



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 13, 2001**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, September 13, 2001.

AGENDA

Closed Session

3:30 p.m. Property disposition

Work Session

4:30 p.m. Council questions/comments

5:00 p.m. Art Council recommendation on award of public service contracts

5:15 p.m. Review of regular meeting:
Chapter 4 - Historic Preservation
Other meeting questions/comments

5:45 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 9, 2001

V CONSENT AGENDA

1. Authorization to Election Officer to appoint election judges for the October 2, 2001 Primary Election and November 6, 2001 General Election
2. Ordinance accepting the Empire Canyon Day Lodge Water Line

VI PUBLIC HEARING

Continuation of hearing on an Ordinance amending the Land Management Code - Phase 2 rewrite, Title 15, Chapter 4, Historic District Commission and Preservation of Historic Buildings and Sites

VII ADJOURNMENT

Posted: 09/10/01
See parkcity2002.org



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
SEPTEMBER 13, 2001**

Present: Mayor Brad Olch; Council members Peg Bodell; Candace Erickson; Fred Jones; and Jeff Mann

Toby Ross, City Manager; Pat Putt, Planning and Zoning Administrator; and Derek Satchell, Preservation Planner

Joanna Charnes and Debra Corrigan, Park City Arts Council

Absent: Council member Roger Harlan

1. Review of regular meeting:

Art Council recommendation on award of public service contracts. See staff report. Debra Corrigan, Chairman of the grant sub-committee of the Arts Council explained the process for recommendations for funding a variety of art and cultural projects and programs and related criteria for eligibility and prioritization. The City Council expressed its appreciation of the work rendered on this and concurred with the recommendations. The Mayor thanked retiring Executive Director Joanna Charnes for guiding the Arts Council and her contributions over the past several years.

Chapter 4 - Historic Preservation. Pat Putt explained that one of the main focuses of the rewrite was to provide better service to the community by providing more opportunities for administrative approvals, rather than permits. He discussed the reasoning for regulating color in the Historic District. The current chapter is confusing in describing processes and outlining the charge of the Historic District Commission while the revised version clearly outlines the rules and the processes and the best techniques to accomplish the work. As it is proposed that many applications may be now approved by staff, there is a suggestion to incorporate another provision, consistent with the Code, which would allow for an interim appeal level by the Community Development Director in the event. This provides applicants with another review at a higher level but doesn't involve the scheduling them before the HDC which should speed up the process.

Prepared by Janet M. Scott



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 13, 2001**

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, September 13, 2001. Members in attendance were Brad Olch, Peg Bodell, Candace Erickson, Fred Jones, and Jeff Mann. Council member Roger Harlan was excused. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Pat Putt, Planning and Zoning Administrator; and Derek Satchell, Preservation Planner.

II PUBLIC INPUT

Security at Olympic public celebration - Michael Kaplan - The Mayor invited the public to comment on any matter not scheduled on the agenda. Michael Kaplan, business owner and Council candidate, stated that two weeks ago he expressed his concerns about the potential for terrorism in light of the Olympics being hosted in Park City. During an interview on the radio, the Mayor called him *naive*. Mr. Kaplan added that he has a degree from Harvard, teaches at Westminster, and has researched international relations. He felt that the venues will be protected but the public celebration is vulnerable and the threat is from domestic extremists with a political agenda exists. There should be added security at the four entrances to Main Street. Additional security measures could be shared with the public without disclosing details.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Derek Satchell reported that on September 17 at 5 p.m. the Design Review Task Force will be convening with the HDC, to discuss the proposed pedestrian bridge over lower Main Street. The original MPD CUP was approved by the Planning Commission and this will be the first work session held by the HDC. Matt Twombly reported that the City Park lighting project and skate park landscaping projects are underway.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 9, 2001

Peg Bodell corrected spelling of a name. Hearing no further corrections, the Mayor requested a motion to approve. Fred Jones, "I so move". Jeff Mann seconded. Motion carried.

Peg Bodell	Aye
Candace Erickson	Aye
Roger Harlan	Absent
Fred Jones	Aye

Jeff Mann

Aye

V CONSENT AGENDA

The Mayor requested a motion to approve. Fred Jones, "I so move". Candace Erickson seconded. Motion carried.

Peg Bodell	Aye
Candace Erickson	Aye
Roger Harlan	Absent
Fred Jones	Aye
Jeff Mann	Aye

1. Authorization to Election Officer to appoint election judges for the October 2, 2001 Primary Election and November 6, 2001 General Election - Staff recommends approval.
2. Ordinance accepting the Empire Canyon Day Lodge Water Line - See staff report.

VI PUBLIC HEARING

Continuation of hearing on an Ordinance amending the Land Management Code - Phase 2 rewrite, Title 15, Chapter 4, Historic District Commission and Preservation of Historic Buildings and Sites - The Mayor emphasized that this is a continuation of a public hearing and the Council will not be taking action on the proposed amendments tonight.

Pat Putt, Planning and Zoning Administrator, stated that the General Plan describes the reasons for establishing land use and design regulations for the Historic District. It states, "*The designated historic district which is subject to special design and preservation regulations, best defines the historic core of the City. Citizens feel strongly that the core must continue to provide a range of services for residents while also functioning as an attraction for tourists. The goal for the Historic District is to maintain it as a center of the community, not just as a stage set for tourism. Historic and cultural tourism is essential to maintain the health in a strong local economy as a resort town. Part of the City's mission statement provides, "Through high quality service to our community and guests, we will provide a memorable and unique experience while preserving and enriching Park City's heritage, diversity and environment".*" He explained that these statements provide the *why* and Chapter 4 represents the *how*. It outlines the design review process for historic buildings, the role of the HDC and City staff, the process for building and demolition, procedures addressing demolition by neglect, and preservation programs and incentives. The amended Chapter is intended to provide a clear and comprehensive description of the historic district regulations and processes. Although the current code is more concise, the revised language is more precise and clarifies areas where there was confusion in interpretation, which prompted appeals. There are shifts

in processes to provide applicants with up-front information so expectations are in line with the regulations of the Historic District. There are no new significant philosophical changes. It's focus is to develop solutions to our town's unique issues and as a result, model ordinance from other communities have not been used. Mr. Putt emphasized that this was a conscience effort of the HDC, Planning Commission and staff. This codifies existing regulations along with other existing policies and procedures including the adopted Building and Fire Codes relating to dangerous and hazardous buildings and demolition by neglect. Staff believes that where necessary, comprehensive and precise language better serves the community. Consistent with the goal of customer service, this draft is predicated on staff approvals versus hearings by the HDC. Appeals of staff decisions for allowed use reviews can be made to the Community Development Director, as is done elsewhere in the LMC. This may expedite the design review process and minimize prolonged HDC or Board of Adjustment appeals. The document was primarily developed by the HDC and staff's prime role was to act as a scribe. It has been positively recommended to the City Council by the HDC and the Planning Commission. There have been numerous retreats, meetings and public hearings before both these commissions and the minutes were provided to the City Council. Mr. Putt continued that there was a recent mailing to Historic District residents on this meeting inviting public input and letters in favor and opposition have been distributed to the City Council.

He commented that Historic District Commissioner Tom Hurd submitted a letter outlining concerns and Mr. Satchell prepared responses which are included in the staff report. The Park City Historical Society also submitted a letter supporting a continuation of the requirement that a Society member serve on the HDC and most recently a letter was received by John Plunkett and Barbara Kuhr. Mr. Putt stated that staff is seeking direction from the Council and after public input tonight, will be preparing a document that meets the expectations and addresses the issues expressed at this hearing. The Mayor invited the audience to comment.

Sally Elliott, former City Council member and former Chairman of the Heritage Foundation referred to her e-mail to the City Council, supporting the adoption of the newly drafted Chapter 4 as these regulations are a great improvement. She recalled that the provision to formally appoint an Historical Society member was adopted in the early 1990s. This should remain in place for the purpose of a source of historical information and for good communication and she urged Council consideration.

Tom Hurd, Historic District resident and Historic District Commission member, referred to Exhibit C in the staff relating to his April 26, 2001 letter and staff's response. With regard to describing the historic district, he emphasized that 15-4.2 basically makes everything in Park City "historic" if the HDC says so. Any building 50 years old and older will be presumed to be historically significant and it is up to the property owner to go through a process for a determination of insignificance. He strongly urged to add language to 15-4-7 with a new paragraph *Neither staff nor the HDC shall design or assist in the design of any projects submitted for approval. Consideration will be based on a reasonable review of the application. Full design responsibility*

rests with the applicant. He suggested that the proposed 15-4.8(3), exterior painting, be revised so that people don't have to obtain a permit to paint or scrub siding, and simply state that the project must comply with the design guidelines. It's overkill to include it in Chapter 4. He stated that he is opposed to include buildings outside the existing Historic District and feels the boundaries should only include H-designated zones. Mr. Hurd felt that the quorum requirement may make the business of the HDC less efficient, but left that decision at the discretion of Council.

Peter Barnes, designer, referred to statements in the staff report regarding public retreats, hearings, and meetings but stated that the public was not invited to develop the code. The LMC has a different stated purpose for the HDC than the draft and text should be consistent. He asked if this is retroactive legislation allowing guidelines to suit any situation. With regard to the HDC selecting a chairman, Mr. Barnes believed members should decide on a leader; the process shouldn't be outlined. When there is a conflict of interest, he believed that a member should disclose the conflict, but should still be able to discuss it. He suggested that the word "historic" be stricken from much of the text as it is superfluous. He cited several examples of unnecessary language and pointed out that the paint section should not be in the code but rather addressed in a public education exercise. With regard to the provision that projects be monitored for compliance with design guidelines and conditions of approval, Mr. Barnes discussed a recent violation and insisted that since there is provision for maintaining an architectural survey, there is no need for determination of significance. The sentence, *Economic considerations and costs within reason shall not may override the objectives of the guidelines of this Chapter*, should be corrected to reflect the appropriate placement of power. He questioned if insignificance can be proven by the property owner and noted that the guidelines listed in Chapter 4 do not mirror the design guidelines, which should be written independently. There has been a revision called the *Historic District Design Standards*, which were never adopted. The two should be compared to determine the appropriate focus. Mr. Barnes stated that he would like to get rid of all requirements for submission of applications as it has been his experience that it is a waste of time and money. The HDC admitted to never looking at his plans (which were ultimately denied) for his client who applied and received an Historic District grant. With regard to delays and applications becoming inactive after a period of time, he asked what happens if a project is delayed by staff and pointed out that appeals are almost always denied. A philosophy of preservation should be formulated and design micro-management should be eliminated. If the public needs to be educated, don't make rules, create programs.

Don Bloxom, designer, stated that he supports the description of the purpose of the HDC to preserve, protect and encourage continued use of building structures and sites of historical significance in Park City which should be the complete focus of the HDC. He discussed the membership criteria and emphasized that the only professionals capable of giving design direction are architects. He questioned how people can demonstrate *an interest or knowledge of* historic preservation or why, as stated, staff will offer design direction. If staff can't determine if a project meets the design guidelines, they need to be fired. He emphasize that many architects are turning down work in Old Town because of laymen trying to tell them how to design a building. When he

submits a preliminary drawing, he believes he is in full compliance with the guidelines and if he is out of compliance, he can correct it himself without the advice of staff. His client hired him not them. This is a matter of personal freedom and personal expression and may relate to First Amendment rights. Mr. Bloxom suggested that all minutes of meetings be maintained on tape with no written minutes. He suggested that a copy of Interior Standards for Rehabilitation be available for the public, which does not advocate replication. There are arbitrary requirements that evaluate buildings that are not of our period. Buildings need to reflect the period they are built in and that is the whole purpose of historic preservation outlined in the federal standards. If the design guidelines are amended they need to be compatible and consistent with the LMC. If the process is to become easier, maybe the people who are subjected to it should be asked to formulate a process.

John Plunkett, UPAPA representative, clarified that the letter submitted was on behalf of UPAPA not he and Ms. Kuhr personally. The letter was the result of two neighborhood meetings and the steering committee has met four or five times on this draft. He didn't feel it useful to review the points of the letter this evening, but indicated their preference to meet with Council individually or as a group. He requested that the draft document be redlined so that it can be easily compared with the current document. It is difficult to determine the merits of the new code and UPAPA has been asking for this version for 16 months and staff has successfully resisted. He believes that staff has been ignoring the current code and there is no way to design according to the guidelines and get a structure built. He believes there are significant philosophical changes as the purpose for the rewrite is to codify and legalize practices, noting that many projects do not meet the current code. It is important to place limitations on the powers of staff and the HDC with regard to design review, and referred to the code from Telluride which prohibits design assistance from the City, leaving full responsibility for the plan to the applicant. This would be a good philosophical change worth considering. He again urged Council to direct staff to produce a redline version and to hold an open house with owners and architects to improve the process. It's better to maintain the current code than to adopt the proposed ordinance. He added that he doesn't disagree with replication, as we have had some good results, but it doesn't relate to preservation of an historic structure. Landmark buildings should be preserved but 95% of the buildings in Park City benefit from replication.

Sandra Morrison, Director of the Park City Historical Society and Museum, referred to her letter distributed to Council. She described the close working relationship between the Society and the HDC, and with the help of the City over the years, the organization has grown into a tremendous resource for historical information. She urged Council to support the continuation of this relationship by maintaining its membership on the HDC.

Steve Swanson, HDC member and architect, relayed that he regularly works with Old Town clients. He believes the HDC has been developing this draft for at least 18 months. This code was formulated with input from a variety of interests, resources available, and liaison Peg Bodell. There were retreats and open public meetings and although Chapter 4 isn't perfect, it represents more of an evolution. He felt that the remaining historic structures are our legacy and there is a limited

window of time to save them. There are a variety of tasks performed by the HDC, and its role isn't strictly preservation. Most applications include renovation, adaptive reuse, lifting and moving structures, and also new construction and the processes are clarified in this draft, which was greatly needed. He stated that it is designed to be a flexible framework for decision-making. It is not a guide for the average home owner, and perhaps the survey should address making it more user-friendly. There has never been so much money and expertise expended in such a small area in preparation of the Olympics. The design guidelines need to be revised and a survey of historic buildings both need to be completed.

Richard Shienberg, Old Town resident, stated that he appreciates the work done but many residents don't understand what these changes mean. He supported Mr. Plunkett's request for a redline version and conducting an open house. Waiting another six weeks may bring closure to this issue.

