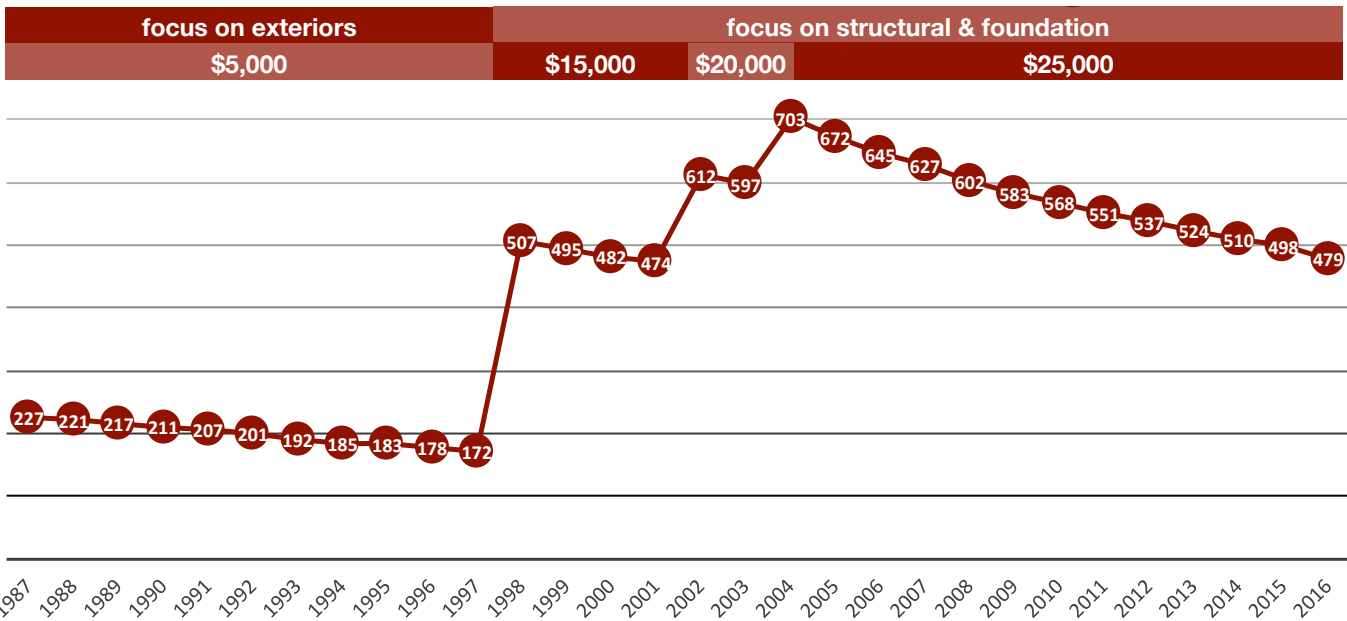
An analysis was conducted of historical data for the grant program and the “buying power” it has provided. Grant awards were logged over time based on City data and newspaper records. The maximum allowable grant value for each year was recorded, and that was converted to “buying power” for that year using the ENR Construction Cost Index data for the same year.

It’s clear that each grant dollar can buy a certain amount of materials and labor in a given year. What was less clear prior to the analysis was whether the grant’s buying power had diminished over time due to construction costs.

The data demonstrates that the buying power of the maximum grant declined over the first decade, but then rose at a higher rate than construction costs due to grant

Rising construction costs were matched and exceeded by the rising value of grant awards.

BUYING POWER OF THE RESIDENTIAL GRANT



“Buying power” is a unit of labor hours + materials that the maximum grant in a given year could buy based on the ENR Construction Cost Index for that year. The chart shows, for instance, that from 1987 to 1997, the buying power of a \$5,000 grant steadily decreased, but when the maximum award grew to \$15,000 in 1998, buying power was more than double what it was in the initial year of the grant.

Average grant size has risen slightly over time.

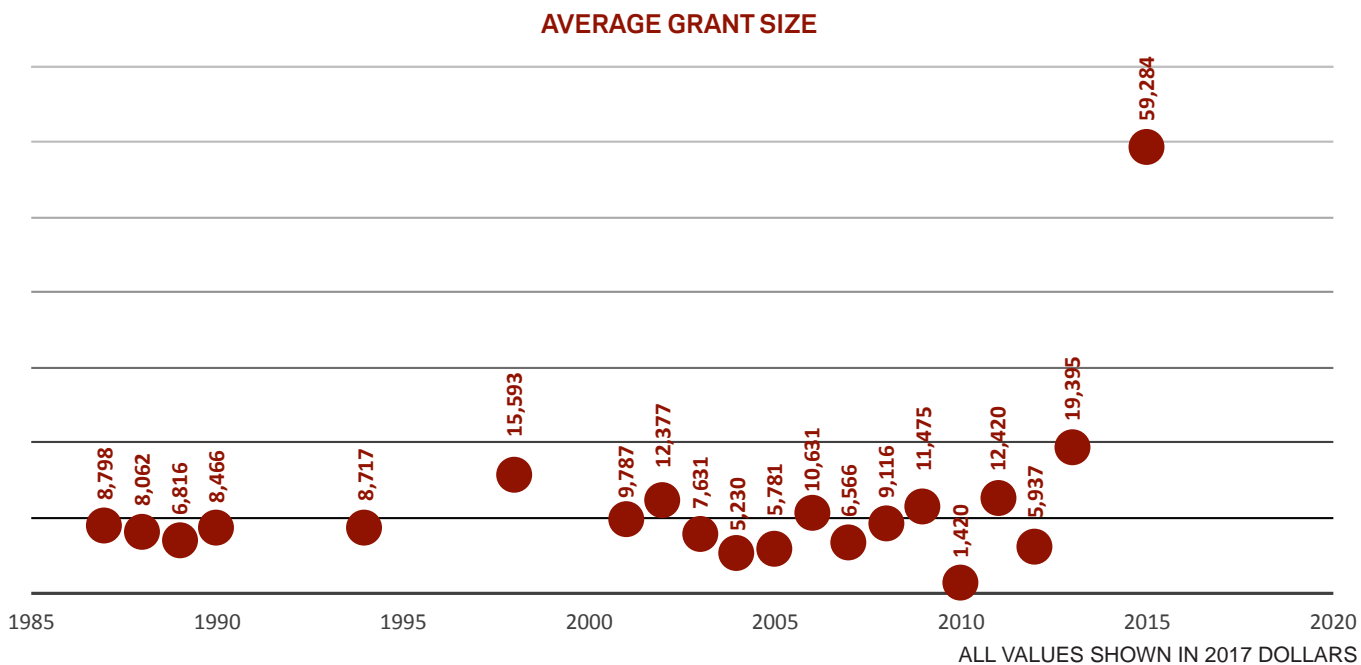
awards becoming larger over time. For approximately the first decade of the grant's life, residential awards were capped at \$5,000 and commercial at \$10,000. Both residential and commercial caps were raised to \$15,000 in 1988, then raised again in the early 2000s to \$20,000. The current maximum award that the HPB can approve is \$25,000, though larger awards can be given with approval of Council. The buying power generated by these "raises" over time have enabled residents to buy more labor hours and materials in the latter life of the grant than they could in the early years - even accounting for the rising cost of construction. These findings are inconsistent with the prevailing assumption that the grant had more buying power in its early years. It would be more accurate to say that there were a larger number of grants

awarded in the early years, and that the impact of the grant to numerous properties was more widely known and publicized.

Average Grant Value Rose Slightly Over Time

The average grant size is the total dollars awarded for a given year divided by the number of grants awarded, adjusted to 2017 dollars. For those years between 1987 and 2016 where data was available about both the *total annual grant dollars awarded* and the *total number of grants awarded*, an average grant size was discernible.

Because early years are characterized by large numbers of grants whereas later years have few total grants, there is more deviation from year to year in later years.



Average grant size was analyzed for all years where the total value of grant money awarded and the total number of grants awarded were both known. It is shown here with all values adjusted to 2017 dollars. There is more deviation in recent years due to far fewer grants being awarded, and there is a significant outlier in 2015 when a single large grant was awarded.

Number of Grants Dropped in 2003

In 2003, significant structural program changes to governance and administration occurred which may have, with other factors such as the 2002 Winter Olympics, dampened the number of applicants to the grant.

First, the governing body was restructured: the Historic District Commission was dissolved due to perceptions of overreaching authority, and replaced by the Historic Preservation Board. Second, the grant ceased to be administered as an annual competitive process and became a year-round application.

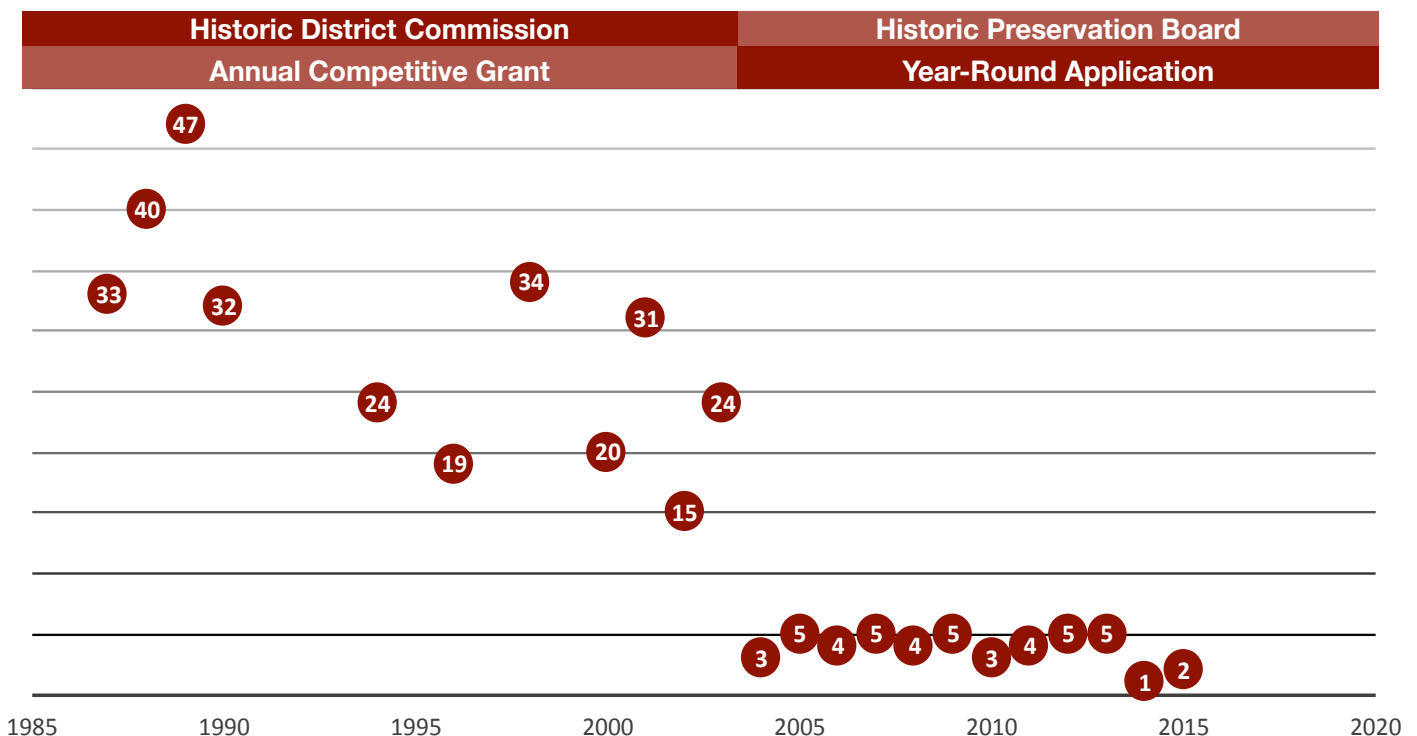
After 2003, it appears the grant became less visible to the community. The pre-2003 program had, by virtue of the nature of a competitive award, driven a community information and news cycle. Informational meetings would take place leading

up to the deadline; detailed human interest stories would take place about projects and results from the last year's awards; and the newspaper would publicize the list of winning properties along with some analysis such as which streets garnered the most investment. All of these touchpoints provided fertile ground for community dialogue and preservation awareness.