Hearing no further comments, the Mayor closed the public hearing. The Mayor recommended that the language providing for an Historical Society member be maintained and that staff prepare a redline version and hold an open house. A survey should also be conducted sometime in the future. Council members agreed. Ms. Erickson interjected that she is still uncomfortable with the prospect of her home being considered *historic* because it is over 50 years old. Ms. Bodell stated that she agrees with the direction to staff, but expressed that she does not want to hear citizens testify that they have not been included in the process. We should have held an open house earlier in the process as these residents are significantly impacted and this is a message to every department. We need to involve the public and it needs to be done in a better way even if it requires hiring a communication expert. She has been advocating this for two years and it has to be done. Ms. Bodell strongly suggested that an open house be held and emphasized that she does not want to hear these comments again.

Hearing no further comments, the Mayor requested a motion to continue the hearing. Fred Jones, "I so move". Candace Erickson seconded. Motion carried.

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

* * * * *

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:30 p.m. Members in attendance were Mayor Brad Olch, Peg Bodell, Candace Erickson, Roger Fred Jones, and Jeff Mann. Roger Harlan was excused. Staff present were Toby Ross, City Manager; Mark Harrington, City

Page 7
City Council Meeting
September 13, 2001

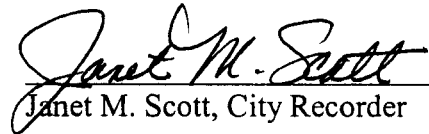
Attorney; Lloyd Evans, Chief of Police, Tom Bakaly Assistant City Manager; and Tom Daley, Deputy City Attorney. Fred Jones, "I move to close the meeting to discuss property disposition". Jeff Mann seconded. Motion carried unanimously.

The meeting opened at approximately 5:20 p.m.

* * * * *

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott


Janet M. Scott, City Recorder





COUNCIL AGENDA REPORT

DATE: September 13, 2001
DEPARTMENT: Office of Capital Management & Budget
AUTHOR: Tom Bakaly, Mark Christensen *TS, MC*
TITLE: Arts Special Service Contracts Requests
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

The City Council should accept the recommendations made by the Park City Arts Council for the disbursement of FY 2001-02 special service contract funds for Arts, Culture and Humanities

DESCRIPTION:

A. Topic: Arts Special Service Contract Funds Disbursement

B. Background:

In May of 1996, the City Council adopted a policy that governs the disbursement of special service contract funds. This policy was subsequently amended in June of 2001 during the budget process to include ESL and Sundance and increased the total General Funds that are earmarked for special service contracts. This policy states that in addition to establishing criteria for determining recipients, there are funding categories which are appropriated funds as a group and sub-award contracts within that category. Each category gets a predetermined portion of the total funds appropriated for special service contracts. The total funds available for special service contracts are 2.62 percent of the General Fund budget for each year.

C. Analysis:

Disbursement of FY 2001-02 special service contract funds for Arts, Culture and Humanities

Each year the Arts, Culture and Humanities category is appropriated .30% of the General Fund

budget. Per policy, the Park City Summit County Arts Council is designated as the representative organization for the purpose of planning how contract funds will be distributed for arts. The Arts Council has completed their special service contract review process and their recommendations for FY2001-02 are attached. The budget for this category in FY 2001-02 is \$43,528. Of that amount, the Arts Council receives a special services contract of \$16,528, thus leaving a balance of \$27,000 for distribution to other grants organizations. This year only \$26,000 is being recommended by the Arts Council. The attached Arts Council information details the funding requests as well as outlines why a request was accepted or rejected. They have also provided information regarding past project funding as an illustration of the requests that were funded in past years.

Representatives from the Arts Council will be available at the City Council meeting to answer specific questions regarding their recommendations.

Special Service Contract Subcommittee Recommendation: The Special Service Contract Subcommittee has met and discussed this issue. The Subcommittee concurs with the Arts Councils recommendation as outlined in this report. The attached Arts Council recommendation outlines the projects and amounts recommended for each sub recipient.

D. Department Review: OCMB, Legal, City Manager

ALTERNATIVES:

1. Provide direction regarding the Park City Arts Council recommendations and approve the sub committee recommendation.
2. Deny the request (in total or partially): This action relating to the disbursement of Arts, Culture and Humanity. This action would most likely necessitate further City Council direction concerning the special service contract policy and its implementation.
3. Continue the item: The needs of several of the Arts special service contract recipients are time sensitive to the next couple of weeks. Delaying the requests could cause some issues with the Arts Council.
4. Do Nothing: Same as continuing the item.

SIGNIFICANT IMPACTS:

Implementation of the City's special service contract policy has worked well to date. Funds for the recommended action are budgeted within the special service contract budget. Any change in this policy will delay the arts funding requests.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The City Council would need to provide further direction and perhaps make modifications to the

special service contracts policy.

RECOMMENDATION:

Approve the Arts, Culture and Humanities Special Service Contract recommendations from the Park City Summit County Arts Council.

Attachments:

Park City Summit County Arts Council Grant Committee Recommendations for FY 2001-2002
Park City Summit County Arts Council Grant Request Summaries FY2000

The following is a summary of PARK CITY SUMMIT COUNTY ARTS COUNCIL's GRANT COMMITTEE Recommendations for FY 2001-2002.

There were 18 applications totaling \$138,000 in requests.
Amount available = \$27,000 Park City, \$27,000 Summit County.

Grant Committee members are: Deb Corrigan, Chair;
Lee Ann Rowser, David Peters, Mike Andrews, Nancy Hewitt Brown, Helene Minot, Patricia Hill Gordon, Joanna Charnes.

The following applicants received recommendations for -zero funding:

Andrea Lechlitter- repair of Centennial Mural- PCMC should fund this under capital improvements. Paint is not that bad right now.

Jim Long- individual artist, submitted 2 applications. Based on past non-funding of individual artists, we can't fund this request. Also, site was not identified.

Park City Artists Association web-site update- The cost to maintain the website is modest, but the association should fund the web-site through their dues. Our initial grant was for seed money.

Park City Chamber Music's Film & TV Festival- This would be a good project for Sundance Film Festival to help support. We've completed a county-wide cultural needs assessment funded by Summit County, PCMC & the NEA which indicated that we have enough cultural festivals & events right now. Let's refine & promote what we already do.

Mountain Town Stages- This is a wonderful project but since it takes place at restaurants it should be supported financially by restaurants.

Paul Jacobowski Mural- This mural is on city property. City should fund project under capital improvements & do a call -for -entry for other public artists to submit their work for consideration.

PROJECTS RECOMMENDED FOR FUNDING:

Park City Fidelity Investments International Jazz Festival- \$7,500 requested, \$5,000 recommended for educational jazz clinics

Jazz on Main Street- \$5,000 requested, \$5,000 recommended Great project!

Masterpieces in Art Trailside School- \$3,500 requested, \$3,500 recommended, with the caveat that the school district can match funds & cover supplies for Trailside School, hire a coordinator & also have a district-wide Masterpieces in Art fund-raiser. Apply success of Jeremy Ranch Elementary School fund-raiser & implement at other schools.

Park City Film Series- \$10,000 requested, \$10,000 recommended- If this money will help market an additional screening on Sunday nights then people who work on weekend evenings will be able to attend screenings, & visitors in winter will have something to do on Sunday nights when they arrive.

ArtKids- \$3,000 requested, \$3,000 recommended- good project

Utah Symphony- \$2,500 requested, \$2,500 recommended

Park City Singers- \$3,000 recommended

Park City International Chamber Music festival \$2,500 recommended

Utah Music Festival- \$2,500 recommended

Kimball Art Center- \$1,500 to cover postage for postcard mailers to go out to the public

PEOA- \$2,500 for sound equipment rental & for sound technician

Summit Institute Westbound Festival-\$1,000

Eccles Center Black Box Theatre- \$1,000

Egyptian Theatre- \$7,500

but make sure East side of county is involved.

Are students being bused in for performances?

Utah Opera CINDERELLA- \$2,500

Find out what is admission cost per ticket

for adult & child, how many performances will there be? Can we give out free tickets? Can we bus students in to see performances?

Respectfully submitted by Joanna Charnes

FY 2002-3

There were 18 applications totaling \$138,000 in requests.

Amount available - \$27,000 Park City \$27,000 Summit County.

The following applicants received recommendations for -zero funding:

Andrea Leichter- repair of Centennial Mural- PCMC should fund this under capital improvements. Paint is not that bad right now.

Jim Long- individual artist, submitted 2 applications. Based on past non funding of individual artists, we can't fund this request. Also, site was not identified.

Park City Artists Association web-site update- The cost to maintain the web site is modest, but the association should fund the web-site through their dues. Our initial grant was for seed money.

Park City Chamber Music's Film & TV Festival- This would be a good project for Sundance Film Festival to help support. We've completed a county-wide cultural needs assessment funded by Summit County, PCMC & the NEA which indicated that we have enough cultural festivals & events right now. Let's refine & promote what we already do.

Mountain Town Stages- This is a wonderful project but since it takes place at restaurants it should be supported financially by restaurants.

Paul Jacoboski Mural- This mural is on city property. City should fund project under capital improvements & do a call - for - entry for other public artists to submit their work for consideration.

PROJECTS RECOMMENDED FOR FUNDING:

Park City Fidelity Investments International Jazz Festival- \$7,500 requested, \$5,000 recommended for educational jazz clinics \$2,500 COUNTY

Jazz on Main Street- \$5,000 requested, \$5,000 recommended Great project! \$5,000 CITY

Masterpieces in Art Trailside School- \$3,500 requested, \$3,500 recommended, with the caveat that the school district can match funds & cover supplies for Trailside School, hire a coordinator & also have a district-wide Masterpieces in Art fund-raiser. Apply success of Jeremy Ranch Elementary School fund-raiser & implement at other schools. \$3,500 COUNTY

Park City Film Series- \$10,000 requested, \$10,000 recommended- If this money will help market an additional screening on Sunday nights then people who work on weekend evenings will be able to attend screenings, & visitors in winter will have something to do on Sunday nights when they arrive. \$5,000 COUNTY

ArtKids- \$3,000 requested, \$3,000 recommended- good project \$1,500 COUNTY

Utah Symphony- \$2,500 requested, \$1,500 recommended \$ 750 county

There were 18 applications totaling \$138,000 in requests.

Amount available = \$27,000 Park City \$27,000 Summit County.

The following applicants received recommendations for -zero funding:

Andrea Leichter- repair of Centennial Mural- PCMC should fund this under capital improvements. Paint is not that bad right now.

Jim Long- individual artist, submitted 2 applications. Based on past non funding of individual artists, we can't fund this request. Also, site was not identified.

Park City Artists Association web-site update- The cost to maintain the web site is modest, but the association should fund the web-site through their dues. Our initial grant was for seed money.

Park City Chamber Music's Film & TV Festival- This would be a good project for Sundance Film Festival to help support. We've completed a county-wide cultural needs assessment funded by Summit County, PCMC & the NEA which indicated that we have enough cultural festivals & events right now. Let's refine & promote what we already do.

Mountain Town Stages- This is a wonderful project but since it takes place at restaurants it should be supported financially by restaurants.

Paul Jacoboski Mural- This mural is on city property. City should fund project under capital improvements & do a call - for - entry for other public artists to submit their work for consideration.

PROJECTS RECOMMENDED FOR FUNDING:

Park City Fidelity Investments International Jazz Festival- \$7,500 requested, \$5,000 ~~\$2,500~~ county recommended for educational jazz clinics

Jazz on Main Street- \$5,000 requested, \$5,000 recommended Great project! ~~\$2,500 county~~ **\$5,000 CITY**

Masterpieces in Art Trailside School- \$3,500 requested, \$3,500 recommended, with the caveat that the school district can match funds & cover supplies for Trailside School, hire a coordinator & also have a district-wide Masterpieces in Art fund-raiser. Apply success of Jeremy Ranch Elementary School fund-raiser & implement at other schools. **\$3,500 county**

Park City Film Series- \$10,000 requested, \$10,000 recommended- If this money will help market an additional screening on Sunday nights then people who work on weekend evenings will be able to attend screenings, & visitors in winter will have something to do on Sunday nights when they arrive. **\$5,000 county**

ArtKids- \$3,000 requested, \$3,000 recommended- good project **\$1,500 county**

Utah Symphony- \$2,500 requested, \$1,500 recommended **\$1,500 county**

CULTURAL ARTS GRANT REVIEW GRID

APPLICANT NAME _____

AMOUNT REQUESTED \$ _____

CRITERIA	LOW	AVG	HIGH	TOTAL
1A) QUALITY OF PROJECT/ CONCEPT DOES IT STAND ON ITS OWN?				
1B) IMPORTANCE OF PROJECT TO THOSE SERVED				
2) RANGE OF INFLUENCE (WHO AFFECTED, HOW MANY)				
3) MANAGEMENT COMPETENCE				
4) QUALIFICATIONS				
5) MEASURE OF SUCCESS ATTENDANCE, VOLUNTEERS				
6A) FINANCIAL SUPPORT FROM OTHER SOURCES				
6B) % REQUESTED/BUDGET				
7) COMMUNITY COMPONENT				

AMOUNT RECOMMENDED \$ _____

GRANT COMMITTEE:

Deb Corrigan Graphic artist, Ecker Hill Middle School art teacher, Masterpieces in Art Volunteer, Main Street Merchant, Snyderville resident

Dr. Mike Andrews Retired Park City High School Principal, founding board member & past president Park City Summit County Arts Council, Rotarian, Snyderville resident

Nancy Hewitt Brown Masterpieces in Art Volunteer, CPA, Snyderville resident

Joanna Charnes Executive Director, Park City Summit County Arts Council, Snyderville resident

David Peters Past president, Park City Summit County Arts Council businessman, Old Town resident

Lee Ann Rowser Elementary school teacher, North Summit

Patricia Hill Gordon Masterpieces in Art volunteer, CPA, Snyderville resident

Helene Minot Financial & business consultant, Old Town resident

PARK CITY SUMMIT COUNTY ARTS COUNCIL GRANT REQUEST SUMMARIES FY 2000

<u>Artist/Organization</u>	<u>Requested SPCMC/County</u>	<u>total budget</u>	<u>Recommendation</u>
1. Egyptian Theatre	both: \$15,000	\$493,200.00	\$10,000.00
2. Paul Jakubowski	\$5,500.00	\$5,500.00	\$5,500.00
3. Mountain Town Stages	\$5,000.00	\$60,000.00	\$2,000.00
4. Park City Chamber Music	both: \$6,000.00	\$200,000.00	\$3,000.00
5. PC Performing Arts Found.	\$20,000	\$650,000.00	\$3,000.00
6. PC Professional Artists	both: \$1,585.00	\$1,585.00	\$1,585.00
7. PC Singers	\$2,000.00	\$21,450.00	\$2,000.00
8. Summit Institute	both: \$5,000.00	\$396,670.00	\$5,000.00
9. Utah Music Festival	both: \$5,000.00	\$35,000.00	\$1,500.00
10. Utah Symphony	both: \$3,000.00	\$852,000.00	\$3,000.00
11. Wasatch Fiber Fest	\$4,018.00	\$27,218.00	<u>\$4,018.00</u>
	Recommended funding:		\$40,603.00
	Amount available:		\$54,000.00
	Balance		\$13,397.00

Paul Jakubowski CITY FUNDING ONLY= \$5,500.00
 Mountain Town Stages CITY FUNDING ONLY= \$5,000.00
 Fiber Festival COUNTY FUNDING ONLY= \$4,018.00
 Total operating budgets: \$2,742,623.00

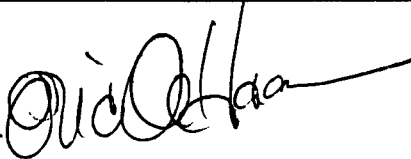
12. PC Jazz Fest submitted late. Therefore application not accepted.

Total amounts requested: \$74,103.00
 PCMC \$ 2,000.00
 County \$ 4,018.00
 Both \$68,085.00
 \$74,103.00

It is the recommendation of this grant committee that the balance be specifically set aside for cultural grant requests that may come up during the fiscal year ie County Library, Cultural Olympic project. The Grant Committee expected more applications pertaining to olympic-related projects but did not receive any.



CITY COUNCIL REPORT

DATE: September 13, 2001
DEPARTMENT: Community Development
AUTHOR: Eric DeHaan, P.E., City Engineer 
TITLE: Ordinance Accepting the Empire Canyon Day Lodge Water Line
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: The Council should approve the Ordinance accepting the public improvements at the Empire Canyon Day Lodge (Bald Eagle Waterline Connection).

DESCRIPTION:

A. Topic: The Empire Canyon Day Lodge is being built by Deer Valley Resort in what will become the Flagstaff Mountain Village. Flagstaff is being developed by United Park City Mines. The two developers are cooperating on infrastructure, including this water line and the sewer line extending down into Daly Avenue. This approval is only for the Bald Eagle water line connection which is nearly 9,000 feet long and extends under several ski runs and crosses under the Guardsman Pass Road to connect Bald Eagle Drive with the Empire Canyon Day Lodge.

B. Background: Water to serve Flagstaff Mountain will come from two redundant areas of lower Park City: the Woodside Avenue area and the Snow Park-to-Bald Eagle pump system. The Empire Canyon Day Lodge is initially served with water which is pumped up from Snow Park to the Silver Lake Tank and thence to the new Day Lodge via this transmission line. The transmission line will become part of Park City's water system by virtue of this acceptance. By accepting public improvements at the appropriate time orderly construction and development is achieved.

C. Analysis: During the development of Flagstaff there will be two new water reservoirs constructed. The subject water line will be one of two ways to serve new pump stations, which in turn will fill the new reservoirs. Temporarily, the new water line serves the Empire Canyon Day Lodge with fire protection from the Bald Eagle Tank and the Silver Lake Tank. An easement for the water line has been recorded and is attached.

D. Department Review: The water line construction has been coordinated with the Public Works Department and the office of the City Engineer. This report has been reviewed by Legal and Executive as well.

ALTERNATIVES:

A. Approve the Request.

B. Continue the Request: If the Council wants more information regarding the Empire Canyon Day Lodge water line, this ordinance can be continued.

SIGNIFICANT IMPACTS: The water line will need the usual maintenance common to all City water facilities, but there won't be any specific fiscal impact to Park City as a result of accepting the line.

RECOMMENDATION: The Council should approve the ordinance accepting the public improvements at the Empire Canyon Day Lodge (Bald Eagle Water Line Connection).

When recorded return to:
PCMC
Attn: City Recorder
PO Box 1480
Park City UT 84060

ORDINANCE NO. 01-____

AN ORDINANCE ACCEPTING THE PUBLIC IMPROVEMENTS
AT THE EMPIRE CANYON DAY LODGE
(BALD EAGLE WATERLINE CONNECTION)

WHEREAS, the Deer Valley Special Exception permit and the Flagstaff Mountain Development Agreement were approved by the Park City City Council; and

WHEREAS, construction of public improvements has been accomplished by the developer, including a water distribution system connecting the Silver Lake Tank to the Empire Canyon Day Lodge; and

WHEREAS, Park City has adopted LMC Section 15.3.1(g), which provides for the City Council to accept (by Ordinance) those public improvements which are dedicated and built in accordance with the requirements of Chapter 15 of the Land Management Code; and

WHEREAS, the public improvements serving the Empire Canyon Day Lodge were installed in accordance with the ordinances in effect at the time of project application and have been duly inspected by the City Engineer.

NOW THEREFORE BE IT ORDAINED by the Park City Council as follows:

SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the developer the waterline connecting the Silver Lake Tank at Bald Eagle with the Empire Canyon Day Lodge, subject to the developer's warranty of these improvements for one year following the adoption of this ordinance. Stabilization of all disturbed soil areas with revegetation shall have been achieved by the end of the one-year period commencing with the adoption of this ordinance.

SECTION 2. FINANCIAL GUARANTEE. To guarantee the improvements, Park City shall hold a financial guarantee for a period of one year following the adoption of this ordinance.

SECTION 3. EFFECTIVE DATE This ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2001.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, Mayor

ATTEST:

Janet M. Scott, City Recorder

Approved as to Form:

Mark D. Harrington, City Attorney

WHEN RECORDED, MAIL TO:
MR. ERIC DEHAAN
PARK CITY MUNICIPAL CORPORATION
P. O. BOX 1480
PARK CITY, UTAH 84060

GRANT OF EASEMENT

DEER VALLEY RESORT COMPANY, a Utah limited partnership, P.O. Box 889, Park City, Utah 84060, and UNITED PARK CITY MINES COMPANY, a Delaware corporation, P. O. Box 3178, Park City, Utah 84060, collectively Grantor herein, for the sum of One Dollar and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby conveys and warrants to PARK CITY MUNICIPAL CORPORATION, Grantee, its successors and assigns, the right, privilege and authority to construct, operate, replace, repair and maintain underground water lines and pipes and related facilities of Grantee on, over, under, and across the real property owned by Grantor situated in Park City, Summit County, Utah described on Exhibit A hereto, together with necessary and reasonable rights of ingress and egress thereto over adjacent lands owned by Grantor.

This Grant of Easement includes the right of the Grantee, its agents and employees, to enter upon said real estate at any time for the purpose of exercising any of the rights herein granted and the right to trim, clear or remove any tree, brush, structure or obstruction of any kind or character whatsoever which, in the sole judgment of the Grantee, may endanger the safety of or interfere with the operation and maintenance of Grantee's facilities located thereon.

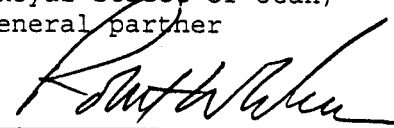
Grantee agrees to use reasonable care to restore the surface of the easement ground to the conditions existing prior to disturbance in connection with the authorized uses hereunder.

Grantor shall have the right to use the easement property except for the purposes for which this easement is granted to Grantee, provided that such use does not interfere with the facilities or any other rights granted to Grantee hereunder.

WITNESS the hands of said Grantor this 12 day of FEBRUARY, 2001.

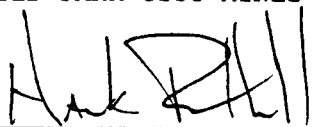
DEER VALLEY RESORT COMPANY
By Royal Street of Utah,
a general partner

By


Robert W. Wells,
Vice President

UNITED PARK CITY MINES COMPANY

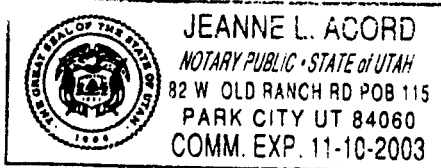
By


Hank Rothwell,
President

00582506 Bk01354 Pg00197-00200
2.28.1
ALAN SPRIGGS, SUMMIT CO RECORDER
2001 FEB 15 16:41 PM FEE \$18.00 BY DM
REQUEST: HIGH COUNTRY TITLE

STATE OF UTAH)
 : SS.
COUNTY OF SUMMIT)

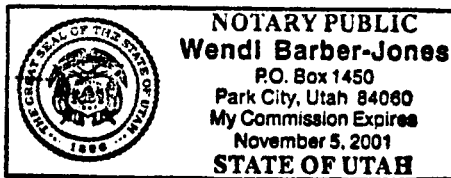
On the 12 day of FEBRUARY, 2001, personally appeared before me Robert W. Wells, the signer of the foregoing Grant of Easement, who duly acknowledged to me that he is the Vice President of Royal Street of Utah, a general partner of Deer Valley Resort Company, a Utah limited partnership, and that he executed the same on behalf of and with the authority of Deer Valley Resort Company.



Jeanne L. Acord
NOTARY PUBLIC

STATE OF UTAH)
 : SS.
COUNTY OF SUMMIT)

On the 15th day of February, 2001, personally appeared before me Hank Rothwell, the signer of the foregoing Grant of Easement, who duly acknowledged to me that he is the President of United Park City Mines Company, a Delaware corporation and that he executed the same on behalf of and with the authority of United Park City Mines Company.



Wendi Barber-Jones
NOTARY PUBLIC

00582506 Bk01354 Pg00198

Exhibit A
To
Grant of Easement

A parcel of land 30' in width, being 15' on each side of the following three described centerlines:

1. EMPIRE DAY LODGE
 WATER LINE EASEMENT - MAIN LINE
 December 15, 2000

Beginning at a point South 3635.89 feet and West 4772.28 feet from the southwest corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence 309.26 feet along the arc of a curve to the left through a central angle of 08°33'22" and having a radius of 2070.92 feet, of which the radius point bears North 47°19'05" West; thence 228.73 feet along the arc of a curve to the right having a radius of 1614.55 feet (chord bears North 17°13'08" East 228.54 feet); thence North 21°16'38" East 64.98 feet to a point on a curve to the right having a radius of 350.00 feet, of which the radius point bears South 68°43'21" East; thence along the arc of said curve 130.13 feet through a central angle of 21°18'11"; thence North 42°34'49" East 138.06 feet to a point on a curve to the left having a radius of 650.00 feet, of which the radius point bears North 47°25'11" West; thence along the arc of said curve 176.50 feet through a central angle of 15°33'30"; thence North 27°01'19" East 140.90 feet to a point on a curve to the right having a radius of 500.00 feet, of which the radius point bears South 62°58'41" East; thence along the arc of said curve 189.22 feet through a central angle of 21°41'00"; thence North 48°42'19" East 195.38 feet to a point on a curve to the right having a radius of 500.00 feet, of which the radius point bears South 41°17'40" East; thence along the arc of said curve 220.90 feet through a central angle of 25°18'49"; thence North 74°01'08" East 447.86 feet to a point on a curve to the left having a radius of 3200.00 feet, of which the radius point bears North 15°58'52" West; thence along the arc of said curve 231.20 feet through a central angle of 04°08'23"; thence North 69°52'45" East 87.35 feet; thence South 65°39'52" East 63.10 feet; thence 308.13 feet along the arc of a curve to the left having a radius of 1345.85 feet (chord bears South 61°59'49" East 307.45 feet); thence North 54°17'55" East 30.65 feet; thence 497.87 feet along the arc of a curve to the right having a radius of 1616.64 feet (chord bears North 35°09'50" East 495.90 feet) to a point on a curve to the left having a radius of 400.00 feet, of which the radius point bears North 46°00'49" West; thence along the arc of said curve 100.00 feet through a central angle of 14°19'26" to a point on a curve to the right having a radius of 375.00 feet; thence along the arc of said curve 113.81 feet through a central angle of 17°23'21"; thence 141.59 feet along the arc of a curve to the right having a radius of 441.12 feet (chord bears North 76°39'24" East 140.98 feet); thence North 85°51'07" East 40.60 feet to a point on a curve to the left having a radius of 1000.00 feet, of which the radius point bears North 06°26'19" West; thence along the arc of said curve 116.42 feet through a central angle of 06°40'12"; thence North 76°53'28" East 147.42 feet to a point on a curve to the right having a radius of 565.54 feet, of which the radius point bears South 13°06'32" East; thence along the arc of said curve 153.75 feet through a central angle of 15°34'35" to a point on a curve to the right having a radius of 699.84 feet, of which the radius point bears South 02°28'03" West; thence along the arc of said curve 414.30 feet through a central angle of 33°55'08" to a point on a curve to the left having a radius of 975.00 feet, of which the radius point bears North 36°23'12" East; thence along the arc of said curve 256.32 feet through a central angle of 15°03'45" to a point on a curve to the left having a radius of 448.34 feet, of which the radius point bears North 21°19'27" East; thence along the arc of said

PARK CITY

1884

CITY COUNCIL STAFF REPORT

DATE: September 13, 2001
DEPARTMENT: Planning Department
AUTHOR: Derek Satchell
TITLE: LMC Re-write - Chapter 4 (Historic Preservation)
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Review and discuss the proposed modifications to Chapter 4 (Historic Preservation) of the Park City Land Management Code re-write, conduct another public hearing, and provide Staff with direction.

A. BACKGROUND

In reviewing numerous rehabilitation and new construction projects in Old Town, Staff suggested revising Chapter 4 of the Land Management Code, which deals specifically with historic preservation. This was deemed to be of immediate importance since it dealt with policy and procedure. The intent is to provide clarity regarding the formal design review process and procedure for various applications under the HDC's and Staff's purview.