Historically, the grant has leveraged significant private investment in hundreds of properties within the historic districts, and through regular coverage in the newspaper, it has raised the public consciousness about the value of the community's history, resulting in a growing sense of common purpose and commitment to invest. The grant has raised the perceived appeal of historic districts and their desirability for additional private investments, including business, tourism, and programming investments.

The Historic District Commission administered an annual competitive grant program until 2003. Thereafter, the Historic Preservation Board and City of Park City have supported year-round applications.

TOTAL NUMBER OF GRANTS AWARDED ANNUALLY



The number of grants awarded annually dropped in 2003 and remained low. Also in 2003, which is also the year that two significant changes in grant administration occurred: the restructuring of the governing board and the shift from an annual competitive cycle to year-round applications.



Engagement

STAKEHOLDER ENGAGEMENT

Interviews with Program Users

Assessment of Grant Program Through User Experience Interviews

A selected group of users were contacted and interviewed about their direct experience with the program.

One of the most useful sources of information for any study is community engagement. For this study, valuable insights were drawn from stakeholder interview subjects, “goals workshop” participants, and technical advisors. A summary of engagement outcomes follows.

STAKEHOLDER INTERVIEWS

Eleven stakeholders were contacted for interviews about the Historic District Grant program, resulting in 7 interviews being conducted over two weeks in March 2017. Interview subjects represented differing expert or firsthand perspectives on the program, and included grant recipients, an architect, representatives of stakeholder organizations such as the Chamber of Commerce, the Park City Historical Society & Museum, and the oversight body, the Historic Preservation Board.

Interview Questions

Interviewees were asked the following seven questions:

1. What is your personal experience with the Historic District Grant program?
2. Do you and your peers have a generally held perspective on the Historic District Grant program? If you were to take the temperature of peers on preservation matters, and specifically grants to properties for restoration, what would the general feeling be? Is it your opinion that the general view of you and your peers is shared by most people?
3. Have you experienced a process with the Historic Preservation Board? What are your thoughts about the role of the HPB?
4. What do you think is necessary for the City to understand in crafting revisions to the Historic District Grant program? What's most important and successful about the program and its goals, and what may need another look?
5. What criteria do you think are most important to include in evaluating the eligibility of an applicant?
6. Are there any difficulties to be aware of? Are there any ways that you feel the program has been mis-used in the past?
7. Can you share a success story about the grant?

SUMMARY OF STAKEHOLDER OBSERVATIONS

In answering each of the questions posed, common themes were touched on among interviewees. Themes included an assessment of the program's value, comments on the process, and ways that the program could be improved. A summary of "interview takeaways" on these broad themes follows.

Perceived Value of the Historic District Grant Program

- The program is valued by those that have used it – however, most people don't really know very much about the program.
- On the commercial side, property owners are one step removed from the issue. Business owners have a stake in the character of Main Street, but they are renting – the property owners are one step removed.
- Preservation is a commonly held value, but issues like affordability and transportation are potentially more pressing topics today.

Success of the Historic District Grant Program

- It was very successful 20 years ago when it supported local people trying to invest in the community and build their own equity as residents. Created a sense of personal pride and investment.
- It is still useful, but due to rising construction costs, it's not as much of a carrot as it used to be.
- It is still useful, but due to rising home values and changing demographics (rising numbers of millionaire second home owners in Old Town), the grant is not serving the purpose it once did.
- It contributes to historic character, which is very important to people. Historic home tours and historic home dinners are very popular.
- Preservation contributes to sustained stable property values and economic value for tourism.
- One inadvertent negative outcome of the improved historic district is that locals get pushed out due to high property values and nightly rentals.

Ease and Value of Participating in the Program

- Homeowner interviewees who had participated directly in the program thought it was worth it, and stated that it was not an unreasonable process to go through for their project.
- It was observed that many property owners of historic properties would view the grant amount as inconsequential, and could take it or leave it.
- Many people either don't know about the program or don't bother to apply because of the sense that it will be a lot of work.
- Professionals who had some history with the program cautioned about avoiding leaving room for subjective decision-making by governing entities.
- It is perceived as a benefit to homeowners that grants are awarded as reimbursement at the end of the process, since there are often unanticipated costs along the way.

SUMMARY OF STAKEHOLDER RECOMMENDED IMPROVEMENTS

Interviewees provided detailed recommendations about program goals, grant award amount, criteria/eligibility, and administration. Their detailed comments follow.

Definition of Goals

- Restate the goals of the program in a way that's relevant to today. There is a perception that the people who own historic properties are well off and don't need grant assistance.
- The original goal was to support Park City residents and to restore homes in need of work that otherwise would not be restored. There is general agreement among interviewees that this dynamic has changed along with the demographics and property values in Old Town.
- Enhance and sustain Old Town in a way that contributes to the city's economy, increasing tourism and economic value.
- Ensure that Old Town retains its character by preserving historic structures, and offering interpretive opportunities.
- Focus the dollars on incentivizing higher levels of quality than are required by minimum compliance, for instance, incentivizing premium wood windows rather than standard, by making windows a grant eligible improvement.
- Using the defined goals, make a clear framework for decision-making by City staff, the HPB, and users.
- Clearly stated goals and criteria should be defined to manage homeowner expectations and avoid the perception of subjective decision-making.
- A point system should be developed.
- Staff and commissioners should be trained.

Size of Grant

- There is a common perception that the grants are small and inconsequential to historic property owners. There was consideration of making grant awards larger, reflecting today's real costs and home values.
- Typical grant amounts currently available will not get any project over the "but for" hurdle. Most people doing these projects today are not going to be swayed by a \$10,000 grant. One respondent suggested that \$40-\$50,000 would be a meaningful grant level.
- The grant is valued by homeowners doing smaller projects like roof work, or those doing the work themselves who are less impacted by rising costs of construction.
- It was suggested that a case could be made for increased public investment by measuring the amount of private investment that has been spurred by public dollars.
- There was consideration of making the grant "smarter" to be more of an incentive to achieving specific "above-minimum requirements outcomes."
- Doing things above minimum requirements costs more for homeowners, and having an incentive to do so would drive higher quality outcomes.

Criteria

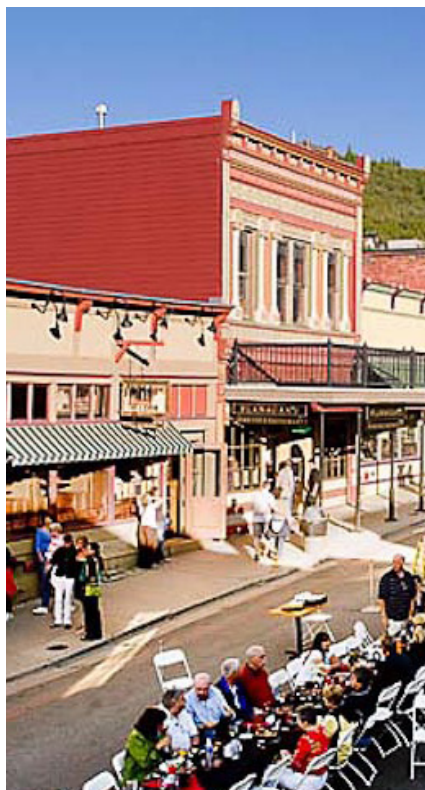
- There is a general sense among interviewees that awarding grants to those who do not need public assistance to make their renovation feasible is not ideal, but there is little consensus about how to address the issue.
- Some interviewees felt that although there may be a perception issue, the grant is not a social program and the real goal is to save and improve historic stock – so who owns the property is a secondary issue that should not drive criteria.
- Other interviewees felt differently, and discussed the possibility of means testing as criteria for eligibility. Some observed that the grant is simply a non-issue in the calculus of a second home buyer who is planning a million-dollar renovation, so perhaps trying to “tune” the grant based on this factor isn’t going to be impactful.



HPB Packet 12.5.18

Eligibility

- The City could identify homes that remain to be restored, assess the kind of work they need, and seek to understand why owners are choosing not to do the work. This may help to define criteria, and to design the grant to assist.
- Staff seek clear criteria for eligible types of work. Should the focus be on work that contributes to saving a building like foundation, structural, or roofing? Or the opposite: work that incentivizes above-minimum standard details, like windows and trim? Should tear-downs that are reconstructed be eligible?
- Should the grant privilege primary over secondary owners? Or focus on property restoration, with no preference for characteristics of ownership? It was observed that a lot of locals are moving out of Old Town, and that the community has changed in ways that the grant will not reverse.



Administration

- Interviewees encourage the City to make sure resources are available year-round.
- Include as much staff-level decision-making about eligibility and so on as possible to avoid uncertainty going in to the Historic Preservation Board process.
- Establish clear, specific language defining what decisions need to be made by the HPB (and conversely, what is not the purview of the HPB, including design), and establish an objective path to making decisions.
- Provide training to HPB members on their specific authorities, and on the Park City Historic District Guidelines that they are to apply to their decisions; also, ensure that there is common understanding by Board members of the fact that the National Park Service guidelines are different, more stringent, and not required.

Park City residents with direct experience of the grant program were interviewed and provided detailed feedback.

STAFF ENGAGEMENT

Technical Advisory Meetings

Issues Identification with Staff and Technical Experts

Two technical advisory meetings were held with staff, with one focused on funding and one focused on administration. Expert staff were engaged with detailed questions that emerged out of research and stakeholder engagement. Staff contributed their insights and observations about the grant program.

The following issues, which should inform the design of the next iteration of the Historic District Grant Program, were identified.

ISSUE 1: Funding Sources and Dynamics

The grant funding source has shifted from capital to operating dollars, so rollover is no longer an option. Budgets are on a one-year cycle, and unexpended funds cannot be retained for use in the next budget year. This presents a challenge because the time between the grant being awarded and the funds being dispersed is more than one year. The result is uncertainty and risk with regard to how many grants are outstanding at any given time, and when payments will come due.

Because the program allocation is a set amount, which does not change from year to year based on, for instance, projected distributions; and because no rollover is possible; and because funds are not pooled but split into three buckets tied to specific geographies; and because a single grant can be a fairly substantial chunk of allocated funds for an eligible area; it is hypothetically possible that all funds could be expended in one area very early in a given year, with other grants coming due and no resources to pay them. This uncertainty is currently being managed by staff, but additional steps could be considered to mitigate the risk. Factors to consider in administering the grant include:

- The grant funding source is operations, not capital
- There is no rollover
- The period between award and distribution is likely 2 years
- Grant sizes are growing
- The total program allocation is currently split between three buckets

It is additionally relevant to note that the Main Street RDA will expire in four years. Staff is aware of this and will work with policymakers on an extension. They are already anticipating what needs to be done to anticipate and manage grants that will be coming due during a period of potential uncertainty.

ISSUE 2: Alignment with City Goals

The mission and principles guiding the grant should be aligned with city goals and values. For instance: How could the grant encourage consideration of affordability? Could assistance with the cost of renovation help some owners to preserve naturally occurring affordable housing by mitigating the need for debt service on loans that could drive rents up?

Projects with the potential or intention to contribute to city goals through enhanced outcomes could be identified in the following ways:

- at Design Review;
- through a checklist on the application; and,
- with a scoring system that rewards required elements as well as including the opportunity to earn bonus points for “bid enhancement”

ISSUE 3: Competitive Grant Cycle

Staff and technical advisors endorsed the notion of a regular schedule of application deadlines throughout the year that would introduce merits and competition to the selection. Multiple deadlines per year would be necessary considering the fluidity of project starts.

A regular cycle of deadlines and decisions would have multiple benefits. (1) It would be easier for staff to administer; (2) it would lead to applications competing on the merits; (3) applicants in competition would be more incentivized to be responsive to City goals by identifying and delivering enhanced outcomes; (4) it would be newsworthy and therefore give the city an opportunity to communicate on a regular basis about program goals and successes. This kind of communication can build a sense of community through greater awareness of the town’s historic places and assets.

ISSUE 4: Grant Administration

Staff expressed concern that current eligibility requirements may not provide sufficiently specific tools to ensure that grant dollars are not inadvertently subsidizing projects that don’t need assistance or would happen anyway as a matter of course with existing regulations. Staff and policymakers want to ensure that funds are used wisely, in a targeted fashion, to implement City goals. This will require a more robust framework governing eligibility and requirements.