In mid 1999, the HDC conducted a series of formal retreat meetings in order to reaffirm their knowledge and policy in historic preservation. Although the HDC consciously and unanimously decided to collaborate on an rough draft during the retreats prior to conducting any formal public hearings, all of the retreats were publicly noticed and open to the public. Additionally, this matter was discussed during various KPCW/staff interviews. At their regularly scheduled public meeting on June 19, 2000, the HDC forwarded a final draft to the Planning Commission with a positive recommendation for review and to commence the public hearing process.

On July 26, 2000, the Planning Commission reviewed the HDC's proposed Chapter 4 draft and received public input. All of comments were considered, but no substantial changes were made to the draft. The Planning Commission continued the public hearing to the next available meeting. The HDC held special joint public meetings with the Planning Commission on December 4, 2000 and April 11, 2001, to ensure a mutual understanding and interpretation of the proposed Chapter 4 revisions. The meetings were

publicly noticed and open to the public. Both commissions reviewed each section of the proposed draft carefully and provided Staff with additional editorial recommendations. During the April meeting, HDC Commissioner Hurd asked numerous questions and made several comments to both commissions regarding the draft. All of his comments were considered and some were incorporated, but no substantial changes were made to the draft. On April 25, 2001, the Planning Commission noted during their regular agenda that the elements and revisions previously discussed about the proposed Chapter 4 were incorporated, and moved unanimously to forward a positive recommendation to the City Council on this item.

On April 26, 2001, Commissioner Hurd forwarded a letter to members of the City Council reiterating the questions and comments he previously addressed to the Planning Commission at the April 25th meeting (See Exhibit C). Staff responses to his comments are attached (See Exhibit D). On July 12, 2001, the City Council reviewed the draft and held a public hearing. Council requested some additional editorial changes, and recommended that the discussion regarding quorum be remanded to the Legal Department for resolve. Additionally, Council recommended that a mailing be sent out to inform the community of the draft amendments. The public hearing on this item was closed.

B. ANALYSIS

Revisions to the draft Chapter 4 were principally administrative in nature and consisted primarily of editing for accuracy, clarity and consistency with other sections within the same chapter. The recommendations made by the Historic District Commission, Planning Commission, and Staff have been incorporated. Additionally, some public input from previous meetings and public hearings have also be included. The principal objective of the proposed Chapter 4 re-write is a "housekeeping" endeavor to centrally locate this information for use by Staff and applicants, thereby making Chapter 4 more useful and comprehensive.

C. ISSUES FOR DISCUSSION:

- Should a commissioner's period on the HDC be limited to serving no more than two (2) consecutive terms as proposed (i.e. six years)?
- Should appeals of Staff design review decisions be forwarded to HDC as proposed, or should it be considered by the Community Development Director prior to the HDC hearing, as described in the current Land Management Code?
- Should the HDC be required to have a seated representative from the Park City Historical Society?
- Should the compilation of documentation for determination of historical significance be required to comply with the State Preservation Office's Intensive Level Survey standards as recommended by the SHPO?

C. RECOMMENDATION

Staff requests that the City Council review the proposed draft and discuss any outstanding

issues, conduct a public hearing, consider public input, and provide Staff with direction.

EXHIBITS:

Exhibit A - Draft Chapter 4 (dated August 23, 2001)

Exhibit B - HDC Commissioner Hurd's Letter to City Council (dated April 26, 2001)

Exhibit C - Staff's response to Commissioner Hurd's letter

Exhibit D - SHPO's standards for Intensive Level Survey

Exhibit E - Letter from Historical Society

**EXHIBITS - AVAILABLE
AT CITY RECORDER'S
OFFICE**

M:\CDD\DS\COUNCIL\2001\reports\lmcCh4September13.wpd

PARK CITY MUNICIPAL CODE
TABLE OF CONTENTS
TITLE 15 LAND MANAGEMENT CODE - CHAPTER 4

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 4 - HISTORIC PRESERVATION 1

15-4.1.	HISTORIC PRESERVATION	1
15-4.2.	PARK CITY HISTORIC DISTRICT	1
15-4.3.	HISTORIC DISTRICT COMMISSION	2
15-4.4.	PLANNING DEPARTMENT STAFF	5
15-4.5.	DETERMINING HISTORICAL SIGNIFICANCE	7
15-4.6.	PROCEDURE FOR DETERMINING SIGNIFICANCE.	9
15-4.7.	DESIGN STANDARDS AND GUIDELINES	10
15-4.8.	ADMINISTRATIVE DESIGN REVIEW	11
15-4.9.	HDC DESIGN REVIEW	13
15-4.10.	PRESERVATION PROGRAMS AND INCENTIVES	16
<u>15-4.11.</u>	<u>PRESERVATION FACADE EASEMENTS</u>	<u>16</u>
<u>15-4.12.</u>	<u>RELOCATION AND DEMOLITION</u>	<u>16</u>
<u>15-4.13.</u>	<u>DEMOLITION OF HAZARDOUS BUILDINGS</u>	<u>16</u>
<u>15-4.14.</u>	<u>DEMOLITION BY NEGLECT</u>	<u>17</u>
<u>15-4.15.</u>	<u>PROCEDURE FOR MITIGATING DEMOLITION BY NEGLECT ..</u>	<u>17</u>
<u>15-4.16.</u>	<u>CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION</u> <u>(CAD)</u>	<u>18</u>
<u>15-4.17.</u>	<u>CRITERIA FOR CERTIFICATE OF APPROPRIATENESS FOR</u> <u>DEMOLITION (CAD)</u>	<u>18</u>
<u>15-4.18.</u>	<u>PROCEDURE FOR CERTIFICATE OF APPROPRIATENESS FOR</u> <u>DEMOLITION (CAD)</u>	<u>21</u>
<u>15-4.19.</u>	<u>APPEALS</u>	<u>24</u>
<u>15-4.20.</u>	<u>ENFORCEMENT AND PENALTIES</u>	<u>24</u>



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 4 - HISTORIC PRESERVATION

**CHAPTER 4 - HISTORIC
PRESERVATION.**

Chapter adopted by Ordinance No.

**15-4.1. STATEMENT OF
PURPOSE.**

The purpose of this Chapter is to give this City and community a set of processes to identify, preserve, protect and encourage the continued use of buildings, structures and sites in Park City having Historical Significance. These buildings, structures and sites exemplify or reflect the cultural, social, economic, political, and/or architectural history of the City as a mining community of the late nineteenth century. For this and many other reasons, these buildings, structures and sites are worthy of a high degree of protection. This Chapter describes the Historic District and establishes the Park City Historic District Commission as the entity most involved in the protection process. This Chapter also sets forth the processes for determination of historical significance, design review, demolition, relocation, demolition by neglect, and enforcement penalties.

**15-4.2. PARK CITY HISTORIC
DISTRICT.**

The locally designated overlay district known as "The Park City Historic District" is composed of the following:

- (A) Numerous buildings that are a part of, or considered contributory to The Historic Main Street District, as nominated and listed on the National Register of Historic Places, on March 7, 1979;
- (B) Numerous buildings that are a part of, or considered contributory to the National Register of Historic Places thematic nomination entitled "Residences of Mining Boom Era Park City," as nominated and recognized on July 12, 1984;
- (C) All buildings, structures and sites located throughout Park City that are individually listed or considered eligible for listing on the National Register of Historic Places;
- (D) All buildings, structures and sites located within the designated "H" zones (pursuant to Chapter 2 of this Title); and

(E) All buildings, structures and sites located throughout Park City that are determined to be Historically Significant or Historically Contributory pursuant to this Chapter.

15-4.3. HISTORIC DISTRICT COMMISSION.

Pursuant to the Historic District Act (Section 17A-3-1301, et seq., of the Utah Code, 1953 as amended), the City Council created the Historic District Commission (HDC) via Ord. 81-3(1), passed and adopted in 1981 and amended in 1983. The HDC's principal purpose is to identify, preserve, protect and encourage the continued use of buildings, structures and sites in Park City having historical significance. In serving this purpose, the HDC may convene in an administrative, quasi-judicial, or advisory capacity. The HDC shall consist of five (5) members appointed at-large from Park City by the City Council. A seated City Council person shall also be appointed to the HDC as a non-voting liaison to the City Council.

(A) **ELIGIBILITY.** At least two (2) of the members shall reside within the Historic District and at least one member shall be a local registered architect, general contractor, or person in the building profession with a demonstrated interest and knowledge of historic preservation. It is the first priority of the City Council that the HDC have such technical representation. It is recommended that other members represent at least one of the following qualifications:

(1) Resident at-large from Park City;

(2) Park City realtor (or other real estate professional) with a demonstrated interest and knowledge of historic preservation;

(3) Person associated with or having a vested interest in the Historic Main Street District; and

(4) Member of the Park City Historical Society.

(B) **TERMS.** Members of the HDC shall serve terms of three (3) years and until a successor is appointed. The terms of the members shall be staggered and expire on December 31. No member may serve more than two consecutive terms. Vacancies shall be advertised publicly by the Community Development Department and all applications shall be forwarded to the Mayor for review and recommendation to City Council. Public interviews may be conducted. It shall be the priority of the Mayor and City Council to fill all vacancies in a timely manner.

(C) **GROUND FOR REMOVAL.** Any HDC member who is absent unexcused from two (2) consecutive regularly scheduled Commission meetings (or a total of four (4) regularly scheduled meetings per calendar year), or fails to recuse from discussions which will result in a conflict of interest, may be removed from the HDC by the City Council.

(D) **ORGANIZATION AND PROCEDURES.** The organization and procedures of the HDC shall be governed as follows:

(1) **OFFICERS.** The HDC shall elect one of its members to serve as Chairperson on the basis of overall preservation knowledge, experience, and leadership ability. The term of office shall be for one (1) year. The HDC shall also elect a Vice-chairperson to serve in the absence of the elected chair. The term of the Vice-chairperson shall be the same as the term of the Chairperson.

(2) **MEETINGS.** The HDC shall convene twice every month unless legally noticed otherwise. All meetings of the HDC shall be open to the public and legally noticed except where otherwise provided in the Utah Open and Public Meetings Act, U.C.A., Section 52-4-1 et. seq.

(3) **QUORUM & VOTING.** No business shall be conducted by the HDC unless a quorum is present. Three (3) members present shall constitute a quorum. No action may be taken by the HDC with less than three affirmative votes. The decision of the HDC shall become effective on the date the vote is taken.

(4) **CONFLICTS OF INTEREST.** No HDC member shall participate in the hearing or disposition of any matter in which that member has direct personal,

professional, or financial interest. It shall be the responsibility of said HDC member to bring the possible conflict of interest to the attention of the Chairperson (prior to participating in the discussion), who shall request that the HDC member abstain from participation. Failure to abstain may result in grounds for removal for that HDC member.

(5) **POLICIES & PROCEDURES.** The HDC shall adopt policies and procedures for the conduct of its meetings, operating procedures, and any other purposes considered necessary for its proper functioning pursuant to Section 5 of the Park City Officials' Handbook.

(6) **MINUTES.** The official minutes of the HDC meetings shall be kept by the Community Development Department. All meetings shall comply with Title 52, Chapter 4 (Open and Public Meetings) of the Utah Code, as amended. Minutes shall include:

(i) the date, time and place of the meeting.

(ii) the names of members present and absent.

(iii) the substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.

(iv) the names of all citizens who appeared and the substance in brief of their testimony.

(v) Any other information that any member requests be entered in the minutes.

The minutes are public record and shall be available within a reasonable time after the meeting.

(E) **RESPONSIBILITIES.** The HDC shall serve in the following capacity:

(1) Review and make a determination on all Determination of Historical Significance applications;

(2) Review all Certificate of Appropriateness for Demolition (CAD) applications, and approve or deny the application;

(3) Recommend to the City Council the adoption of historic design guidelines to be used by the HDC and the Planning Department Staff in reviewing applications for permits to construct, change, alter, modify, rehabilitate, remove, or significantly affect any building or exterior element within the Historic District;

(4) Review applications for work submitted for HDC Design Review (covered in Section 4.9 of this Chapter) to construct, change,

alter, modify, rehabilitate, remove, or effect any building or exterior element within the Historic District for compliance with the Historic District Design Guidelines, and either approve or deny the application.

(5) Review applications for work submitted for Administrative Design Review (covered in Section 4.8 of this Chapter) to construct, change, alter, modify, rehabilitate, remove, or effect any building or exterior element within the Historic District for compliance with the Historic District Design Guidelines, and either approve or deny the application in those cases where:

(i) the Planning Department Staff requests design direction or is unable to determine compliance with the Historic District Design Guidelines; or

(ii) the applicant desires to appeal the Administrative Decision regarding their application.

(6) Petition the City Council for support and funding of a general maintenance, repair and demolition fund (pursuant to Chapter 8 of the Uniform Code for the Abatement of Dangerous Buildings Code, and Chapter 15 of the Uniform Housing Code);

(7) Administer preservation programs and utilize monies allocated by the City Council as an incentive for property owners of historically significant and contributory buildings, structures and sites;

(8) Advocate the acquisition of property by Council for the purposes of preserving the City's historic architectural and cultural resources;

(9) Recommend to the City Council and the Planning Commission changes to the Land Management Code that reinforce the purpose of the Historic District;

(10) Petition the City Council and the Planning Commission to make necessary zoning boundary changes within the City in order to preserve the historical integrity of the area;

(11) Petition the Board of Adjustment to grant variances and/or special exceptions within the Historic District, in order to preserve the historical integrity of the area;

(12) Advise the City Council and the Planning Commission regarding compatible development and utilization of lands and areas adjacent to Historic District;

(13) Advise the City

Council and the Planning Commission in the preparation of the Historic Preservation Element of the General Plan of the City;

(14) Advise the City Council and the general public on property owner incentives to preserve designated buildings in the Historic District;

(15) Develop and participate in public education programs to increase public awareness of the value of historic, architectural and cultural preservation; and

(16) Petition the Chief Building Official, on behalf of the City, to institute proceedings to mitigate Demolition by Neglect (pursuant to Section 4.14 of this Chapter and Chapter 6 of this Title).

(F) **LIMITATIONS.** The HDC has no authority to waive or increase any requirement of the Land Management Code.

15-4.4. PLANNING DEPARTMENT STAFF.

The Director of the Community Development Department shall assign the Planning Department Staff to the HDC to provide such assistance as is reasonably necessary to enable the HDC to perform its responsibilities. It is recommended that Staff include at least one individual having professional experience or a background in the field of historic preservation. Staff may seek assistance from other preservation-

related organizations and agencies concerning matters related to their field of expertise.

(A) **RESPONSIBILITIES.** Staff shall assist the HDC where necessary by serving in the following capacity:

- (1) Review and forward a recommendation to the HDC on all Determination of Historical Significance;
- (2) Review and forward a recommendation to the HDC on all Certificate of Appropriateness for Demolition (CAD) applications;
- (3) Assist the HDC in the development of historic design guidelines to be used by the HDC and Staff in reviewing applications and work for permits to construct, change, alter, modify, rehabilitate, remove, or affect any building or exterior element within the Historic District;
- (4) Review applications for work submitted for Administrative Design Review (covered in Section 4.8 of this Chapter) to construct, change, alter, modify, rehabilitate, remove, or effect any building or exterior element within the Historic District for compliance with the Historic District Design Guidelines, and either approve, deny or forward the application to the HDC in those cases where:

(i) the Planning Department Staff requests design direction or is unable to determine compliance with the Historic District Design Guidelines; or

(ii) the applicant desires to appeal the Administrative Decision regarding their application.

- (5) Update the HDC on a regular basis (or at the specific request of HDC) on applications submitted for Administrative Design Review (covered in Section 4.8 of this Chapter);
- (6) Monitor approved projects throughout the duration of the construction period for compliance with the Historic District Design Guidelines and the stipulated Conditions of Approval.
- (7) Advise the HDC of any current trends regarding development and utilization of lands and areas within and adjacent to the Historic District;
- (8) Develop and forward recommendations to the HDC in connection with the preparation of the Historic Preservation Element of the General Plan of the City;
- (9) Advise the HDC and the

general public on property owner incentives to preserve designated buildings in the Historic District;

(10) Assist the HDC in developing public education programs to increase public awareness of the value of historic, architectural and cultural preservation;

(11) Maintain a library of technical and preservation-related documents and to keep such materials available for public use;

(12) Inform the HDC of those persons and/or projects which violate the provisions of this Chapter of the Code, and petition the Chief Building Official to institute proceedings to mitigate Demolition by Neglect (pursuant to Section 4.14 of this Chapter and Chapter 6 of this Title).

(13) Maintain an architectural survey or inventory of all historically significant, contributory and insignificant properties in Park City, and make this information available to the public.

15-4.5. DETERMINING HISTORICAL SIGNIFICANCE.

In an effort to protect historic buildings, structures and sites properties of Park City, they must be properly identified and categorized. A property is determined to be historically significant if it can convey

important information about its role in Park City's history, as well as retain the original integrity of those features necessary to convey its significance. If a building, structure or site is at least fifty (50) years old, it shall initially be presumed to be historically significant. ~~A building, structure or site that property~~ is listed on the National Register of Historic Places shall be recognized as being historically significant without need for action. ~~The following Substantial compliance with the criteria outlined in both~~ (A) and (B) of this Section shall be used to determine historical significance (See Subsection C):

(A) **HISTORICAL VALUE.** Any important information on a building, structure or site and its role in Park City's history based on each of the following:

(1) **ASSOCIATIVE VALUE.** A building, structure or site is historically significant for its association or linkage to events or persons of historic importance to Park City.

(2) **DESIGN OR CONSTRUCTION VALUE.** A building, structure or site is historically significant for being representative of typical construction erected during the Park City mining boom period, or as an expression of local architecture which illustrates the historical development of the area.

(3) **INFORMATIONAL VALUE.** A building, structure or

site is historically significant for its ability to yield important information about the history of Park City (this criterion primarily applies to archeological sites).

(B) HISTORICAL INTEGRITY.

Any important information or physical evidence on a building, structure or site in retaining its original character relative to Park City's history based on each of the following:

(1) INTEGRITY OF LOCATION. A building, structure or site has historical integrity by maintaining the original placement of construction, or place where the historic event occurred.

(2) INTEGRITY OF DESIGN. A building, structure or site has historical integrity by maintaining the original combination of architectural elements that creates the form, plan, space, structure, and style of a particular design as being representative of typical construction erected during the Park City mining boom period, or as an expression of local architecture which illustrates the historical development of the area;

(3) INTEGRITY OF SETTING. A building, structure or site has historical integrity by maintaining the original character of the place in which it is ~~found~~ located, and its immediate surroundings.

(4) INTEGRITY OF MATERIALS. A building, structure or site has historical integrity by retaining its original physical elements and features.

(5) INTEGRITY OF WORKMANSHIP. A building, structure or site has historical integrity by retaining original physical evidence of the crafts of the people who created it.

(6) INTEGRITY OF CONTEXT. A building, structure or site has historical integrity by maintaining the contextual relationship that results from the presence of similar physical features found on other buildings, structures or sites elsewhere in the Historic District.

(7) INTEGRITY BY OF ASSOCIATION. A building, structure or site has historical integrity by maintaining ~~the direct~~ a close link to events or persons important to Park City.

(C) DETERMINATION. The HDC shall classify a building, structure or site into one of the following categories:

(1) HISTORICALLY SIGNIFICANT. The property substantially complies with the criteria listed in (A) and (B) of Section 4.5 of this Chapter;

(2) **HISTORICALLY CONTRIBUTORY.** The property substantially complies with either (A) or (B), or some combination of the criteria listed in (A) and (B) of Section 4.5 of this Chapter, but has been altered in a manner that if the alteration is removed, the historical significance and integrity of the property could be identified; or

(3) **HISTORICALLY INSIGNIFICANT.** The property does not substantially comply with either (A) or (B), or some combination of the criteria listed in (A) or (B) of Section 4.5 of this Chapter, and has been altered in a manner that if the alteration is removed, the historical significance and integrity of the property could not be identified.

(D) **LIMITATIONS.** The HDC may determine historical significance for any building, structure or site if it substantially complies with the above listed criteria. The HDC may not determine historical significance based solely on one (1) of the aforementioned criteria, but may support a determination that the building, structure or site is historically contributory.

15-4.6. PROCEDURE FOR DETERMINING HISTORICAL SIGNIFICANCE.

Upon submission of a Determination of Historical Significance Application by the property owner, or authorized representative,

the application shall be evaluated initially by Staff. Staff shall forward a recommendation to the HDC, and schedule a hearing before the HDC within a reasonable time frame from the date of said recommendation. At the hearing, the Planning Department Staff shall present the item and their recommendation to the HDC. The applicant shall also have the opportunity to present testimony and evidence. If the HDC determines historical significance, the HDC shall request that the findings be submitted to the Park City Historical Society, and to the Utah State Historic Preservation Office for possible inclusion to the National Register of Historic Places as a designated historic property.

(A) **SUBMISSION FOR REVIEW.** All requests for Determination of Historical Significance shall provide the following information and items:

(1) A completed Determination of Historical Significance Application.

(2) Documentation on the history of the property. This material shall be compiled by a bona fide Historical Research Consultant (hired by the applicant) having at least three years of practical and professional experience in this area.

(3) Photographic documentation on the property's current physical appearance.

(4) A written summary by the applicant ~~refuting or supporting~~

(2) **HISTORICALLY CONTRIBUTORY.** The property substantially complies with either (A) or (B), or some combination of the criteria listed in (A) and (B) of Section 4.5 of this Chapter, but has been altered in a manner that if the alteration is removed, the historical significance and integrity of the property could be identified; or

(3) **HISTORICALLY INSIGNIFICANT.** The property does not substantially comply with either (A) or (B), or some combination of the criteria listed in (A) or (B) of Section 4.5 of this Chapter, and has been altered in a manner that if the alteration is removed, the historical significance and integrity of the property could not be identified.

(D) **LIMITATIONS.** The HDC may determine historical significance for any building, structure or site if it substantially complies with the above listed criteria. The HDC may not determine historical significance based solely on one (1) of the aforementioned criteria, but may support a determination that the building, structure or site is historically contributory.

15-4.6. PROCEDURE FOR DETERMINING HISTORICAL SIGNIFICANCE.

Upon submission of a Determination of Historical Significance Application by the property owner, or authorized representative,

the application shall be evaluated initially by Staff. Staff shall forward a recommendation to the HDC, and schedule a hearing before the HDC within a reasonable time frame from the date of said recommendation. At the hearing, the Planning Department Staff shall present the item and their recommendation to the HDC. The applicant shall also have the opportunity to present testimony and evidence. If the HDC determines historical significance, the HDC shall request that the findings be submitted to the Park City Historical Society, and to the Utah State Historic Preservation Office for possible inclusion to the National Register of Historic Places as a designated historic property.

(A) **SUBMISSION FOR REVIEW.**

All requests for Determination of Historical Significance shall provide the following information and items:

(1) A completed Determination of Historical Significance Application.

(2) Documentation on the history of the property. This material shall be compiled by a bona fide Historical Research Consultant (hired by the applicant) having at least three years of practical and professional experience in this area.

(3) Photographic documentation on the property's current physical appearance.

(4) A written summary by the applicant ~~refuting or supporting~~

addressing the criteria for determining historical significance, pursuant to Section 4.5 of this Chapter.

(B) **PUBLIC HEARING.** At the public hearing, the HDC shall take testimony and evidence from the applicant, Staff, and members of the public. Any applicant asking for a determination of Historical Insignificance, has the burden of proof that the building, structure or site in question is not historically significant. After hearing all the testimony and evidence, the HDC shall consider which, if any, of the criteria in (A) and (B) of Section 4.5 of this Chapter have been substantially complied with.

(C) **HDC ACTION.** Upon making a determination pursuant to this Chapter, the HDC shall adopt Findings of Fact and Conclusions of Law at a public hearing.

(1) **ACTION LETTER.** After the hearing, Staff shall put the HDC decision into the form of an action letter, stating the HDC's determination, Findings of Fact Conclusions of Law, and any conditions of approval. Staff shall mail the action letter to the applicant within ten (10) days following the hearing.

(2) **POSTPONEMENT.** At any stage in the process before the HDC renders its decision, the applicant and/or Staff may postpone action on an application in order to request additional information or assistance. Postponements shall be confirmed in

writing within ten (10) calendar days of the initial request.

Items may not be postponed to a date exceeding sixty (60) days from the date of the request. If no progress is made by the applicant within the allotted period of postponement, the application shall be deemed inactive.

15-4.7. DESIGN STANDARDS AND GUIDELINES.

All applications for work covered under Sections 4.8 and 4.9 of this Chapter shall be subject to review for compliance to the Park City Historic District Design Guidelines.

(A) **THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION.** The HDC and the Staff may refer to the Department of Interior/National Park Service publication, "The Secretary of the Interior Standards for Rehabilitation (Department of Interior regulations, 36 C.F.R. part 67) and Illustrated Guidelines" (1997 or subsequent versions), as a general reference when evaluating the appropriateness of the proposed work.

(B) **PARK CITY HISTORIC DISTRICT DESIGN GUIDELINES.** The City shall adopt Historic District Design Guidelines that shall apply to all buildings, structures and sites within the Historic District. The HDC and Staff shall refer to the Guidelines for compliance when determining the appropriateness of specific work to ensure architectural compatibility. Economic considerations and cost (within

reason) shall not override the objectives of the Guidelines, nor of this Chapter. The HDC may make changes periodically to the Guidelines in order to address current developmental trends that impact the Historic District. No changes shall take effect until adopted by the City Council. The purpose of the Guidelines is to:

- (1) Assist in the long-term preservation of a building, structure or site's significance as exemplified by specific materials and features;
- (2) Provide the applicant with direction regarding compatible design parameters prior to design development;
- (3) Serve as the basis on which the Planning Department Staff and HDC will review all applications and work covered under Sections 4.8 and 4.9 of this Chapter; and
- (4) Ensure design compatibility of new construction within the Historic District.

15-4.8. ADMINISTRATIVE DESIGN REVIEW.

Applications for permits to construct, change, alter, modify, rehabilitate, remove, or significantly affect any building or exterior element within the Historic District, may also require the submission of an Historic District Review Application, Paint Application, Exterior Lighting Application, or Sign Application as determined by the Staff. Staff shall determine which of the

mentioned applications are necessary prior to the commencement of any work. Staff shall review the application, and upon making a finding of compliance or non-compliance with the Guidelines, shall either approve or deny all applicable applications. The following work shall be reviewed by Staff:

- (1) **NEW CONSTRUCTION.**
Work to construct, change, alter, modify, repair, rehabilitate, remove, or affect any contemporary building, structure, site or exterior element within the Historic District, that will not impair the surrounding historic integrity and context of the District, as determined by Staff.
- (2) **ALTERATIONS TO HISTORIC CONSTRUCTION.**
Work to construct, change, alter, modify, repair, rehabilitate, remove, or affect the exterior of any historic building, structure, site or exterior element within the Historic District, that will not impair the original existing structural integrity and character-defining features, as determined by Staff.
- (3) **EXTERIOR PAINTING.**
Work to clean, scrub, remove, scrape, sand, prep, or paint any exterior of a building or structure within the Historic District pursuant to the Historic District Design Guidelines.

(4) EXTERIOR LIGHTING.

Work to install, replace, and/or upgrade any exterior lighting fixtures pursuant to the Park City Light Ordinance and the Historic District Design Guidelines.

(5) EXTERIOR SIGNS.

Work to install, replace, and/or modify any exterior sign pursuant to the Park City Sign Code and the Historic District Design Guidelines.

(A) PRE-APPLICATION MEETING.

It is recommended that the applicant schedule a pre-application meeting with Staff to ascertain if the submission of any of the aforementioned applications are necessary, to become informed of the design review process, to identify any initial design issues, and to acquire preliminary design direction.

(B) SUBMISSION FOR REVIEW.

Work covered in Section 4.8 of this Chapter may require the following information and items:

(1) A completed Historic District Design Review Application, Paint Application, Exterior Lighting Application, or Sign Application as determined by the Staff.

(2) All necessary application submittal requirements as outlined in the specific application.

(3) A brief written summary by the applicant describing the intent and scope of the proposed work.

(C) CDD STAFF REVIEW

MEETING. Staff shall determine if any Historic District Design Review Application will require Community Development Department Staff (CDD) review. The purpose for this meeting is to provide the City Engineer, Chief Building Official, and representatives of local franchised utility companies the opportunity to review the project for conformance with all requisite City development and Uniform Building Codes.

(D) ADMINISTRATIVE ACTION.