Options that were suggested to ensure successful administration of funds include the creation of specific criteria that lead to more targeted grants, potential means testing, scoring for enhancements, and even adopting the practice of promoting and implementing an “investment target” for each grant cycle.

Technical advisory meetings informed the study and recommendations. City staff identified issues and provided insight into grant funding and administration.



Park City staff provided technical, budgetary, and administrative insights.

LEADERSHIP ENGAGEMENT

Elected Officials & Historic Preservation Board

Mission, Values and Goals Workshop with Leadership

An engagement workshop was held with the Mayor, City Council, and Historic Preservation Board, which oversees the grant program. Leadership was engaged with questions intended to shape the mission and values for the future of the grant program.

On November 16, 2017, Park City planning staff and their consultant conducted an engagement workshop with the Historic Preservation Board and Mayor at the Council's regular meeting. After a presentation summarizing the grant's history, takeaways from stakeholder outreach, and draft recommendations for the next iteration of the grant program, the Board and Mayor participated in an interactive discussion focused on three topics: Mission and Values; Outcomes; and, Principles and Criteria for the grant. The meeting was noticed, and was open to the public, and the presentation and engagement exercise were recorded.

Participants' comments were noted by scribes on large notepads. Also, participants filled out and submitted worksheets, which were scanned and saved. The following fill-in-the-blank statements were the basis of discussion.

Engagement Statements

Participants discussed Mission, Values, Outcomes, and Principles/Criteria for the grant. They considered these fill-in-the-blank statements:

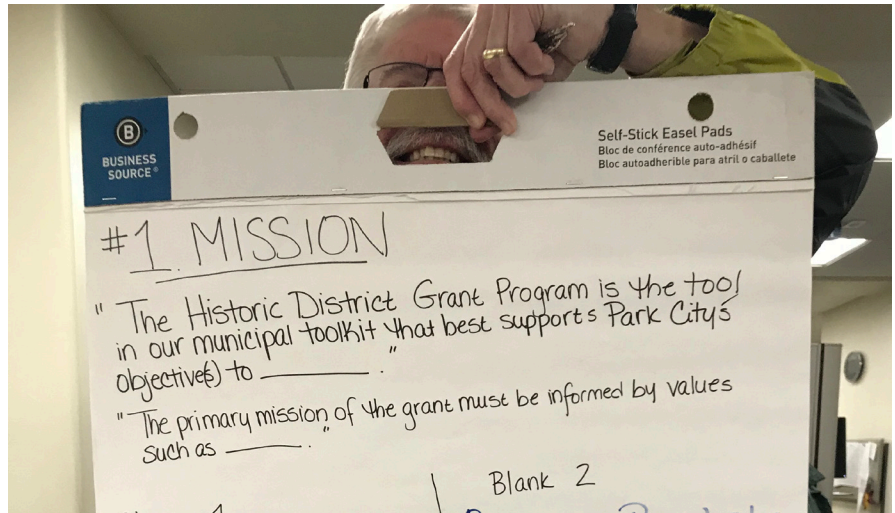
- "The Historic District Grant program is the tool in our municipal toolkit that best supports Park City's objective(s) to ____." (Mission & Values)
- "The primary mission of the grant must be informed by values such as ____." (Mission & Values)
- "The primary outcome of the grant should be ____." (Outcomes)
- "Pursuing enhanced outcomes for the Historic District Grant program does/does not make sense because ____." (Outcomes)
- "This grant could help Park City meet these additional goals: ____." (Outcomes)
- "Determinations for applicant eligibility should include consideration of ____." (Principles & Criteria)
- "The best way to make sure that we are targeting investment in areas consistent with our mission is to apply criteria such as ____." (Principles & Criteria)

Elected and Board leadership participated in an interactive working session focused on the mission, values, and desired outcomes for the grant program.



Engagement of leadership occurred in a regular Historic District Preservation meeting in Council Chambers. It was a noticed public meeting.

Workshop participants were given prompting statements to spur discussion about mission, values, and criteria for the next iteration of the grant program.



Park City Historic Preservation Board members and elected leadership participated in a facilitated discussion focused on mission, values, principles and criteria for the future of the grant program. Participants provided observations rooted in current policy focus areas and adopted City goals and objectives.

High Level Takeaways from Leadership Engagement

- The **mission** of the grant program should be to tell Park City's story, promote community knowledge and engagement, and make a meaningful difference.
- The **values** that should inform the next iteration of this grant program include our commitment to an affordable, complete community, responsible and impactful stewardship of public dollars, and an authentic sense of place.
- The most important **outcomes** of the grant are (1) to make the story of Park City visible and present, through all the town's periods of significance; and (2) to make a proactive and positive difference in the lives of our residents and businesses. Ideally, the grant should be applied to projects or outcomes that may not happen but for the investment.
- In addition to primary outcomes, the grant should seek to reward applications with the potential for achieving **enhanced outcomes**, including those that build community identity by contributing to a greater awareness of history; contribute to affordability and social equity; and support a quality Main Street.
- Applicant **criteria** should include a preference for full-time residents of Park City. The grant should also consider ways to target investment through project criteria supporting authentic mass, form and scale; and above minimum compliance in material selection and details.

Detailed Comments from Leadership Engagement: **MISSION >>****The grant should contribute to telling the story of Park City.**

- Preserve historic character, neighborhood character, and historic building stock.
- Save historic structures from neglect
- Tell the story of buildings, and the people who lived in them.
- Build knowledge in the community about the town and its history.

Promote community knowledge and engagement.

- Get the community involved and engaged through greater awareness.
- Don't just regulate. Encourage qualitative outcomes.
- Instead of focusing on regulation and minimum compliance, focus on encouraging better restoration.

Use public dollars responsibly. Make a difference.

- Define how and where the grant can make a difference.
- The City has changed since the grant was introduced in the 80s. This grant level is not a difference-maker to investor-owners. Residents for whom it is significant are fewer now.
- Where can this grant play a role in today's environment?
 - o Public buildings
 - o Distressed properties
 - o Roof repairs and smaller repairs
 - o Large remodels
 - o Historic Mine structures

Detailed Comments from Leadership Engagement: **VALUES >>****We want a complete community, with permanent residents, locally owned businesses, and affordability.**

- We want residents permanently living in these houses.
- Support local people; they are the ones who own and operate authentic local businesses.
- Support residents who want to preserve their family homes.
- Support residents who want to stay in town.

We want to target the grant dollars where they can make a difference.

- *Impact Investing:* The grant should make a difference in large project feasibility, even if it's just one project per year (impact investing rather than "spreading peanut butter"). Make sure we can respond to those big opportunities.
- *Incentivize Better Outcomes:* Inspire more authentic restoration by incentivizing recipients to exceed minimum standards for windows, corner boards, roof details, scale, and materials.

We want the physical environment of our community to tell our story, and to feel authentic.

- The grant should support telling our story, and should take an interest in mining structures, as well as family and community history.
- The grant should contribute to our community's authenticity.

In the discussion of outcomes, leadership focused on two key objectives:

(1) To make the story of Park City visible and present, through all the town's periods of significance.

(2) To make a proactive and positive difference in the lives of our residents and businesses.

Detailed Comments from Leadership Engagement: **OUTCOMES >>**

We want to make our community's story visible.

- Contribute to the story of Park City with restoration that reflects the town's unique story.
- Reveal the Mining legacy: We can tell a 150-year history, unlike many mountain resort towns. That's a differentiating feature.
- Tell the whole story; ensure we're revealing all of the periods of significance
- Enhance Main Street.

We want our investment to matter.

- Don't throw money at something that doesn't move the needle.
- We can make a difference on mining legacy.
- We can make a difference with targeted big investment.
- We can move the needle on details and quality exceeding minimum standards..

The grant should fully support our values.

- Outcomes should fully support the values identified through discussion and outlined above.

We want to take care of our community and be proactive.

- Owners of distressed homes should be made aware of the opportunity for assistance (homes needing new roofs, structural work, stairs, and so on). Social equity and residents in need should be a consideration.
- Commercial buildings and businesses that contribute to telling Park City's story should be proactively approached. Support businesses and properties (for instance on Main Street) through facade improvement grants to assist with visual narrative.

Build a sense of community by expanding historical awareness and recognizing good people doing good things.

- Create awareness of town, district, neighborhood, and street narrative and history.
- Recognize and acknowledge people doing great things. People take a lot of pride in their homes - make sure we're telling their stories (newspaper, awards and recognition) and celebrating the work they're doing to contribute to the town.

Contribute to affordability and equity, and be inclusive.

- Find ways for the grant to contribute to social equity.
- Ensure that the grant contributes to preservation being understood as an activity that is not just for the wealthy - it should be inclusive.

Leadership seeks to keep the grant true to its core mission of preservation, while making it responsive to new City goals and priorities.

"We need to tell Park City's story."
"We need to take care of our community."
"We shouldn't throw money at something that doesn't move the needle."



PHOTO COURTESY OF PARK CITY MUSEUM & HISTORICAL SOCIETY

Unlike many destination communities, Park City has an engaging history that stretches back hundreds of years. The community's history as a silver mining town is an important part of the town's, and its residents, identity.

Detailed Comments from Leadership Engagement: **PRINCIPLES & CRITERIA>>**

Applicant eligibility criteria should support our goals and values.

- Ownership type. Participants all agreed that preference should be given to full-time residents.
- There was discussion but not affirmation of applying means testing to ensure that grant dollars are awarded to applicants in need of assistance.

We should target our investment.

- Our public investment should contribute to the authenticity of mass, form, and scale.
- We should seek above minimum compliance in material selection, details and form.

We should use the grant for its core purpose.

- Consensus about supporting the core mission of restoration and preservation, and "telling Park City's story," was strong.
- There was not consensus about using the grant program to influence trends having little to do with preservation, such as nightly rentals.



Observations

Summary of Observations from Analysis and Engagement

A number of high level observations were derived from a review of the grant's history (as documented in news archives), trends discernible in an analysis of City and County data, and themes identified through outreach and engagement with staff and stakeholders.

1) The primary objective of the grant is the restoration of historic property.

The grant should focus first and foremost on what it was designed for: restoration of historic properties; but because there is a strong desire for all public dollars spent to contribute to adopted City Council Priorities and Goals, the application process could incorporate other values through the use of "bid enhancement goals.

- a) Preserve the stock
- b) Support permanent residents
- c) Support transient residents
- d) Consider other enhancement goals

2) The grant program is a public investment that should continue.

The grant is perceived as valuable by those who have participated in the program, and should continue to be made available. However:

3) Public awareness of the grant should be expanded.

There is very low awareness of the grant compared to what is evidenced in the early years; note that the grant became much less visible (both as a news item and in terms of the number of awards given) after the restructuring in 2003 when the HDC was disbanded. Strategies such as hosting public information sessions, soliciting news coverage to report on metrics or highlight subject properties and owners, and giving awards, could be re-introduced.

4) Year-round applications & awards are desirable.

The grant shifted from being a once-per-year application and award program to being open to applications year-round in 2003. Consensus is that it should continue to be available year-round.

5) The buying power of grant dollars has not diminished over time.

The buying power of the maximum residential award today exceeds the buying power of the maximum residential award in the first decade of the grant's life, calling into question the prevailing assumption that more funds are needed per grantee to make the grant relevant.

6) The grant can be designed to encourage better-than-minimum compliance outcomes.

The grant is not perceived to meet the "but for" test for most renovations today. It will not be a significant factor for homeowners in deciding whether a renovation happens or doesn't happen, but depending on the design of the program, it could influence the standards by which certain design and construction decisions in the renovation are made (such as choosing details and finishes that are higher quality than minimum standards require).



The community values its visual character, and seeks to tell a story about identity and history through preservation.

7) Applicants desire clarity on fundamentals.

There is a perceived need for more clarity during the process, especially on these matters:

- a)** Available Funding at Any Given Time
- b)** Detailed Criteria for Approval by the HPB

8) Training and education will enhance outcomes.

Education and training could enhance the success of the program and its outcomes; consider the following:

- a)** Train Historic Preservation Board members on the Board's authorities, and on the proper policy standards to apply in making decision to approve or not approve a project.

b) Train contractors and building professionals in policies and practices pertinent to historic preservation, and provide certification with regular renewals.

c) Educate the public about the value of historic properties, and contextualize historic properties in the story of the City.

d) Assuming the City introduces a preferred vendor or vendor training program, inform applicants about the City's trained vendor list.