Upon review of applications involving work covered by this Section, Staff may either approve or deny the application based on Findings of Fact, Conclusions of Law, and Conditions of Approval without the necessity of HDC review or approval. However, it shall be at the discretion of Staff to forward any application to the HDC for design direction, review, approval, or denial.

(1) **ACTION LETTER.** After taking administrative action, shall put its decision into the form of an action letter, stating the Findings of Fact, Conclusions of Law, and Conditions of Approval. Staff shall mail the action letter to the applicant within ten (10) days following the action taken. All approvals shall expire within one (1) year from the date of administrative action if a building permit is not issued.

(2) **POSTPONEMENT.** At any stage in the process before Staff renders its decision, the applicant and/or Staff may postpone action on

an application in order to request additional information or assistance. All postponements shall be confirmed in writing within ten (10) calendar days of the initial request.

Items may not be postponed to a date exceeding sixty (60) days from the date of the request. If no progress is made by the applicant within the allotted period of postponement, the application shall be deemed inactive.

15-4.9. HDC DESIGN REVIEW.

Applications for permits to construct, change, alter, modify, rehabilitate, remove, or significantly affect any building or exterior element within the Historic District submitted for review by the HDC, shall require an Historic District Review Application. The completion of an HDC Grant Application, Certificate of Appropriateness of Demolition (CAD) Application, Determination of Historical Significance Application, or an Outdoor Display of Art Application may also be required, as determined by Staff. Staff shall determine which of the aforementioned applications are necessary prior the commencement of any work. Staff shall initially review the application, and upon making a finding of compliance or non-compliance with the Guidelines, forward a recommendation to the HDC. The HDC shall either provide design direction, or take action to approve or deny the application. The following work shall be reviewed by the HDC:

(1) **NEW CONSTRUCTION.** Work to construct, change, alter, modify, repair, rehabilitate, remove, or affect any contemporary building, structure, site or exterior element within the Historic District, that will impair the surrounding historic integrity and context of the District, as determined by the Planning Staff.

(2) **ALTERATIONS TO HISTORIC CONSTRUCTION.** Any work to construct, change, alter, modify, repair, rehabilitate, remove, or affect the exterior of any historic building, structure, site or exterior element within the Historic District, that will impair the original existing structural integrity and character-defining features, as determined by Staff.

(3) **ALTERATIONS PERTAINING TO CITY PRESERVATION INCENTIVE PROGRAMS.** Work to construct, change, alter, modify, repair, rehabilitate, remove, or affect the exterior of any historic building, structure, site or visible element within the Historic District, when the property is associated with a City preservation incentive program.

(4) **DEMOLITION AND RELOCATION.** Work to remove, in whole or in part, or relocate any building, structure, site, or exterior element deemed to be historically significant or contributory within the Historic District, pursuant to the

Section 4.16 and 4.17 of this Chapter pertaining to the CAD application process.

(5) APPEALS OF ADMINISTRATIVE

DECISIONS. An appeal of any Administrative Action taken by the Staff.

(6) DETERMINATIONS FOR HISTORICAL SIGNIFICANCE.

All applications to evaluate and determine the level of significance of a building, structure or site pursuant to Section 4.5 of this Chapter.

(7) OUTDOOR DISPLAY OF ART.

Any work to install, construct, change, alter, modify, repair, rehabilitate, remove, or affect any outdoor display of art within the Historic District, based on criteria outlined in Chapter 8 of this Title.

(A) PRE-APPLICATION MEETING.

It is recommended that the applicant schedule a pre-application meeting with Staff to ascertain if the submission of the aforementioned applications are necessary, to become informed of the design review process, to identify any initial design issues, and to acquire preliminary design direction.

(B) SUBMISSION FOR REVIEW.

Any work covered in Section 4.9 of this Chapter may require the following information and items:

- (1) A completed Historic District Design Review Application, HDC

Grant Application, CAD Application, Determination of Historical Significance Application, or Outdoor Display of Art Application as determined by Staff.

- (2) All necessary application submittal requirements as outlined in the specific application.

- (3) A brief written summary by the applicant describing the intent and scope of the proposed work.

(C) CDD STAFF REVIEW

MEETING. Staff shall determine if any applications covered under this Section will require Community Development Department (CDD) Staff review. The purpose for the meeting is to provide the City Engineer, Chief Building Official, and representatives from local utility companies the opportunity to review the project for conformance with all requisite City development and Uniform Building Codes.

(D) PUBLIC MEETING. Staff shall schedule Historic District Design Review Applications, HDC Grant Applications, CAD Applications, Determination of Historical Significance Applications, or Outdoor Display of Art Applications for HDC review as either a Consent Agenda, Work Session Agenda or Regular Agenda item.

(1) CONSENT AGENDA

ITEMS. The purpose of the Consent Agenda is to permit Staff to present any application covered by this Section to the HDC for action,

provided that the requested action is unchallenged. Any application for which the HDC finds that the proposed work does not substantially comply with the Guidelines may be pulled from the Consent Agenda and placed on the Regular Agenda.

(2) **WORK SESSION AGENDA ITEMS.** The purpose of the Work Session Agenda is to permit Staff to present any application covered by this Section to the HDC for design direction or to request clarification regarding the interpretation of any particular Guideline as it relates to the proposed work. The applicant shall also have the opportunity to state their position or interpretation. No action may be taken by the HDC on these items.

(3) **REGULAR AGENDA ITEMS.** The purpose of the Regular Agenda is to permit the HDC to conduct a public hearing on any application covered by this Section prior to taking final action, or on the appeal of any administrative decision. The applicant, as well as members of the public in attendance, shall also have the opportunity to present testimony and evidence.

(E) **HDC ACTION.** After taking and considering all of the testimony and evidence, the HDC may either approve or deny the application based on Findings of

Fact, Conclusions of Law, and Conditions of Approval.

(1) **DECISIONS.** After the hearing Staff shall put the HDC decision into the form of an action letter, stating decision made, the Findings of Fact, Conclusions of Law and any Conditions of Approval and mail it to the applicant within ten (10) days following the hearing. All approvals shall expire within one (1) year from the date of hearing if a building permit is not issued.

(2) **POSTPONEMENT.** At any stage in the process before the HDC renders its decision, the applicant and/or the HDC may ask to postpone action on an application in order to request additional information, or assistance. All postponements shall be confirmed in writing within ten (10) calendar days of the initial request.

Items may not be postponed to a date, not exceeding sixty (60) days from the date of the request. If no progress is made by the applicant within the allotted period of postponement, the application shall be deemed inactive.

15-4.10. PRESERVATION PROGRAMS AND INCENTIVES.

The City encourages private property owners to maintain, rehabilitate and improve their historic buildings, structures and/or sites. The City Council, at its sole discretion,

may authorize various programs and incentives for historic preservation. Information and applications for these programs are available at the Community Development Department.

**15-4.11. PRESERVATION
FACADE EASEMENTS.**

A preservation facade easement is a legal agreement between an owner of a historic property in Park City and the City, which grants the City the right to monitor and protect the physical architectural and historic character of the property. Once recorded, an easement becomes part of the property's chain of title in perpetuity. The purpose and terms of the easement conveys the legal authority to the City to ensure that the historic or historically contributing building, structure or site against adverse alterations. The owner may benefit from donation or sale of facade easement to the City by taking an income tax advantage and/or property tax advantage.

**15-4.12. RELOCATION AND
DEMOLITION.**

The relocation or demolition of any building, structure or site within the Historic District shall be prohibited unless:

(A) The building, structure or site is deemed by the Chief Building Official to be a threat to human life because it is structurally unsafe, constitutes a fire hazard, or is otherwise declared to be a public nuisance; or

(B) The proposed work is associated with a Historic District Design Review Application that has been approved by the HDC; or

(C) A Certificate of Appropriateness for Demolition (CAD) for such activity has been approved by the HDC.

**15-4.13. DEMOLITION OF
HAZARDOUS BUILDINGS.**

Any building, structure or site deemed by the Chief Building Official to be a threat to human life ~~because it is structurally unsafe, constitutes a fire hazard,~~ or is otherwise declared to be a public nuisance, as defined in Section 102 of the Uniform Building Code, may be demolished immediately by the City (at expense to the property owner) according to the proceedings set forth in Section 401 et seq. Chapter 4 of the Uniform Code for the Abatement of Dangerous Buildings, as amended. The Chief Building Official shall inform the Staff prior to taking action. The Chief Building Official may seek recovery of this expense pursuant to Section 802 of the Uniform Code for the Abatement of Dangerous Buildings, and proceedings outlined in Chapter 9 of said Code.

15-4.14. DEMOLITION BY NEGLECT.

The term "demolition by neglect", refers to the failure to routinely provide general maintenance for a property which results in the gradual and serious deterioration of a building within the Historic District. Because this type of deterioration has a significant detrimental effect upon the

overall character of the Historic District, the City requires that such buildings, structures and sites be protected against Demolition by Neglect. Therefore, owners must make repairs and maintenance before significant deterioration occurs. Criteria used to identify Demolition by Neglect are set forth in Section 1001 et. seq. 302 of the Uniform Code for the Abatement of Dangerous Buildings and Section 3402 of the Uniform Building Code.

15-4.15. PROCEDURE FOR MITIGATING DEMOLITION BY NEGLECT.

The process for mitigating demolition by neglect shall include use of the proceedings set forth in either Chapter 11 of the Uniform Housing Code, or Chapter 4 of the Uniform Code for the Abatement of Dangerous Buildings. Additionally, the following procedures may be taken:

(A) Identification by Staff that a property's condition falls under the criteria set forth in 302 of the Uniform Code for the Abatement of Dangerous Buildings in Section 4.13 of this Chapter. This initial identification may be made by Staff or by private referral.

(B) Staff shall inform the Chief Building Official with a written account detailing the specific conditions and deterioration which, complies with the criteria set forth in Section 4.13 of this Chapter 302 of the Uniform Code for the Abatement of Dangerous Buildings.

(C) Upon official notice by the Chief

Building Official to the property owner of the specific conditions and deterioration, Staff shall update the HDC, detailing the specific conditions and deterioration which the Chief Building Official has determined to comply with the criteria set forth in Section 4.13 of this Chapter 302 of the Uniform Code for the Abatement of Dangerous Buildings.

(D) Upon the property owner failure to respond to the Chief Building Official's notice, failure to mitigate the situation, and/or failure to begin the process for the corrective work upon being duly noticed, the property owner shall be subject to the proceedings outlined in Section 4.14 Chapter 4 of the Uniform Code for the Abatement of Dangerous Buildings and Section 4.19 4.20 of this Chapter. The Chief Building Official may seek recovery of this expense pursuant to Section 802 of the Uniform Code for the Abatement of Dangerous Buildings, and proceedings outlined in Chapter 9 of said Code.

(E) The Chief Building Official may postpone action on the matter to give the owner more time either to correct the deficiencies, make a proposal for repairs, or perhaps sell the property, upon request by the owner within the allotted notice period.

15-4.16. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).

A Certificate of Appropriateness for Demolition (CAD) is required of any property owner wishing to relocate or demolish an existing Historically Significant

or Historically Contributory building, or structure within the Historic District when said work is not associated with a Historic District Design Review Application that has been approved by the HDC. Staff shall initially review the application and forward it to the HDC with a recommendation for approval or denial.

**15-4.17. CRITERIA FOR
CERTIFICATE OF
APPROPRIATENESS FOR
DEMOLITION (CAD).**

Staff and the HDC shall consider all of the following applicable criteria outlined in (A), (B) and (C) for CAD applications:

(A) CRITERIA FOR RELOCATION.

The relocation of any existing building, structure or site deemed to be Historically Significant or Contributory to the Historic District must meet substantial compliance with the following criteria:

- (1) The existing building, structure, or site within the Historic District cannot be physically rehabilitated or reused on its existing site as part of any reasonable use of the property.
- (2) The proposed relocation activity is demonstrated as the best method for preservation of the structure, having minimal impact upon the significance of the structure, without diminishing the existing integrity of the surrounding neighborhoods and adjacent

structures of the receiving and originating sites.

(3) The ~~historic and present existing setting, setbacks, orientation, and height above grade of the historic~~ building or structure shall be compatible in setting with that of the receiving site or location.

(4) The relocation activity will not warrant the removal or alteration of features, integrity of design, materials, disposition, etc., so as to inhibit its ability to convey historical significance.

(5) The Chief Building Official has determined the building or structure is capable of withstanding the physical impacts associated with the proposed relocation, based on a structural report submitted by a licensed engineer, experienced house mover, or general contractor.

(6) The applicant has agreed to post with the City a financial guarantee or other suitable collateral (as determined by the Chief Building Official) ~~to complete the proposed work.~~

(7) The applicant has agreed to comply with the provisions of this Chapter in the rehabilitation of the building or structure within a reasonable time period as specified, upon its relocation.

(B) CRITERIA FOR DEMOLITION.

The demolition of any building, structure or site deemed to be historically significant or contributory to the Historic District must comply with all the following criteria:

- (1) The demolition activity proposed does not involve a property that is listed on the National Register of Historic Places.
- (2) The structure cannot be physically rehabilitated, or reused on site based on substantial evidence demonstrating Economic Hardship.
- (3) The Chief Building Official has determined that the structure cannot be moved or relocated (within economic reason) to another compatible site within the Historic District.
- (4) The historical significance and integrity of the area and/or site where the demolition is to take place, will not be substantially diminished or compromised.

(C) EVIDENCE OF ECONOMIC HARDSHIP.