Recommendations

The Historic District Grant program has contributed substantially to the character and vitality of Park City. With thoughtful refinement, it will continue to do so.

Much has changed since the origin of the grant program in the early 1980s, including residency and tourism dynamics, historic resource conditions, population growth, development, and economic conditions. These changes, along with resulting administrative and implementation challenges identified by staff and stakeholders, led to the review and reconsideration of the grant program. This study, and the recommendations herein, are the outcome of that review.

Policymakers, staff, stakeholders, and the Historic Preservation Board have contributed time, talent, and expertise to this assessment of the current program, and their input has shaped objectives for the future program. Qualitative research and quantitative data analysis laid a foundation of knowledge about existing conditions, and along with engagement outcomes, informed the resulting recommendations.

The recommendations that follow are presented as a roadmap for Park City staff and leadership to refine what has historically been a very successful grant program, and to bring it up to date in accordance with current conditions, values, and opportunities for impact.

1. Adopt a Historic District Grant program mission statement that reflects contemporary conditions, values, and opportunities for impact.

1.1. Adopt a mission statement and identify values to guide grant investments.

1.1.1. Draft a mission statement based on adopted City goals and objectives, and the values and engagement outcomes that emerged from this study.

1.2. Establish primary and enhanced target outcomes.

1.2.1. Define primary outcomes that the grant should measurably impact, including preservation of neighborhood character, preservation of historic stock, achieving higher than minimum standard outcomes, and telling Park City's story through the physical environment.

1.2.2. Define supplemental or enhanced outcomes that the grant could incentivize, such as affordability, public realm enhancement, resident retention, or assisting residents in need.

1.2.3. Review and revise the list of eligible improvements.

1.2.4. Ensure desired outcomes are consistent with eligible uses of funds.

1.3. Establish goals and topics for regular reporting.

1.3.1. Define reporting objectives based on the outcomes from Recommendations 1.1 and 1.2.

1.3.2. Establish metrics for tracking and reporting outcomes, and apply them to Recommendation 5.

1.3.3. Establish a regular annual cycle of reporting. Audiences for regular reporting include the Historic Preservation Board, Mayor and City Council, and the general public.

2. Create Historic District Grant program guidelines that enable grant administrators to responsibly steward impactful public investment.

2.1. Update grant eligibility requirements according to defined mission and target outcomes.

2.1.1. *Projects*. Review existing Project type eligibility, and refine according to the updated program mission and goals.

2.1.1.1. Ensure that grant dollars are not subsidizing outcomes that would happen anyway under existing regulations.

2.1.1.2. Define a target list of investment priorities where the grant can make a difference, and review it annually to keep it current. Consider public projects, historic mine structures, distressed properties, roof replacements, large remodels, and incentivizing above-minimum-standard outcomes (form, materials, details).

2.1.2. *Applicants*. Review existing Applicant eligibility requirements, and refine according to the updated program mission and goals.

2.1.2.1. Ensure that grant dollars are not subsidizing applicants who don't need public assistance.

2.1.2.2. Build in preferred status for permanent residents.

2.1.2.3. Build in preferred status for locally owned and operated commercial properties.

2.2. Make the grant competitive.

2.2.1. Create a cycle of multiple application deadlines per year.

2.2.2. Create a clear and transparent scoring system.

2.2.2.1. Define the program's "core requirements" and craft a scoring system based on it. Consider the program mission outlined in the

goals workshop with leadership, including the desire to preserve historic character, save historic structures from neglect, promote community knowledge and engagement, achieve better restoration outcomes, and invest public dollars in ways that make a difference (“move the needle”).

2.2.2.2. Define desired “enhanced outcomes” and craft a system of bonus points based on it. Consider the values that emerged out of the goals workshop with leadership, including the objectives for complete community, equity, and affordability.

2.3. Use administrative discretion to achieve the greatest program impact in each cycle.

2.3.1. Give grant administrators discretion to select a single large project or many smaller projects in a cycle, depending on their assessment of how the grant will be most impactful.

2.3.2. Give grant administrators discretion to accept applications of all types, or to define themes for each grant cycle according to perceived need or opportunity.

3. Create an application manual to make the process informative and easy for everyone.

3.1. The manual should include a program description and guidelines.

3.2. The manual should provide information about the application process, including an overview of grant awards available, application deadlines, a process map, criteria for decision-making, and required forms and submittals.

3.3. The manual should refer applicants to the City’s list of vendors who have completed the training program.

3.4. The manual should direct applicants to supplemental resources for those who wish to learn more about preservation, including links to guiding regulations, training and education opportunities, and Park City interpretive experiences.

3.5. The manual should provide information about program history and successes.

4. Define program funding sources and levels.

4.1. Work with City and Board leadership to right-size the grant commitment.

4.1.1. Review the current capacity of the grant in total and by source; and make a determination of whether to raise, reduce, or maintain the current level of funds in light of outcomes from Recommendation 1.1 and 1.2.

4.2. Mitigate constraints on funding sources.

4.2.1. Review the sustainability of funding sources (each RDA, General Fund) and take steps to ensure that needed capacity is maintained for out-year commitments.

4.2.2. Identify constraints resulting from the distribution of the total grant dollars by source, and consider how to mitigate for areas of need and opportunity that may be challenged as a result.

4.3. Ensure that there is clear and transparent definition of funding sources and constraints available to the public.

5. Build a database of grant supported projects for management and reporting purposes.

5.1. Create a database of projects to track them from the time a grant is awarded to the time the grant is paid out.

5.2. Apply metrics defined in Recommendation 1.3 into a program database, so that the performance and contribution of projects supported by the grant program can be measured.

5.3. Use the database to mitigate the management challenges inherent in the current disconnect between the fixed level of non-rollover funding sources (operations, not capital dollars) and the multi-year activities that the grant dollars fund, by incorporating projections over time.

5.3.1. Create a rolling 3- year schedule of projected grant payouts, including: project address, grant amount, estimated date of payout projected (year 0, 1, and 2), and project grant funding source (identify which pool dollars will come from).

5.3.2. Keep records of actuals for each project, including the amount and date of actual payout, and contribution to primary outcomes, consistent with Recommendation 1.2.1.

5.3.3. Record project contributions to enhanced outcomes, consistent with Recommendation 1.2.2.

5.4. Include data about the funding source for each project.

5.4.1. Identify the source and amount of funds committed to each project.

5.4.2. Use the database to project future years' available funds for each source based on grant commitments. For each application deadline, issue a report on the current (application) year plus the next two to three years. Because the grant is comprised of multiple pools of funding, each with unique constraints; and because grant commitments from a prior year

may come due and reduce available funds in a given area at a given time depending on how project timelines converge; there has been difficulty in defining “available funds” at any given time.

5.4.3. Ensure that staff consider projected available funds by pool when they define target outcomes for the upcoming grant cycle, in keeping with Recommendation 2.3.

6. Introduce and sustain training and education to enhance preservation outcomes.

6.1. Create and administer a training program on policies and practices in historic construction, through which contractors and building professionals can be granted “preferred vendor” status by the City; assume regular renewals.

6.2. Create a City “preferred vendor” list of historic contractors. Make this list available to applicants, and incentivize them to utilize the services of trained professionals.

6.3. Continue on-boarding training for Historic Preservation Board members on the Board’s authorities.

6.4. Create a publicly available brochure, the HPB Policy & Decision-Making Guide, outlining the Board’s authorities, criteria, and timeline for decision-making.

6.5. Provide, or coordinate, community education about the impacts of historic preservation (cultural, economic, & environmental), policies & standards, and criteria for decision-making. Topics could range from practical learning about regulatory frameworks to local history.

7. Establish a communications strategy to raise awareness, build community knowledge and engagement, and tell Park City’s story.

7.1. Establish a website with program information and resources.

7.1.1. Communicate program information (outcomes of Recommendation 1), and include downloadable program guidelines and application manual (outcomes of Recommendations 2 and 3)

7.1.2. Feature target themes and objectives for the upcoming funding round (as envisioned in Recommendation 2.3)

7.1.3. Feature program highlights: news coverage, photographs, resident or project spotlights (see Recommendation 7.3), goals and opportunities, and interest pieces about town history.

7.1.4. Provide links to supplemental resources including national standards, relevant Park City policies and zoning, community education

opportunities (Recommendation 6.5), preferred vendor information (Recommendation 6.1), and the HPB Policy & Decision-Making Guide (outcome of Recommendation 6.4).

7.1.5. If feasible, create a tool for people to simply type in their address and receive preliminary feedback about their property's eligibility and upcoming deadlines.

7.2. Create opportunities for news coverage.

7.2.1. Issue news releases about upcoming application deadlines and funding round themes, regular reporting, project successes, grant history, and so on.

7.2.2. Alert news and media about upcoming decisions that will be on the agenda for Board and Council meetings.

7.3. Recognize projects and people who have made significant contributions through use of the grant.

7.3.1. Coordinate with preservation organizations on awards or honors for outstanding contributions to historic preservation and interpretation.

7.3.2. Recognize projects that have achieved enhanced outcomes.

Exhibit B—Eligible Costs for Emergency Repair and Competitive Grant Funds

Emergency Repair Grants: Improvement Lists

Modifications to the original lists are shown in red.

Eligible Improvements:

- Cladding repair
- Siding
- Masonry repairs and repointing
- Cornice repair
- Architectural ornamentation restoration/repair
- Exterior trim repair
- Restoration of historic retaining walls
- Restoration/repair of historic windows and doors
- Porch repair/restoration
- Balcony repair/restoration
- Foundation repair/restoration
- Structural stabilization
- Abatement of hazardous materials
- Stabilization/preservation of industrial mine structures
- Storefront rehabilitation
- Gutters and downspouts, as part of a larger roof reconstruction

Ineligible Improvements:

- Acquisition costs
- Exterior lighting
- Routine maintenance that is not part of an eligible façade improvement project
- Security systems
- Skylights
- Solar panels
- Restoration/repair of historic awnings
- Weatherization of windows and doors
- Interior remodeling
- Repair of non-historic features
- Interior paint
- New Signs
- HVAC/Mechanical System upgrades
- Additions
- Landscaping/concrete flatwork
- Relocating and/or moving historic structures to a new site or location on the existing site
- Any restoration work covered/funded by insurance
- Physical Conditions Report and Historic Preservation Plan

Competitive Grants: Improvement Lists

Modifications to the original lists are shown in *red*.