Economic hardship exists for a property when it has no reasonable economic use in its present condition, or if rehabilitated, and the owner cannot obtain a reasonable rate of return in its present condition or if rehabilitated. The owner shall bear the burden of proof that the existing use of the property is not economically feasible and that the sale, rental, or rehabilitation thereof is not possible, resulting in the property not being capable of earning any

reasonable economic return. Proof of economic hardship shall not be established solely by submission of proof of actual financial loss or lost opportunity to obtain increased return from the property, although these factors may be considered by the HDC. Demonstration of economic hardship by the owner shall not be based on conditions resulting from willful or negligent acts by the owner; or purchasing the property for substantially more than market value at the time of purchase; or failure to perform regular maintenance and repairs; or failure to diligently solicit and retain tenants; or failure to provide normal tenant improvements. The HDC may approve a CAD if it finds that a demonstrated Economic Hardship will result from the denial of the CAD application. Economic Hardship shall be determined by the HDC upon review of evidence relevant to the following issues:

- (1) The applicant's knowledge of the property's historical significance designation at the time of acquisition, or whether the property was designated subsequent to acquisition.
- (2) The current level of economic return on the property as considered in relation to the following:
 - (i) documented evidence of the amount paid for the property; date of purchase; from whom purchased; and a written description of the relationship (whether

business or family, if any) between the owner and the person from whom it was purchased;

(ii) annual gross or net income, if any, from the property for the previous three (3) years as verified by a licensed property management company or an itemized statement of the annual maintenance and operating expenses for the previous three (3) years;

(iii) remaining balance on any mortgage or other financing secure by the property and annual debt-service, if any, during the prior three (3) years;

(iv) real estate taxes for the previous four (4) years;

(v) all certified appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;

(vi) form of ownership or operation of the property, whether sole proprietorship, for-profit or non-profit corporation, limited partnership, joint venture, or other; and

(vii) any state or federal income tax returns on or relating to the property for the previous two (2) years.

(3) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years including testimony from any real estate broker or firm engaged to sell or lease the property regarding:

(i) reasonableness of the price or rent sought by the applicant; and

(ii) any advertisements placed for the sale or rent of the property.

(4) The infeasibility of profitable alternative uses for the property as considered in relation to the following:

(i) documented proof of physical condition of the property at time of purchase, duration of ownership, and physical condition of the property at time of application;

(ii) a written report or testimony from an architect, engineer or contractor having experience in rehabilitation on the structural soundness of the structure as well as the

suitability for rehabilitation;

(iii) at least two (2) construction estimates of the cost of rehabilitation by a licensed general contractor having experience in historic rehabilitations;

(iv) an estimate of the cost of the proposed construction, alteration, demolition, or removal, and any additional cost incurred relative to post-demolition plans; and

(v) the fair market value of the property at the time of the application (by a certified real estate appraiser at the owner's expense).

(5) Any other information that the applicant feels is relevant to demonstrate economic hardship.

15-4.18. PROCEDURE FOR CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).

Staff shall schedule the application for a public hearing on the HDC Regular Agenda at the earliest available date, but in no case greater than within sixty (60) days of receipt of the application. At the hearing, Staff shall present the item and its recommendation to the HDC. The applicant shall also have the opportunity to present testimony and evidence.

(A) PRE-APPLICATION MEETING.

Prior to the formal submission of any CAD Application, it is recommended that the applicant schedule a pre-application meeting with Staff. The purpose of the meeting is to allow the applicant the opportunity to ascertain if the submission of a CAD application is necessary, to become informed of the CAD review process, and to identify the scope of the CAD application.

(B) SUBMISSION FOR REVIEW.

All requests for a CAD may require the following information and items:

(1) A completed CAD Application along with all necessary submittal requirements as requested in the application.

(2) A written summary describing any economic hardship that may result if the CAD Application is denied, as well as identifying all actions made to mitigate the situation prior to submission of the CAD application.

(C) CDD STAFF REVIEW MEETING.

Staff shall schedule all CAD applications for a Community Development Department (CDD) Staff review meeting. The purpose for the meeting is to provide the City Engineer, Chief Building Official, and representatives from local franchised utility companies the opportunity to ascertain if the property is a safety or public hazard, as well as to understand the full scope of the application.

(D) **PRE-HEARING ACTION.** Prior to the CAD hearing by the HDC, Staff shall perform the following:

- (1) Post and sustain a visible sign(s) which identifies the historic property as being "threatened" by demolition until action has been taken by the HDC. Said sign shall state that more information may be obtained from the CDD;
- (2) Meet with the applicant and the Chief Building Official to inspect the historic property to determine if it poses an immediate hazard to public safety and welfare, as described in Section ~~103~~ 102 of the Uniform Building Code. If the building is not found to be an immediate hazard, the owner shall immediately take all necessary steps to stabilize the property (within economic reason) throughout the duration of the CAD process.

(E) **HDC ACTION.** After taking and considering all of the testimony and evidence, the HDC may either approve, or deny the application based on Findings of Fact, Conclusions of Law, and Conditions of Approval.

- (1) **ACTION LETTER.** After the hearing, Staff shall put the HDC decision into the form of an action letter, stating the Findings of Fact, Conclusions of Law and any Conditions of Approval as amended at the hearing. Staff shall mail the action letter to the applicant within

ten (10) days following the action taken. CAD approvals shall expire within one (1) year from the date of HDC action if a permit has not been issued. Extensions for approved CAD applications are discouraged, but may be considered prior to the expiration of the initial approval. Specific conditions of approval may include the following:

- (i) the building, structure or site shall be documented in accordance with the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation (HABS/HAER) at the expense of the owner.
 - (ii) salvageable building materials may be requested for donation to the City.
 - (iii) unless otherwise ordered by the Chief Building Official, all remnants of the demolished building(s) and structure(s), such as foundations, stairs, and paved areas, are to be removed in their entirety, and the site is to be returned as close as possible to natural grade and re-vegetated at the expense of the owner, until the vacant lot is developed in the future.
- (2) **POSTPONEMENT.** At any stage in the process before the HDC

renders its decision, the applicant, Staff, and/or the HDC may request to postpone action on an CAD Application in order to request additional information, or assistance. All postponements shall be confirmed in writing within ten (10) calendar days of the initial request.

Items may not be postponed to a date exceeding sixty (60) days from the date of the request. If no progress is made by the applicant within the allotted period of postponement, the application shall be deemed inactive.

(3) **DENIAL.** If the HDC finds that there is no or insufficient Economic Hardship, the following action shall occur:

(i) the applicant shall take bona fide efforts to stabilize and preserve the property. A bona fide effort shall consist of, but is not limited to: The prevention of Demolition by Neglect; acquisition of building permits to mitigate the situation; evidence by the owner of marketing the property for sale or lease; and the filing of various applications for alternative funding sources for preservation; and

(ii) the applicant may not re-apply for a CAD for a period of three (3) years from the

date of denial of the CAD by the HDC; and

(iii) The HDC may assist the owner in finding incentives designated to preserve historic buildings.

15-4.19. APPEALS.

All administrative design review decisions and decisions regarding compliance with the Historic District Design Guidelines may be appealed to the HDC. Final actions taken by the HDC may be appealed to the Board of Adjustment pursuant to Section 15-1.17 of this Title.

15-4.20. ENFORCEMENT AND PENALTIES.

The CDD shall work affirmatively to assure the full implementation of this Chapter. Violation of any provision of this Chapter, shall be subject to the ~~penalties and enforcement procedures~~ enforcement and penalties set forth in ~~Chapter 11 of the Uniform Housing Code, Section 15-1-14 of this Title, and Chapter 4 of the Uniform Code for the Abatement of Dangerous Building Code, Chapter 1 of the Uniform Building Code, and Section 15-4.14 of this Title.~~ Additionally, the violator may be subject to a fine for each day of the violation and the following:

(A) **DEMOLITION BY NEGLECT OR DEMOLITION WITHOUT A CAD.** In those cases involving Demolition by Neglect, the City may request the court to

require a third party receivership to rent the property to pay for the necessary repairs.

Demolition without a CAD may entitle the City to bring a civil action to enjoin and/or abate the violation, including full reconstruction of the demolished building or exterior element/feature; or the placement of a stay of future development on the site thereon for twenty-five (25) years from the date of the demolition.

(B) **EXECUTION OF UNAPPROVED WORK.** Subject to the issuance of a stop-work order by the Chief Building Official in those cases involving the execution of unapproved work, the City may require the removal and re-construction of the design or design feature(s) per the previously approved design or for compliance with the the Historic District Design Guidelines.

04/26/01
LMC Ch. 4 Rewrite Critique
HDC/PC Joint Meeting

1 15-4.2 Park City Historic District(s)

Basically makes everything anywhere in Park City "historic" if the HDC says so. This implies that every structure of significance outside of the designated "H" zones creates its own little district around it. For example: 2465 Doc Holliday Drive was built circa 1915. Will it now be in the Historic District? Will the provisions of Ch. 4 now apply to it? Rewrite: The Historic District is composed of those areas lying within the boundaries of the designated "H" zones as outlined in Chapter 7 of the LMC. Subparagraphs (A), (B), (C), (D) & (E) can be deleted. See # 14 15-4 (20) (A)

2 15-4.3 Historic District Commission

This changes the emphasis from economics and compatibility to preservation and I don't think this is the proper emphasis. The "Park City Officials' Handbook" (p. 12) spells it out pretty clearly. The "General Plan" is equally clear; it states "The goal for the historic district is to maintain it as the center of the community, not just as a stage for tourism." Historic preservation is not a prime objective. See also LMC Ch. 4.4.

3 15-4.3 (B)

Why should a member not serve more than 2 terms? Commissioners serve at the discretion of the Council and it should be left up to them.

4 15-4.3 (D) (3)

If a quorum is present and voting a simple majority should prevail. I see this as an attempt to control the commission.

5 15-4.6 (A) (2)

What are the qualifications of a "Historic Research Consultant" and where does one find one? Not in the Yellow Pages!

6 15-4.7

First Par. : delete "full" from "for full compliance"

7 15-4.7 (A)

Change "Staff shall" to "Staff may"

8 15-4.7 (B)

Second sentence: delete "for full compliance"

9 15.4-7 (C)

New Paragraph. Neither Staff nor HDC shall design or assist in the design of any projects submitted for approval. Consideration will be based on a reasonable review of the application. Full design responsibility rests with the Applicant.

10 15.4-8 (3) Exterior Painting

Eliminate and replace with new paragraph: Must be accomplished in compliance with the Design Guidelines.

11 15.4-8 (D) (1)

Approvals should have at least 2 years before expiration. In fact, why should they expire at all?

12 15.4-8 (D) (2)

Still states that if staff requests a postponement the application will be deemed withdrawn after time expires. Should only occur when applicant requests a postponement.

13 15.4-13

Here is the boundary problem again. Is a house over 50 YOA anywhere in P.C. subject to this Paragraph? Second sentence: Change "City requires" to "City may require".

14 15.4-20 (A)

Are all the provisions of this Par. based on the decision of a court? What justification could one provide to support a 25 year stay of use?

Staff has reviewed Commissioner Hurd's latest comments (dated April 26, 2001), which are similar to those included in the record and addressed at the April 11, 2001, Planning Commission meeting. Some of the editorial comments have since been included in the current draft. Commissioner Hurd's comments are as follows (*Staff's response are in italics*):

- 1) **15-4.2 Park City Historic District(s)** - Basically makes everything in Park City 'historic' if the HDC says so.

No building is automatically considered to be historic under the Chapter 4 re-write. If the building has been determined to be historically significant or historically contributory (regardless of its location within the city limits) as explained in Section 15-4.5., it is subject to the provisions of this chapter.

By limiting the historic district to just the "H" zones, buildings that are located outside of these areas which are currently listed on the National Register or protected under this designation would become vulnerable. There is no Section 15.4-20 (A) in the proposed draft as reference in Commissioner Hurd's letter. The HDC and Planning Commission decided to maintain this portion of the proposed draft as written.

- 2) **15-4.3 Historic District Commission** - This changes the emphasis from economics and compatibility to preservation.... "The goal for the historic district is to maintain it as a the center of the community, not just a stage for tourism." Historic Preservation is not a prime objective.

Historic preservation is not merely economics, nor is it limited to seeking compatibility. What makes a district historic isn't the fact that it looks historic...it's because it truly is historic. There are examples of original architecture that is tangible and real. The duty of the HDC is to identify, preserve and protect this special area which is part of the reason why tourist visit Park City and why some residents choose to live here. However, the scope of the HDC is not to save everything in Old Town as a museum artifact. As stated in the first paragraph of this section, the HDC also "...encourages the continued use" of these buildings when executed in a architecturally-sensitive manner. Historic Preservation may not be the prime objective of the City, but it is a recognized long-term goal of the present City Council, as posted in the City Council chambers. The HDC and Planning Commission decided to maintain this portion of the proposed draft as written.

- 3) **15-4.3 (B) HDC Terms** - Why should a member not serve more than two (2) terms? Commissioners serve at the discretion of the Council and it should be left up to them.

The HDC is appointed by the City Council as an independent and impartial group of individuals having historic preservation knowledge and interest. Every appointed commission in Park City have specific term periods (e.g. Planning Commission - 4 years, BOA - 5 years, HDC - 2 years, etc.). At the end of the initial appointed period, the seated commissioner may repeatedly request reappointment, and their request to remain seated

is considered along with other applications submitted by members of the community seeking to fill the same position. Tenure on the HDC is not intended to be for life—regardless of how well-loved or successful a particular commissioner may be. The draft Chapter 4 is proposing two modifications to this procedure regarding HDC. First, HDC Commissioners' terms would be extended from two (2) years to three (3) years. Secondly, no HDC Commissioner would be permitted to serve more than two consecutive terms (resulting in a term period of over six (6) continuous years).

The primary purpose of this policy change is to permit new HDC Commissioners more time to become acclimated to the position and the responsibilities of the position. However, during the retreats, the HDC was decidedly opposed to creating a board having the lengthiest term of office than any other board or commission appointed by the City. Hence, a term limit of two consecutive commission terms consisting of six (6) years is being proposed.

There are several advantages of this policy change. First, to allow others in the community an opportunity to serve on the HDC without having to wait for a vacancy on the commission. Second, this policy will permit HDC commissioners to serve without feeling obligated to the special interest of the particular Council that made the appointment. Third, term limits for a commission whose primary interest is design review will generate a creative diversity in the interpretation and application of the Historic District Design Guidelines. In other words, it will enable a "fresh eye" to review projects composed of reoccurring situations which may often result in homogenous solutions. Lastly, the proposed term limit will exclude lengthy tenures which may be founded on an insensitive viewpoint or specific political agenda. Again, the term limit as proposed, was encouraged by the HDC during the retreats because of the aforementioned issues raised. The Planning Commission deferred this item to the City Council for their determination. Staff recommends that the Council maintain this portion of the proposed draft as written.. A City Council determination on this matter is requested.

- 4) **15-4.3 (D) (3) HDC Quorum and Voting** - If a quorum is present and simple majority should prevail. I see this as an attempt to control the commission.