Eligible Improvements:

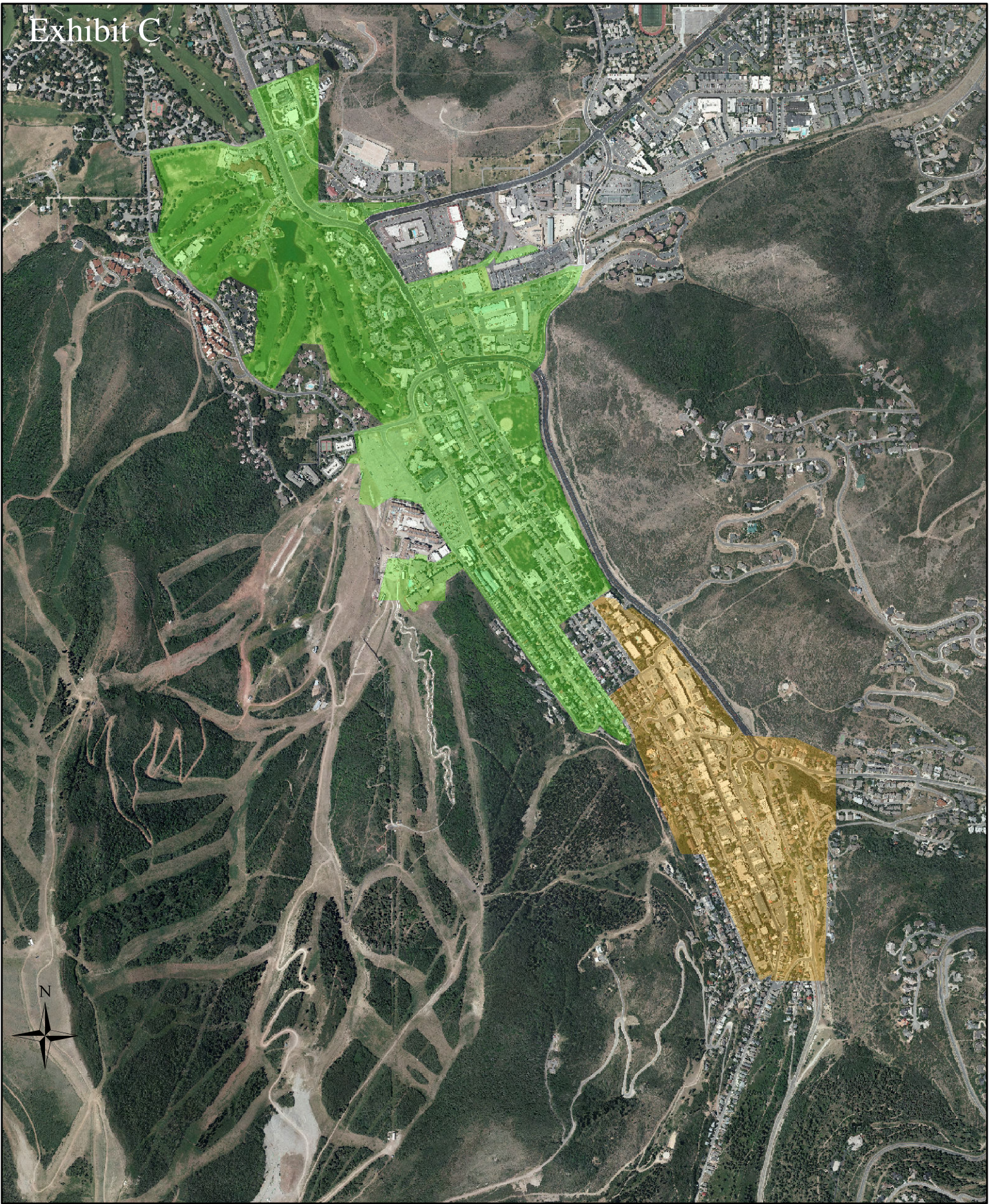
- Cladding repair
- Siding
- Masonry repairs and repointing
- Cornice repair
- Architectural ornamentation restoration/repair
- Exterior trim repair
- Restoration of historic retaining walls
- Restoration/repair of historic windows and doors
- Weatherization of historic windows and doors
- Porch repair/restoration
- Balcony repair/restoration
- Foundation repair/restoration (new foundations may be raised or lowered no more than 2 feet from their original elevations)
- Structural stabilization
- Abatement of hazardous materials
- Stabilization/preservation of industrial mine structures
- Restoration/repair of historic awnings
- Storefront rehabilitation
- Historic signs
- Historic Preservation Plan and Physical Conditions Report
- Removal of non-historic alterations/improvements
- Gutters and downspouts, as part of a larger roof reconstruction

Ineligible Improvements:

- Acquisition costs
- Exterior lighting
- Routine maintenance that is not part of an eligible façade improvement project
- Security systems
- Skylights
- Solar panels
- Interior remodeling
- Repair of non-historic features
- Interior paint
- New Signs
- HVAC/Mechanical System upgrades
- Additions
- Landscaping/concrete flatwork



- Relocating and/or moving historic structures to a new site or location on the existing site
- Any restoration work covered/funded by insurance

Exhibit C



0 0.25 0.5 Miles

Legend

-  Main Street RDA
-  Lower Park Ave RDA

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Mary Ann Trussell, Summit County Utah Recorder

02/01/2016 10:42:24 AM Fee \$54.00

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Park City Recorder
P.O. Box 1480
Park City, UT 84060

HISTORIC PRESERVATION EASEMENT

664 Woodside Avenue, Park City, UT

THIS PRESERVATION EASEMENT, is made this 1st day of February, 2016 by and between Matt Garretson ("Grantor") and Park City Municipal Corporation ("Grantee"), a municipal corporation of Utah.

RECITALS

WHEREAS, Grantee is organized as a governmental unit under the laws of the State of Utah and is a qualifying recipient of qualified conservation contributions under Section 170(h) of the Internal Revenue Code of 1986 as amended (hereinafter "IRC");

WHEREAS, Grantee is authorized to accept historic preservation easements to protect property that is significant in Utah history and culture under the provisions the Utah Historical Preservation Act (hereinafter "the Act"), in Part 5 of Chapter 8 of Title 9 of Utah Code Annotated;

WHEREAS, Grantor is owner in fee simple of certain real property in Summit County, Utah, more particularly described as:

LOT 2 NATIONAL GARAGE SUBDIVISION NGS - 2 - X

and commonly known as **664 Woodside Avenue, Park City, Utah** (hereinafter "the Premises"), on which is located a **house and garage** (hereinafter "the Building");

WHEREAS, the Building is located in a locally established Historic District which is listed in the National Register of Historic Places;

WHEREAS, the Building is a historic structure as defined in section 15-11 of the Park City Land Management Code;

WHEREAS, Grantor and Grantee recognize the historical, cultural, and aesthetic value and significance of the Building, and have the common purpose of conserving and preserving the aforesaid value and significance of the Building;

WHEREAS, the Building's façade, more particularly described below, contributes to the historical and architectural value of the Premises;

WHEREAS, the grant of a historic preservation easement on the Building's façade, more particularly described below, will assist in preserving and maintaining the Building and its architectural, historical, and cultural features;

WHEREAS, preserving and maintaining the Building's architectural, historical, and cultural features will assist in preserving and maintaining its value and significance; and

WHEREAS, to that end, Grantor desires to grant to Grantee, and Grantee desires to accept, an historic preservation easement in gross and in perpetuity on the Building's façade pursuant to the Utah Historical Preservation Act.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00), the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby grant and convey unto Grantee a limited preservation easement in perpetuity, which easement is more particularly described below (hereinafter "the Easement"), in and to the Building's façade, as that word is defined in section 15-15 of the Park City Land Management Code and more particularly described as:

The exterior walls, elevations, roof lines, building materials, fenestration, windows, entryways, doors, roof, and porch of the Building, including all elevations that are to any extent visible from any public right-of-way.

The Easement, to be of the nature and character further expressed in the Easement Agreement below, shall constitute a binding servitude upon said Premises of Grantor, and to that end Grantor covenants on behalf of itself and its successors and assigns, with Grantee and its successors and assigns, such covenants being deemed to run as a binding servitude with the land, to do upon the Premises each of the following covenants and stipulations, which contribute to the public purpose in that they aid significantly in the preservation of the Building and surrounding land area, and which help maintain and assure the present and future historic integrity of the Building.

EASEMENT AGREEMENT

1. Description of Façade. In order to make more certain the full extent of Grantor's obligations and the restrictions on the façade of the Building, and in order to document the external nature of the façade as of the date hereof, attached hereto as Exhibit A and incorporated herein by this reference is a set of photographs depicting the exterior surfaces of the façade. Also attached hereto as Exhibit B is an affidavit specifying certain technical and location information relative to said photographs satisfactory to Grantee. It is stipulated by and between Grantor and Grantee that the external nature of the façade as shown in Exhibit A is deemed to be the external nature of the façade as of the date hereof and as of the date this instrument is first recorded in the land records of Summit County, Utah. The external surface of the Building as shown in Exhibit A is hereinafter referred to as "the Façade."

2. Grantor's Covenants. In furtherance of the Easement herein granted, Grantor undertakes of itself to do (and to refrain from doing, as the case may be) upon the Premises each of the following covenants, which contribute to the public purpose of significantly protecting and preserving the Façade:

- a) Grantor shall not demolish, remove, or raze the Façade without the prior express written permission of Grantee, and except as provided in Paragraphs 6 and 7.
- b) Grantor shall not undertake any of the following actions without the prior express written permission of Grantee, signed by a duly authorized representative thereof:
 - i) Increase or decrease the height of the Façade.
 - ii) Adversely affect the structural soundness of the Façade.
 - iii) Make any changes in the Façade including alteration, partial removal, construction, remodeling, or other physical or structural change, including any change in surfacing, with respect to the appearance or construction of the Façade, with the exception of the ordinary maintenance pursuant to Paragraph 2(c) below.
 - iv) Erect anything on the Premises or the Building which prohibits the Façade from being visible from the street level, except for a temporary structure during any period of approved alteration or restoration.
 - v) Permit any significant reconstruction, repair, or refinishing of the Façade that alters its state from the existing condition. This subsection (v) shall not include ordinary maintenance pursuant to Paragraph 2(c) below.
 - vi) Erect, construct, or move anything on the Premises that would interfere with a view of the Façade or be incompatible with the historic or architectural character of the Façade.
- c) Grantor shall at all times maintain the Façade in a good and sound state of repair and maintain the structural soundness and safety of the Building. Except as provided in the casualty provisions of Paragraphs 5 and 7, this obligation to maintain shall require replacement, rebuilding, repair, and reconstruction whenever necessary to have the external nature of the Building at all times appear to be and actually be the same as the Façade.
- d) Grantor shall not erect or place on the Premises any buildings or structures, including satellite receiving dishes, camping accommodations, or mobile homes, not presently on the Premises, except for temporary structures required for the, construction, repair, maintenance, or rehabilitation of the property, such as construction trailers.

- e) Grantor shall not display or place on the Premises any signs, billboards, awnings, or advertisements, except for those items currently existing in place at the time of this Agreement as depicted in Exhibit A; provided, however, that Grantor may with prior written approval from the Planning Director erect such signs or awnings as are compatible with the historic preservation purposes of this Easement and appropriate to identify the Premises and Building and any activities or businesses on the Premises or in the Building. Such approval from Grantee shall not be unreasonably withheld.
- f) Grantor shall not make on the Premises any topographical changes, including but not limited to excavation. Notwithstanding the foregoing, Grantor may, with the prior written approval from and in the sole discretion of Grantee, make such additional topographical changes as are consistent with and reasonably necessary to promote the historic preservation purposes of this Easement or the reasonable use and enjoyment of the Premises.
- g) Grantor shall not allow or cause on the Premises any dumping of ashes, trash, rubbish, or any other unsightly or offensive materials.
- h) Grantor shall not allow or cause the Premises to be further subdivided without prior written permission of Grantee, nor shall the Grantor allow or cause the Premises to be devised or conveyed except as a unit; provided, however, that Grantor shall be permitted to convert the Building into cooperatives or condominiums and to convey interests in the resulting cooperatives or condominium units, in which event Grantor shall form or cause to be formed in connection with such conveyance a single entity for the purposes of performing all obligations of Grantor and its successors under this Easement.
- i) Grantor shall not obstruct the substantial and regular opportunity of the public to view the exterior architectural features of any building, structure, or improvements of the Premises that are currently viewable from adjacent, publicly accessible areas such as public streets or walkways.
- j) Grantor shall permit Grantee's representatives to inspect at all reasonable times the Premises, including the Façade and the Building, provided that reasonable advance notice is given to Grantor. Grantor agrees that representatives of Grantee shall be permitted to enter and inspect the interior of the Building to ensure maintenance of structural soundness and safety; inspection of the interior will not, in the absence of evidence of deterioration, take place more often than annually, and may involve reasonable testing of interior structural condition. Inspection of the interior will be made at a time mutually agreed upon by Grantor and Grantee.
- k) Grantor shall deliver to Grantee copies of any notice, demand, or letter of violation received by Grantor from any government authority within five (5) days of receipt by Grantor. Upon Grantee's request, Grantor shall promptly furnish Grantee with evidence of Grantor's compliance with such notice, demand, or letter, if compliance is required by law.

- l) Except for the lien(s) or encumbrance(s) of a mortgage or deed of trust, Grantor shall cause to be satisfied or release any other lien or claim of lien that may hereafter come to exist against the Premises which would have priority over any of the rights, title, or interest hereunder of Grantee.

4. Standards of Review. In exercising any authority created by the Easement to inspect the Façade; to review any construction, alteration, repair, or maintenance; or to review casualty damage or to reconstruct or approve reconstruction of the Façade following casualty damage, Grantee shall apply the Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings issued and as may be amended from time to time by the Secretary of the United States Department of the Interior (hereinafter "the Standards"), as well as the Park City Design Guidelines for Historic Districts and Historic Sites (hereinafter "the Guidelines") and any state guidelines considered appropriate by Grantee for review of work affecting historically or architecturally significant structures or for construction of new structures within historically or architecturally significant structures or for construction of new structures within historically, architecturally, or culturally significant sites or areas. In the event the Standards or Guidelines are abandoned or materially altered or otherwise become, in the reasonable judgment of Grantee, inappropriate for the purposes set forth above, Grantee may apply reasonable alternative standards and notify Grantor of the substituted standards.

5. Casualty Damage or Destruction. In the event that the Premises or any part thereof shall be damaged or destroyed by casualty in a way that materially and negatively impacts the Easement, Grantor shall notify Grantee in writing within five (5) days of the damage or destruction, such notification including what, if any, emergency work has already been completed. For purposes of this instrument, the term "casualty" is defined as such sudden damage or loss as would qualify for a loss deduction pursuant to Section 165(c)(3) of the IRC (construed without regard to the legal status, trade, or business of Grantor or any applicable dollar limitation). No repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Premises and protect public safety, shall be undertaken by Grantor without Grantee's prior written approval of the work. Within twenty-eight (28) days of the date of damage or destruction, Grantor shall submit to Grantee a written report prepared by a qualified restoration architect and an engineer, if required, acceptable to Grantor and Grantee, which shall include:

- a) an assessment of the nature and extent of the damage;
- b) a determination of the feasibility of the restoration of the Façade and/or reconstruction of damaged or destroyed portions of the Premises; and
- c) a report of such restoration and/or reconstruction work necessary to return the Premises to the condition existing at the date immediately prior to the damage or destruction.

If, in the reasonable opinion of Grantor and Grantee after reviewing such report, the purpose and intent of the Easement will be served by such restoration and/or reconstruction, Grantor shall within eighteen (18) months after the date of such change or destruction complete the restoration and/or reconstruction of the Premises in accordance

with plans and specifications consented to by Grantee up to the total of the casualty insurance proceeds. Grantor shall not be obligated to expend any funds in excess of insurance proceeds it actually receives. Grantee has the right to raise funds toward the costs of restoration and/or reconstruction above and beyond the total of the casualty insurance proceeds as may be necessary to restore the appearance of the Façade, and such additional costs shall constitute a lien on the Premises until repaid by Grantor.

6. Grantee's Remedies Following Casualty Damage. Notwithstanding the foregoing, in the event of damage resulting from casualty, as defined in Paragraph 5, which is of such magnitude and extent as to render repairs or reconstruction of the Premises impossible using all applicable insurance proceeds, then:

- a) If Grantor and Grantee mutually agree, Grantee may reconstruct the Building using insurance proceeds, donations, or other funds received by Grantor or Grantee on account of such casualty, but otherwise at Grantee's own expense; or
- b) Grantee may choose any salvageable portions of the Façade, remove them from the premises, and extinguish the Easement pursuant to Paragraph 23, whereupon this Agreement shall lapse and be of no further force and effect. In such an event, Grantee shall execute and deliver to Grantor acknowledged evidence of such fact suitable for recording in the land records of Summit County, Utah; and Grantor shall deliver to Grantee a good and sufficient Bill of Sale for such salvaged portions of the Façade.

7. Review after Casualty Loss. If in the opinion of Grantee restoration and/or reconstruction would not serve the purpose and intent of the Easement, then Grantor shall continue to comply with the provisions of the Easement and obtain the prior written consent of Grantee in the event that Grantor wishes to alter, demolish, remove, or raze the Building and/or construct new improvements on the Premises.

8. Grantee's Covenants. Grantee hereby warrants and covenants that:

- a) Grantee is and will remain a Qualified Organization for the purposes of Section 170(h) of the IRC. In the event that Grantee's status as a Qualified Organization is successfully challenged by the Internal Revenue Service, then Grantee shall promptly select another Qualified Organization and transfer all of its rights and obligations under the Easement to said organization.
- b) In the event that Grantee shall at any time in the future become the fee simple owner of the Premises, Grantee, for itself and its successors and assigns, covenants and agrees, in the event of a subsequent conveyance of the Premises to another, to create a new preservation easement containing the same restrictions and provisions as are contained herein, and either to retain such easement in itself or to convey such easement to a similar unit of federal, state, or local government or local, state, or national organization whose purposes, inter alia, are to promote preservation or conservation of historical, cultural, or architectural resources, and which is a qualified organization under Section 170(h)(3) of the IRC.

- c) Grantee shall exercise reasonable judgment and care in performing its obligations and exercising its rights under the terms of the Easement, and shall not unreasonably withhold its consent when called for under the terms of the Easement.

9. Grantee's Right to Transfer. Grantee may, at its discretion and without prior notice to Grantor, convey, assign, or transfer this Easement to a unit of federal, state, or local government or to a similar local, state, or national organization whose purposes, inter alia, are to promote preservation or conservation of historical, cultural, or architectural resources, and which at the time of the conveyance, assignment, or transfer is a qualified organization under Section 170(h)(3) of the IRC, provided that any such conveyance, assignment, or transfer requires that the preservation purposes for which the Easement was granted will continue to be carried out.

10. Grantee's Remedies. Grantee may employ the following remedies to correct any violation of any covenant, stipulation, or restriction herein, in addition to any remedies now or hereafter provided by law:

- a) Grantee may, following reasonable written notice to Grantor, bring suit(s) to enjoin any such violation by ex parte, temporary, preliminary, and/or permanent injunction, including prohibitory and/or mandatory injunctive relief, and to require the restoration of the Façade to the condition and appearance required by this instrument. Notwithstanding the foregoing, Grantee shall first provide Grantor with written notice and a reasonable time period (at least 15 days) to cure any violations prior to initiating any action, unless the violation is of such a nature and/or extent that any delay would cause further damage to the area of the Easement.
- b) Grantee's representatives may, following reasonable notice to Grantor, enter upon the Premises, correct any violation, and hold Grantor and its successors and assigns responsible for the cost thereof. Such cost until repaid shall constitute a lien on the Premises. Grantor shall exercise reasonable care in selecting independent contractors if it chooses to retain such contractors to correct any violations under this paragraph, including making reasonable inquiry as to whether any such contractor is properly licensed and has adequate liability insurance and workers' compensation coverage.
- c) Grantee shall have available all other legal and equitable remedies to enforce Grantor's obligations under this Agreement.
- d) In the event Grantor is found to have violated any of its obligations, Grantor shall reimburse Grantee for its reasonable costs or expenses incurred in connection therewith, including all reasonable court costs and attorney, architectural, engineering, and expert witness fees.
- e) Exercise by Grantee of one remedy hereunder shall not have the effect of waiving or limiting any other remedy, and the failure to exercise any remedy shall not

have the effect of waiving or limiting the use of any other remedy or the use of such remedy at any other time.

11. Evidence of Compliance. Upon request by Grantee, based on a reasonable need by Grantee for such information, Grantor shall promptly furnish Grantee with evidence of Grantor's material compliance with any obligation of Grantor contained herein.

12. Runs with the Land. Grantor and Grantee intend that this grant constitute a common-law easement and a restrictive covenant. The obligations imposed by this Easement shall be effective in perpetuity and shall be deemed to run as a binding servitude with the Premises. This Easement shall extend to and be binding upon Grantor and Grantee, their respective successors in interest, and all persons hereafter claiming under or through Grantor and Grantee; the words "Grantor" and "Grantee" when used herein shall include all such persons. Anything contained herein to the contrary notwithstanding, a person shall have no obligation pursuant to this instrument where such person shall cease to have any interest in the Premises by reason of a bona fide transfer. This instrument shall be expressly referenced in any subsequent deed or other legal instrument by which Grantor divests itself of either the fee simple title or any lesser estate in the Premises or any part thereof on which the Façade is located, including, by way of example and not limitation, a lease of office space.

13. Recording. This Easement shall be recorded in the land records of Summit County, Utah. Grantee shall do and perform at its own cost all acts necessary to the prompt recording of this instrument. This instrument is effective only upon recording in the land records of Summit County, Utah.

14. Mortgages. Until a mortgagee or a purchaser at a foreclosure or trustee's sale obtains ownership of the Premises following foreclosure of a mortgage or deed in lieu of foreclosure, the mortgagee or purchaser shall have no obligation, debt, or liability under the Easement. Before exercising any right or remedy due to breach of the Easement except the right to enjoin violation, Grantee shall give all mortgagees of record written notice describing the default, and the mortgagees shall have sixty (60) days thereafter to cure or cause a cure of the default. Nothing contained in the above paragraphs or in the Easement shall be construed to give any mortgagee the right to extinguish this Easement by taking title to the Premises by foreclosure or otherwise.

15. Plaques. Notwithstanding the restrictions of Paragraph 2(e) above, with Grantor's prior approval regarding appearance, size and location, Grantee may provide and maintain a plaque on the Façade, which plaque shall not exceed 12 inches by 12 inches in size, informing the public of the significance of the Building or the Premises and the existence of this perpetual preservation Easement.

16. Indemnification. Grantor hereby agrees to pay, protect, indemnify, hold harmless, and defend at its own cost and expense, Grantee (including Grantee's agents, directors, employees, or independent contractors) from and against any and all claims, liabilities, expenses, costs, damages, losses, and expenditures (including reasonable attorney fees and disbursements hereafter incurred) arising out of or in any way relating to the administration (as performed in good faith and without negligence) of this preservation Easement,

including, but not limited to, the granting or denial of consents hereunder and the reporting on or advising as to any condition on the Premises. In the event that Grantor is required to indemnify Grantee pursuant to the terms of this Easement, the amount of such indemnity, until discharged, shall constitute a lien on the Premises.

17. Taxes. Grantor shall pay prior to the delinquency date all general taxes, special taxes, special assessments, water charges, sewer service charges, and other charges which may become a lien on the Premises. Grantee is hereby authorized, but in no event required or expected, to make or advance in the place of Grantor, upon ten (10) days' prior written notice to Grantor, any payment relating to past-due taxes, assessments, water rates, sewer fees, and other governmental or municipality charges, fines, impositions, or liens asserted against the Premises and may do so according to any bill, statement, or estimate procured from the appropriate public office without inquiry into the accuracy of such bill, statement, or assessment or into the validity of such tax, assessment, sale, or forfeiture; provided, however, that if within such ten (10)-day notice period Grantor provides a written reply to Grantee indicating that Grantor has or will within thirty (30) days contest any such past-due tax, special tax, special assessment, water charge, sewer service charge, or other charge which has or may become a lien on the Premises, then Grantee shall not make any such payment on behalf of Grantor until Grantor's contest of any such payment is definitively resolved. In the event that Grantee makes a payment on behalf of Grantor in accordance with this paragraph, the amount of such payment shall become a lien on the Premises and shall bear interest until paid by Grantor at two (2) percentage points above the prime rate of interest from time to time charged by Zions First National Bank.

18. Insurance. Grantor shall keep the Premises insured by an insurance company rated "A+" or better by the A.M. Best Company for the full replacement value against loss from the perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death, and property damage of a type and in such amounts as would, in the reasonable opinion of Grantee, normally be carried on a property such as this where the Façade is protected by a preservation easement. Such insurance shall name Grantee as an additional insured and provide for at least thirty (30) days' notice to Grantee before cancellation. Furthermore, Grantor shall deliver to Grantee fully executed copies of each insurance policy evidencing the aforesaid insurance coverage at the commencement of this grant and copies of new or renewed policies at least ten (10) days prior the expiration of such policy. Grantee shall have the right, after providing Grantor written notice and a cure period of five (5) days, to provide insurance at Grantor's reasonable cost and expense, should Grantor fail to obtain the same. In the event that Grantee obtains such insurance, the reasonable cost of such insurance shall be a lien on the Premises until repaid by Grantor.

19. Liens. Any lien on the Premises created pursuant to any paragraph of the Easement may be enforced by Grantee in the same manner as a mechanic's lien.

20. Written Notice. Any notice which either Grantor or Grantee may desire or be required to give to the other party shall be in writing and shall be mailed, with postage prepaid, by registered or certified mail with return receipt requested, or delivered by hand; if to Grantor then at *9200 Shawnee Run Road, Cincinnati, OH.45243*, with a copy to

_____ and if to Grantee, then at *Attn.: City Attorney, P.O. Box 1480, Park City, Utah, 84060*. Each party may change its address set forth herein by providing notice to such effect to the other party. Any notice, consent, approval, agreement, or amendment permitted or required of Grantee under the Easement may be given by the Park City Council or by any duly authorized representative of Grantee.