The existing Chapter 4 requires a quorum for the HDC in order to take any action. A quorum consists of three (3) commission members—which also represents a simple majority of the entire five member board. To allow the HDC to take action by a simple majority of the members present (2 of the five members), would permit action being taken by only two affirmative votes, where the same two votes may have failed upon consideration and a vote from a true quorum of the entire group. The HDC and Planning Commission decided to maintain this portion of the proposed draft as written. The City Council has deferred this item to the Legal Department for their determination.

- 5) **15-4.6 (A) (2)** - What are the qualifications of a "Historic Research Consultant" and where does one find one?

The amount of research required to adequately determine and document the historical

status of a property is extremely tedious and time-consuming. When Staff executes this work (pursuant to the existing Chapter 4), it consumes a great deal of time and limits the Staff's ability to perform its other regular design review and site inspection duties. By requiring an applicant to hire a Historical Research Consultant, the burden is then placed on the applicant to prove the historical status of the property in question. In doing so, the results appear less biased if performed by an outside participant. Hence, Staff's time can then be devoted to executing other responsibilities and expediting other design applications.

The only qualification required at this time of the Historical Research Consultant would be to have previous practical and professional experience doing this type of research. This requirement will ensure that the information submitted is impartial, and that the project was properly and adequately researched. As explained previously to Commissioner Hurd, a list of competent Historical Research Consultants including a list of work standards (as provided by the Utah State Historic Preservation Office), is available upon request to the Planning Department. The HDC and Planning Commission decided to maintain this portion of the proposed draft as written.

- 6) **15-4.7 Design Standards and Guidelines** - First par.: delete "full" from "from full compliance."

This modification has already been made in the draft Chapter 4 as of April 25, 2001.

- 7) **15-4.7 (A) The Secretary of the Interior's Standards for Rehabilitation** - Change "Staff shall" to "Staff may."

This modification has already been made in the draft Chapter 4 as of April 25, 2001.

- 8) **15-4.7 (B) Park City Historic District Design Guidelines** - Second sentence: delete "for full compliance."

This sentence has already been modified in the draft Chapter 4 as of April 25, 2001, to read, "The HDC and Staff shall refer to the Guidelines for compliance when..."

- 9) **15-4.7 (C) Proposed Verbiage** - Insert new paragraph: "Neither Staff nor the HDC shall design or assist in the design of any projects submitted for approval. Consideration will be based on a reasonable review of the application. Full design responsibility rests with the applicant."

This statement implies that Staff or the HDC may actively design an applicant's project. Prior to the commencement of any review process (whether by HDC or Staff), a complete application including all drawings for the proposed design must be submitted. Hence, the project must already be designed. During the review process, Staff and the HDC reserves the right to recommend modifications to the proposed design in order to bring the proposal into compliance with the Guidelines. The inclusion of the proposed statement would place a "gag order" on the HDC/Staff in assisting the applicant in obtaining

compliance with the Guidelines. Staff recommends that the Council maintain this portion of the proposed draft as written.

- 10) **15-4.8 (3) Exterior Painting** - Eliminate and replace with new paragraph: "Must be accomplished in compliance with the Design Guidelines.

Neither the Park City Design Guidelines or the Park City Historic District Design Guidelines currently include any information regarding this subject matter. Although the HDC does intend to re-write the existing Historic District Design Guidelines, no specific date has been set to begin this endeavor. Therefore, Staff recommends that the Council maintain this portion of the proposed draft as written.

- 11) **15-4.8 (D) (1) Administrative Design Review, Action Letter** - Approvals should have at least two (2) years before expiration. In fact, why should they expire at all?

The one (1) year approval period was established to coincide with the amount of time granted by the Uniform Building Code for obtaining a building permit.

The CDD intentionally established this policy in order to encourage applicants to move their projects along to completion in a reasonably expeditious manner. In recognizing the length of time for the review process given the size and complexity of various projects, an extension of the design approval may be considered by the approving review body. Staff recommends that the Council maintain this portion of the proposed draft as written.

- 12) **15-4.8 (D) (2) Administrative Design Review, Postponement** - Still states that if Staff requests a postponement the application will be deemed withdrawn after time expires. Should only occur when the applicant requests a postponement.

This statement has already been deleted from the draft Chapter 4 as of April 25, 2001.

- 13) **15-4.13 Demolition by Neglect** - Here's the boundary problem again. Is a house over 50 years old anywhere in Park City subject to this paragraph? Second sentence: Change "City requires" to "City may require."

Regardless of a building's age, it must be determined to be historically significant or historically contributory by the HDC, pursuant to the criteria in Section 15-4.5(A & B) of the draft Chapter 4. If the building has been determined to be historically significant or historically contributory (regardless of its location within the city limits), it is subject to the provisions of this chapter.

The Uniform Building Code (UBC) and Uniform Housing Code are recognized by State legislation—these codes are law. Hence, the City is required to uphold these laws, and they apply to all buildings...not simply those having historical significance. Unfortunately, the Chief Building Official has been unable to actively pursue the enforcement of this provision because there is no funding available. Staff recommends that the Council maintain this portion of the proposed draft as written.

- 14) **15-4.20 (A) No such Section (assuming the reference is for Section 15-4.19)** - Are all the provisions of this Paragraph based on the decision of a court? What justification could one provide to support a 25 year stay of use?

This section serves to identify some of the possible penalties the City may seek in retribution for the violations stated in that section of Chapter 4. All penalties listed are subject to the formal civil decision made in a court of law. An objective of this section is to stress the severity of violating this Chapter of the LMC. Staff recommends that the Council maintain this portion of the proposed draft as written.

M:\CDD\DS\LMC.rewrite\StaffresponseHurdLTR.10May01.wpd

INTENSIVE LEVEL SURVEY

Standard Operating Procedures

Utah State Historic Preservation Office
(Revised 6/93)

Intensive level surveys involve three separate tasks: (A) research on the property and its owners, (B) documentation of the property's physical appearance, and (C) completion of the Historic Site Form. Instructions for each of those tasks are given below.

A. RESEARCHING THE PROPERTY

First, check to see whether the building has already been documented. The Office of Preservation at the Utah State Historical Society has files on thousands of buildings throughout the state. If there is no information on the building in the file, or if it is incomplete, you should check the following sources to complete the documentation:

1. **Tax file** (County Assessor's Office) -- Obtain the tax serial number from the ownership plat maps and have the clerk pull the file for that property. The most important item in the file is the legal description of the property, though there also may be an estimated date of construction (don't trust it completely), an old photograph of the building, and perhaps other structural information.* You may wish to photocopy the tax file in order to have a copy of all that information for future reference. At a minimum, you should copy down the name and address of the current owner and the legal description of the property, preferably on the Title Search Form. You will use the legal description to research the ownership of the property, as explained in #2. (*Salt Lake County has moved many of its old tax files to its Records Management and Archives department, so check there if you can't find anything in the regular tax file.)
2. **Title abstracts** (County Recorder's Office) -- The title abstract records are organized by plat, block, and lot numbers for properties in incorporated areas; township, range, and section designations are used for unincorporated areas. Research all the transactions involving the property specified in the legal description, noting the dates, names of buyers and sellers, dollar amounts, and types of transactions (warranty deed, quit claim deed, mortgage, etc.). Copy the information on the important transactions onto the Title Search Form. Important transactions are those that involve the actual change of ownership or that might indicate when the building was constructed or altered. Indications of a construction date are the first relatively large mortgage or the dramatic increase in the selling price of the property. It is not necessary to copy down all of the later mortgages, tax sales, releases, etc. You may begin your search with the current owner and work your way back to the beginning, or vice versa. Some properties are easier to research from past to present, and others from present to past.

3. **Sanborn Maps** -- (The Historical Society has a list of which maps are available and where they are located.) These fire insurance maps were drawn for over 75 communities in Utah, many as early as the 1880s, and were updated approximately every decade through the 1920s with some updates into the 1940s and later. The maps show each building on the principal residential and commercial blocks, and they are color coded to indicate the various construction materials. By comparing the maps from different years, you can establish an approximate date of construction and can determine approximately when and what types of changes have been made to the building and surrounding property.
4. **Building permits** (Salt Lake City only) 1890-1927, USHS Library; after 1927+, State Archives -- These give the date the permit was issued, the address of the property, the estimated cost of construction, a brief description of the building, the name of the owner, and sometimes the names of the architect and builder. They are arranged in chronological order; some, however, have recently been organized by address as well.
5. **Newspapers** (USHS and university libraries) -- Newspapers for many Utah communities are on microfilm:
 - a. Small town newspapers -- These are generally weekly newspapers. Information about the construction of major buildings in the community--schools, churches, public buildings, commercial buildings--usually appears on the front page. References to the construction of houses are often found in the "local" column.
 - b. Deseret Weekly News -- The construction of buildings and other happenings in many small towns were reported in this newspaper during the 1850s-1900. An index available at the USHS Library makes it easy to locate relevant articles.
 - c. Large city newspapers -- Daily newspapers, such as the Deseret News and the Salt Lake Tribune, usually have a real estate section in which most of the important construction news appears. Information about the construction of individual houses is also given, though not on a consistent or complete basis. Advertisements in this section by builders and real estate firms are also useful sources of information, often highlighting recently completed buildings.
 - d. Annual "List of Buildings" for Salt Lake City -- These appear in the January 1st issue of the Salt Lake Tribune from 1889 until 1899. The lists give the location, cost, brief description, and name of the owner of each building constructed during the previous year.
 - e. "List of Buildings" for Ogden -- This list is the same as that described above for Salt Lake City. However, it appears only one time--Salt Lake Tribune, January 1, 1892, p. 39 (for buildings constructed in 1891).
6. **Architects File** (Historic Preservation Office) -- Information about many of the architects and builders in Utah are included in this file, along with lists of some of the buildings they designed or constructed. Actual drawings of historic buildings are extremely rare since most houses were not individually designed by formally schooled architects. Even the drawings of many of Utah's prominent architects are unavailable. The best collection of historic architectural drawings is in Special Collections at the U of U Library. They are organized under each architect's name, so you must determine who the architect of the building is before you begin

searching for specific drawings. The Utah State Historical Society Library also has a few architectural drawings (check with librarian).

7. Biographical information on owners can be found in the following sources:

- a. City directories (larger cities only) -- These annual listings provide the names, addresses and occupations of almost everyone in the city. They are arranged alphabetically by name in the early years, but from 1924 on they are organized by both name and address. Directories are useful in verifying when a house was built and whether the owner lived in it himself or rented it out (USHS and other libraries).
- b. State gazetteers -- These annual volumes include virtually every community in the state, but unlike city directories, they do not give home addresses and usually list only businessmen (USHS and other libraries).
- c. Biographical index -- Arranged alphabetically by name, this card catalog references names found in publications at the USHS library.
- d. Biographical encyclopedias such as "Pioneers and Prominent Men," "Utah's Distinguished Personalities," etc. (USHS and other libraries) contain information about many of the prominent individuals in Utah.
- e. Genealogical records (LDS Church Family History Library or family records)
- f. Census schedules (available on microfilm at USHS and university libraries) -- These list each member of the household, dates of birth and marriage, occupations, etc. In the 1900 and 1910 census schedules the address of each household is also sometimes given. Census schedules are arranged by county and city and are available for each decade from 1850 to 1910 (1890 excluded).
- g. Family histories -- Written histories, journals, letters, etc. are sometimes available from family members. Verbal accounts from the family and others associated with the property are also often useful.
- h. Obituary Index (available on microfilm at USHS, university and genealogical libraries) -- Indexes obituaries in the Salt Lake Tribune and the Deseret News from 1850 to 1970. The Salt Lake Tribune is also indexed separately from 1940 to the present. If the person you are researching is from a small town, you may wish to see if the obituary in the local newspaper is more detailed.

B. DOCUMENTING THE BUILDING

1. **Photographs** -- The minimum requirement is two photographs of the building, one from a front corner (showing primarily the main facade) and one from the opposite rear corner. Photographs from these angles should give fairly complete coverage of the building's exterior. If there are outbuildings on the property you should photograph them as well. Photographs may be either color slides or black-and-white or color prints (3-1/2" x 5" or larger prints are preferred, but contact prints are acceptable for the black-and-white). Polaroids are not acceptable. You may wish to take both color slides and black-and-white prints as slides can be used for presentations, and prints for publications and future National Register nominations. Though not required, it is strongly recommended that you obtain duplicates of old photographs of the building if they are available. The best sources for old photographs are family photograph collections and the tax files at the County



EXHIBIT E

September 7, 2001

Park City Council
P.O. Box 1680
Park City, UT 84060

Honorable Mayor and Park City Council,

The Park City Historical Society & Museum is writing to express concerns with the most recent draft of Chapter 4 of the Land Management Code. While we support the concept of re-writing this chapter to create a more clear and concise process for preserving the historic sites and structures in Park City, we urge City Council to postpone approval allowing time for Historic District Commission members, Park City Historical Society Trustees and the public to more fully consider this most recent draft.

One concern that has quickly surfaced is the change in representation on the Commission by the Park City Historical Society. We have faithfully participated and supported the HDC since its creation and are disturbed by your proposed change.

In 1993 the Park City Council voted to amend this chapter to ensure representation from our organization on the Historic District Commission:
"...it shall be the first priority of the City Council to ensure that there is a licensed architect serving on the board and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the application process."

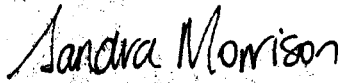
We applauded this change in the language reflecting the City Council's desire to ensure representation of Park City's history on this commission. In-depth knowledge and understanding of our town's past is as necessary expertise as the "bricks and mortar" skills of an architect or general contractor. The presence of commission members from both these backgrounds is necessary to guarantee the appropriate application of this code. Determining historic significance of a structure (15-4.5), the

PARK CITY
HISTORICAL
SOCIETY AND
MUSEUM
P.O. BOX 555
PARK CITY
UTAH 84060
435-649-7457
FAX 649-7384

cornerstone of this document, relies on understanding not only the design and construction value but also the associative value (the building, structure or site's association or linkage to events or persons of historic importance to Park City). If the Council understands the necessity of requiring one seat on the HDC be reserved for an architect, builder or contractor surely the same logic requires one seat be reserved for representation from the Park City Historical Society.

We urge you to continue our long and valuable association with the Historic District Commission and restore the language ensuring representation by the Park City Historical Society.

Sincerely,

A handwritten signature in cursive script that reads "Sandra Morrison".

Sandra Morrison, Director
Park City Historical Society & Museum