21. Stipulated Value of Grantee's Interest. Grantor acknowledges that upon execution and recording of the Easement, Grantee shall be immediately vested with a real property interest in the Premises and that such interest of Grantee shall have a stipulated fair market value, for purposes of allocating net proceeds in an extinguishment under Paragraph 23, equal to the ratio between the fair market value of the Easement and the fair market value of the Premises prior to considering the impact of the Easement (hereinafter the "Easement Percentage") as determined in the Qualified Appraisal provided to Grantee pursuant to Paragraph 22. Upon submission of the Qualified Appraisal, Grantor and Grantee shall sign an affidavit verifying the Easement Percentage and record it as an amendment to the easement. In the event Grantor does not claim a charitable gift deduction for purposes of calculating federal income taxes and submit a Qualified Appraisal, the value of the Easement shall be \$10.00.

22. Qualified Appraisal. In the event that Grantor claims a federal income tax deduction for donation of a "qualified real property interest" as that term is defined in Section 170(h) of the IRC, Grantor shall provide Grantee with a copy of an appraisal (hereinafter the "Qualified Appraisal" as that term is defined in Section 170(f)(11)(E) of the IRC) of the fair market value of the Easement. Upon receipt of the Qualified Appraisal, Grantee shall sign any appraisal summary prepared by the Internal Revenue Service and submitted to Grantee by Grantor.

23. Extinguishment. Grantor and Grantee hereby recognize that an unexpected change in the conditions surrounding the Premises may make impossible the continued ownership or use of the Premises for preservation purposes and necessitate extinguishment of the Easement. Such a change in conditions includes, but is not limited to, partial or total destruction of the Building or the Façade resulting from a casualty of such magnitude that Grantee approves demolition as explained in Paragraphs 5 and 7 or condemnation or loss of title of all or a portion of the Premises, Building, or Façade. Such an extinguishment must comply with the following requirements:

- a) The extinguishment must be the result of a final judicial proceeding.
- b) Grantee shall be entitled to share in the net proceeds resulting from the extinguishment in a proportion equal to the Easement Percentage determined pursuant to Paragraph 21.
- c) Grantee agrees to apply all of the net proceeds it receives to the preservation of other buildings, structures, or sites having historical, architectural, cultural, or aesthetic value and significance to the people of the State of Utah.
- d) Net proceeds shall include, without limitation, insurance proceeds or awards, proceeds from sale in lieu of condemnation, and proceeds from the sale or

exchange by Grantor of any portion of the Premises after the extinguishment, but shall specifically exclude any preferential claim of a mortgagee under Paragraph 14.

24. Interpretation and Enforcement. The following provisions shall govern the effectiveness, interpretation, and duration of the Easement:

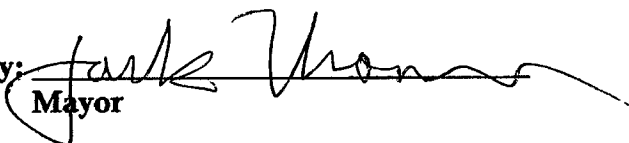
- a) Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of property shall not apply in the construction or interpretation of this instrument, and this instrument shall be interpreted broadly to effect its preservation and conservation purposes and the transfer of rights and the restrictions on use herein contained as provided in the Act.
- b) This instrument shall extend to and be binding upon Grantor and all persons hereafter claiming under or through Grantor, and the word "Grantor" when used herein shall include all such persons, whether or not such persons have signed this instrument or then have an interest in the Premises. Anything contained herein to the contrary notwithstanding, a person shall have no obligation pursuant to this instrument where such person shall cease to have any interest (present, partial, contingent, collateral, or future) in the Premises by a bona fide transfer for full value. Right, title, or interest herein granted to Grantee also shall be deemed granted to each successor and assign of Grantee and each such following successor and assign thereof, and the word "Grantee" shall include all such successors and assigns.
- c) Except as expressly provided herein, nothing contained in this instrument grants, nor shall it be interpreted to grant, to the public any right to enter on the Premises or into the Building.
- d) To the extent that Grantor owns or is entitled to development rights which may exist now or at some time hereafter by reason of the fact that under any applicable zoning or similar ordinance the Premises may be developed to more intensive use (in terms of height, bulk, or other objective criteria regulated by such ordinances) than the Premises are devoted to as of the date hereof, such development rights shall be exercisable on, above, or below the Premises during the term of the Easement in a manner that would not negatively impact the Façade or the specific preservation purposes of the Easement.
- e) For the purposes of furthering the preservation of the Façade and the other purposes of this instrument, and to meet changing conditions, Grantor and Grantee are free to amend jointly the terms of this instrument in writing – provided, however, that no such amendment shall limit the perpetual duration of the Easement or interfere with the preservation purposes of the donation. Such amendment shall become effective upon recording in the land records of Summit County, Utah.
- f) This instrument is made pursuant to the Act (Section 9-8-5 of the Utah Code), but the invalidity, modification, or repeal of such statute or any part thereof shall

not affect the validity and enforceability of this instrument according to its terms, it being the intent of the parties to agree and to bind themselves, their successors, and their assigns in perpetuity to each term of this instrument, whether or not this instrument be enforceable by reason of any statute, common law, or private agreement either in existence now or at any time subsequent hereto. This instrument may be re-recorded at any time by any person if the effect of such re-recording is to make more certain the enforcement of this instrument or any part thereof. The invalidity or unenforceability of any provision of this instrument shall not affect the validity or enforceability of any other provision of this instrument or any ancillary or supplementary agreement relating to the subject matter hereof.

- g) Nothing contained herein shall be interpreted to authorize or permit Grantor to violate any ordinance or regulation relating to building materials, construction methods, or use. In the event of any conflict between any such ordinance or regulation and the terms hereof, Grantor promptly shall notify Grantee of such conflict and shall cooperate with Grantee and the applicable governmental entity to accommodate the purposes of both this instrument and such ordinance or regulation.
- h) This instrument, together with its exhibits, reflects the entire agreement of Grantor and Grantee. Any prior or simultaneous correspondence, understanding, agreements, and representations are null and void upon execution hereof, unless set out in this instrument.

IN WITNESS WHEREOF, on the date first shown above, Grantor has caused this Easement to be executed, sealed, and delivered, and Grantee has caused this instrument to be accepted, sealed, and executed in its corporate name by its Mayor.

GRANTEE: Park City Municipal Corporation

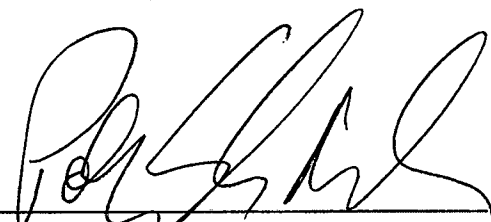
By: 
Mayor

Attest:


City Recorder

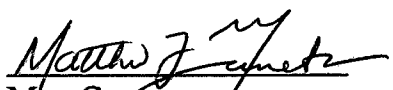


Approved as to Form:



City Attorney's Office

GRANTOR: Matt Garretson



Matt Garretson

ACKNOWLEDGEMENT

STATE OF OHIO)
COUNTY OF CLERMONT) §

On this 26th day of January, 2016, personally appeared before me Matt Garretson personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is signed on the preceding instrument as the Grantor of _____, and acknowledged to me that he/she signed it voluntarily for its stated purpose.



Suzanna R. Valentine



Suzanna R. Valentine
Notary Public, State of Ohio
My Commission Expires 01-06-2020

Exhibit E

Comparison of Eligible Work Covered by Historic District Grants

Covered Costs	Park City, Utah ¹	Portland, MI	Plant City, FL	Paducah, KY	Boulder County, CO	Madison, IN	Salisbury, NC	Belton, TX	Littleton, CO	Burlington, WI	Trenton, NJ	Butte, MT
Acquisition costs					X							
Awnings		X	X	X						X		X
Balconies			X									
Carpentry/Woodworking		X										
Cornices, Trim	X				X							
Doors/Entryways	X	X		X	X						X	X
Excavation, grading, paving, landscaping or site work and landscape improvements (fences, stairs, etc.)												
Exterior Lighting		X		X						X		
Foundation repairs	X				X							
Gutters					X							
Handicap accessibility		X	X									
Interior improvements												
Interior Structural Improvements	X				X							
Labor costs paid to the owner/applicant												
Landscaping												
Masonry repairs, repointing	X	X		X	X		X			X	X	X
Material Analysis					X							
Mechanical and HVAC systems			X									
New Building Construction												
New Foundation	X				X							
New signs												
Payment of taxes, special assessment, or utility bills												
Permit and inspection fees												
Porches	X				X						X	X
Professional façade cleaning		X								X		X
Property acquisition												
Property appraisal costs, legal fees, or loan origination fees												
Purchase of personal property (equipment or machinery)												
Refinancing existing debt									X			
Relocating a historic building					X							
Removing non-historic materials		X	X	X	X	X			X			
Repainting as part of façade improvement project		X		X	X		X		X	X	X	X
Repair/replacement of historic signs					X					X		
Replacement/Reconstruction of missing architectural features	X		X	X		X	X				X	X
Restoration of exterior finishes and materials		X	X			X	X			X	X	
Restoration of historic retaining walls	X											
Restoration/reconstruction of historic siding	X				X							
Roof repairs			X		X						X	
Routine maintenance that is not part of an eligible facade improvement project												
Second-floor entryways/exits and exterior stairs for residents		X										
Security Systems												
Skylights												
Soft costs such as appraisals, architectural, engineering, and interior design fees, legal, accounting and realtor fees, grant fees, sales and marketing, closing, building permit, use and inspection fees, bids, insurance, project signs and phones, temporary power, bid bonds, copying, and rent loss during construction	X ²								X			
Solar equipment												
Steps and stairways					X							
Storefront Lighting				X								
Storefront Rehabilitation		X										
Weatherization of historic windows and doors	X											
Window repair/replacement	X	X	X	X	X						X	X

****Please note that not all grant programs use the same description for the scopes of work.**

1. This list is based on Park City's 2015 Historic District Grant's list of eligible improvements.

2. Park City paid for the preparation of Historic Preservation Plans and Physical Conditions Reports up to the amount of \$2,000

Preservation Easements Required

City	Easement/Lien Required	Other
Belton, TX	3-year agreement	Any façade changes within the 3-year period requires reimbursement to the City.
Bend, OR	5-year covenant	
Boulder County, CO	No requirements	City felt there were sufficient local regulations in place to protect historic resources.
Burlington, WI	No requirements	1-year time limit for completing projects
Cambridge, MA	5-year lien	5-year lien with applicant repaying a prorated amount if building is sold within 5 years
Forest Grove, OR	5-year agreement	Historic Structure has to remain on the register for at least 5-years or the grant funds need to be repaid. Grant program has been in place for over 20 years and has awarded 160 grants. To date, they have not had an issue.
Iowa City, IA	No requirements	City rewards a maximum of \$5,000 grant or lien. They felt an easement/lien was not necessary as the amount awarded was so low and there are enough regulations in the historic districts to ensure the preservation of the structures.
Logan, UT	5-year lien	5-year lien with applicant repaying the grant amount if building is sold within 5 years
Madison, IN	No requirements	1-year time limit for completing projects
Massillon, OH	10-year lien	
Paducah, KY	No requirements	
Park City, UT	Easement in perpetuity	
Plant City, FL	No requirements	Funding is provided using TIF funds
Portland, MI	5-year façade easement	State of Michigan does not permit them to use the term "grant" but rather sees it as an "incentive"
Prince George County, MD	Easement in perpetuity	
Sacramento, CA	Loan Agreement	
Salisbury, NC	No requirements	
Seattle, King County, Washington	No requirements	
Trenton, NJ	No requirements	Funding is provided through the Trenton Historical Society
Washington, DC	5-year covenant	Department is not structured to hold or maintain an easement in perpetuity. They also felt that their local regulations were restrictive and would protect the historic resource.
Waukesha, WI	No requirements	City felt there were sufficient local regulations in place to protect historic resources.



Open and Public Meetings Act **Annual Training**

Park City **Historic Preservation Board** **2018**

Spirit of the Act

- Act Openly
- Make Decisions Openly
- Deliberate Openly
(the hardest part)
- Conduct the People's Business Openly

Openly = In Public



Jeff Parker / Florida Today

Spirit of the Act

Who has to follow the OPMA?

- Any local administrative, advisory, executive, or legislative body which:
 - Consists of two or more persons
 - Spends, distributes, or is supported by tax money
 - Has authority to make decisions about the public's business (which has been interpreted to include advisory groups)
- In other words, **you do!**



Mr. Lightman / FreeDigitalPhotos.net

What is a Meeting?

Quorum: For Historic Preservation Board meetings, 4 members constitute a quorum. MCPC § 15-11-3(B).

- Once there is a quorum, a simple majority can approve action. MCPC § 15-11-3(C).
- The Board shall not conduct any business at a meeting (including work session or site visit) unless a quorum is present.

Convene: The calling of a meeting of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.

- Does not include chance or social meetings – unless they are used to circumvent the Act's purposes.

What is a Meeting? (cont'd)

Social Events: OK for members to socialize, just can't discuss/act on matters under their official jurisdiction.

“Meeting after the Meeting”: OK if just social, but staff recommends giving notice and allowing public to attend. Make sure announcement of where you are going is made while people are still paying attention. Don't use the after-meeting to rehash the meeting.

Conference Call: It's a meeting if a quorum is involved, so don't do it.

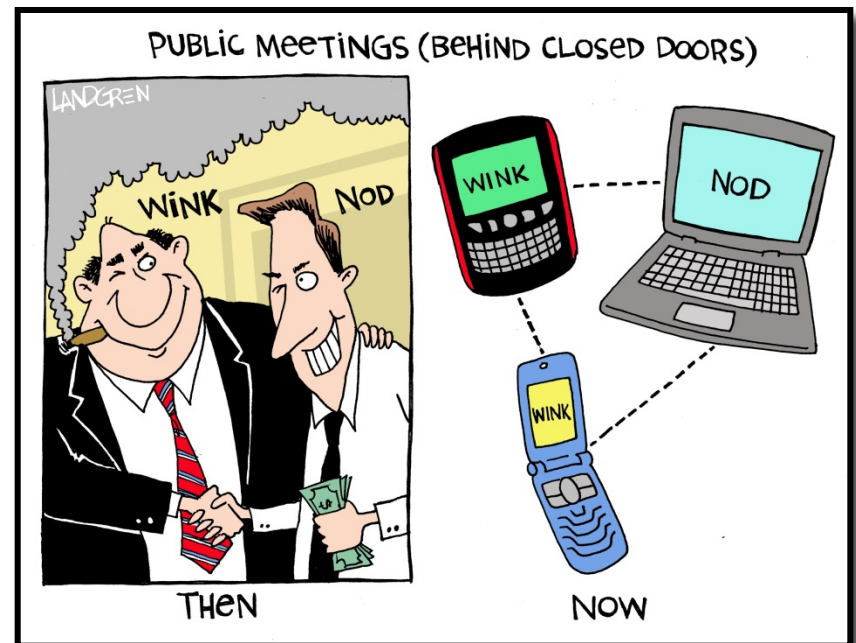


Don Landgren Jr. / *The Landmark*

What is a Meeting? (cont'd)

Email: Maybe OK – if not sent to quorum or if limited to non-substantive matters (i.e. scheduling). **Cannot act or deliberate behind the scenes.**

- Example: Borough council policy was to provide water for free to fire houses. Councilman wanted to change it so fire houses which sold liquor (as a sort of side business) would not get the exemption. He wrote an email to the other members to get assent, and then changed the policy without any public deliberation or decision. The council's action was challenged under OPMA.
- Cannot send emails during meetings regarding the subject matter of the meeting.



What is a Meeting? (cont'd)

Remember: Email may be a public record under GRAMA. (U.C.A. § 63G-2-103).

- Note: iPads are not city equipment, but emails on your city accounts (or any substantive emails regarding City business, even if on another email account) are subject to GRAMA and OPMA.

Bottom Line: Citizens are entitled not only to *know what* government decides, but to *observe how and why* every decision is reached. Communication by email is not entirely off-limits, but all deliberations must be done in public and recorded.

(U.C.A. § 52-4-210: “Nothing in this chapter shall be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in an open meeting.”)



Gary Varvel / Indianapolis Star

Location of Meeting

The Rule: On the day of the regularly scheduled meeting, any work sessions or closed sessions must be held at the regular meeting location, unless:

- The regularly scheduled meeting is being held elsewhere;
- There is an emergency or other extraordinary circumstances;
- The meeting is being held electronically; or
- There is a site visit or traveling tour.



Parks and Recreation

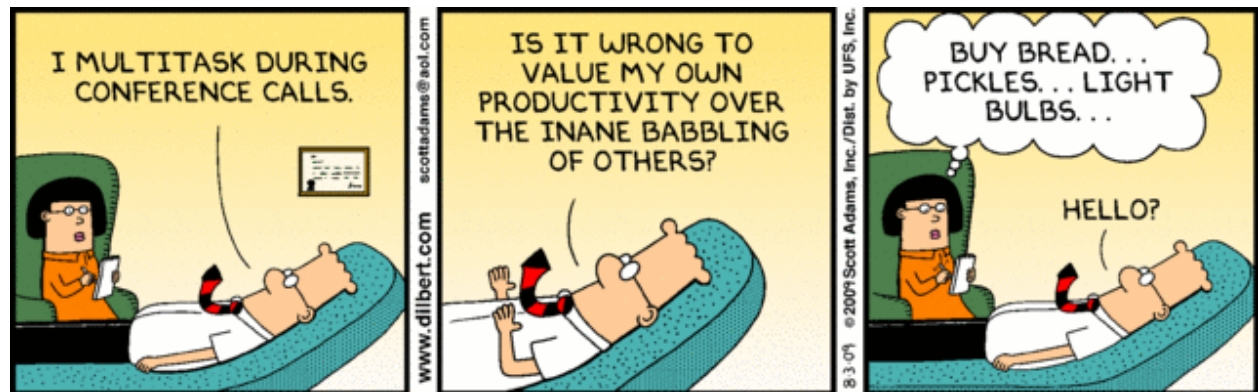
Notice: Must provide public notice of the location.

Electronic Meetings

Electronic Meeting: a public meeting convened or conducted by means of a conference using electronic communications.

- May be allowed if the Board adopts a resolution, rule, or ordinance governing the use of electronic meetings. U.C.A. § 52-4-207.
- Must be conducted pursuant to the requirements of U.C.A. § 52-4-207. Based on your experiences with electronic meetings, you may adopt rules regarding how such meetings are conducted (i.e. require video connection, etc.).

Circumstances such as accepting video testimony on a matter or interviewing a potential Board member are not triggered under this provision.



Closed Meetings

Closing a Meeting to the Public: The only reasons that a meeting may be closed to the public (U.C.A. § 52-4-205):

- Discussion of an **individual's character**, professional competence, or physical or mental health.*
 - But not an interview to fill an elected position or a discussion regarding filling an midterm vacancy.
- Strategy session to discuss **collective bargaining**.
- Strategy session to discuss pending or reasonably **imminent litigation**.
 - Must be specific, not an open-ended threat.
- Strategy session to discuss the purchase, exchange, lease, or sale of **real property or water rights** if public discussion of the transaction would: (a) disclose the appraisal or estimated value of the property under consideration; or (b) prevent the public body from completing the transaction on the best possible terms.
 - If selling, must give public notice that property is being offered for sale, and terms of sale must be publicly disclosed before sale is approved.
- Discussions regarding **security** personnel, devices, or systems.*
- Investigative proceedings regarding **allegations of criminal misconduct**.

*Does not require recording.

OPMA Notice Requirements

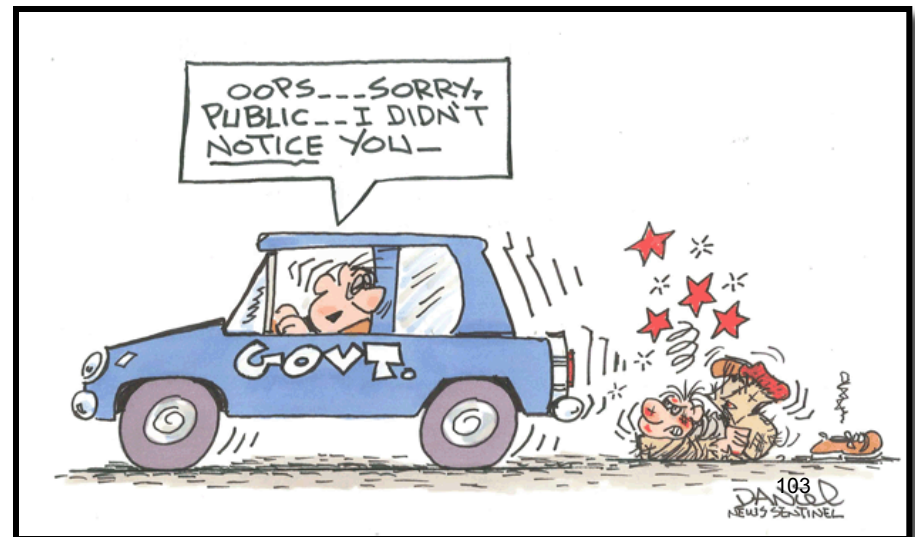
Under OPMA:

- Must provide notice at least 24 hours before the meeting.
- Notice must include the agenda, date, time, and place of meeting.
 - Agenda must be specific enough for public to know what will be discussed.

At a minimum, notice must be:

- Posted on the Utah Public Notice Website; and
- Posted at City Hall;
- Notice to media is met by posting on Public Notice Website so long as the state allows any person to subscribe.

Regular Meetings: Public bodies which hold regular meetings over the course of a year must give notice of its annual schedule every year.



Public Comment

Open Meeting: Public must be allowed to come and watch, but there is **no requirement to allow them to comment.**

- For example: Congress in action – open, but no public input.
- Public hearings, on the other hand, do require an opportunity for public comment.
- Disruption of meetings does not have to be tolerated.
 - For example, students protested at a UNC Board of Governors meeting regarding a decision to close some facilities. Removing the disruptive students did not violate the OPMA. However, the Board went a step further and closed the meeting to everyone but the media. This did violate the OPMA.
- OK to keep people on point.
- Public's time belongs to everyone, not just the individual who is speaking.
- Topics not on the agenda can be raised by the public and discussed, as long as no final action is taken.

Minutes and Recordings

Required for all public meetings.

- Except for site visits.

Recordings: Must be unedited, of entire meeting, clearly labeled, and available to the public.

- Must be made available within three business days.
- Public has right to record meeting, if they can do so without disrupting.

Minutes: The official record of the meeting.

- Must be approved by the body.
- Can be released to the public before body approval, as long as they are marked “unapproved.”
- Draft minutes must be available to public within 30 days after the meeting (and available within three days of the approval).
- Must include:
 - Substance of all matters proposed, discussed, or decided
 - Names of people giving testimony and substance of their testimony
 - Individual votes
 - Any additional information requested to be added by a member of the body

Emergency Meetings

Notice: Must give best notice practicable as to the time and place of the emergency meeting, as well as the topics to be considered there.

- Must attempt to notify all members of the body.



The Lord of the Rings

Convening: Majority of the body must agree to hold the meeting because of an “emergency or urgent matter.”

Minutes: Should include a statement of the unforeseen circumstances that made the meeting necessary.

Violations of the OPMA

What happens if someone breaks the open-meetings laws?

- “In addition to any other penalty under this chapter, a member of a public body who knowingly or intentionally violates OR who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a **class B misdemeanor.**”
U.C.A. § 52-4-305.
- Action taken in the meeting is voidable if the body violated the Act.

Who can enforce the law?

- The Attorney General
- A county attorney
- A private citizen who has been denied his/her rights under the law can file a lawsuit within 90 days, or within 30 days if it involves bonds, notes, or debt.



The Open & Public Meetings Act

U.C.A. § 52-4-101 et seq.

<https://le.utah.gov/xcode/Title52/Chapter4/52-4.html>