



**PARK CITY HISTORIC PRESERVATION BOARD MEETING
SUMMIT COUNTY, UTAH
January 5, 2022**

PUBLIC NOTICE IS HEREBY GIVEN that the Historic Preservation Board of Park City, Utah will hold its Historic Preservation Board Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Wednesday, January 5, 2022.

MEETING CALLED TO ORDER AT 5:00 PM.

The Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location.

Historic Preservation Board members will connect electronically. Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

1.ROLL CALL

2.MINUTES APPROVAL

- 2.A. Consideration to Approve the Planning Commission Meeting Minutes from October 10, 2021.
Consideration to Approve the Planning Commission Meeting Minutes from November 3, 2021.
[10.06.2021 Minutes - Pending Approval](#)
[11.03.21 Minutes - Pending Approval](#)

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

CONSENT AGENDA

Adoption of 2022 meeting dates.
[2022 Annual Notice of a Historic Preservation Board Regular Meeting](#)

5.WORK SESSION

- 5.A. 2022 Annual Cindy Matsumoto Historic Preservation Award Work Session -- Staff recommends that the Historic Preservation Board choose up to five nominees for the 2022 Annual Cindy Matsumoto Historic Preservation Award and select three members to form an Artist Selection Committee. GI-21-00481
[Staff Report](#)

6.REGULAR AGENDA

- 6.A. Open and Public Meetings Act Training
[LWH_OPMA_PowerPoint_2021](#)

7.ADJOURN

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

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



**PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF OCTOBER 6, 2021**

BOARD MEMBERS IN ATTENDANCE: Randy Scott-Chair, Lola Beatlebrox, Puggy Holmgren, John Hutchings, Tana Toly

EX OFFICIO MEMBERS: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Aiden Lillie, Planner; Mark Harrington, City Attorney; Julie Schultz, Executive Office Administrator

1. ROLL CALL

Chair Randy Scott called the meeting to order at 5:00 p.m. and a roll call was conducted.

The Historic Preservation Board meeting was conducted virtually via Zoom. The public was able to submit comments during the meeting.

Determination of the Health and Safety Risk under the OPMA

Chair Scott read the Determination of Health and Safety Risk under OPMA. Notice of electronic meeting and how to comment virtually.

The Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location. Planning Commission members will connect electronically. Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org

2. MINUTES APPROVAL

A. Consideration to Approve the Historic Preservation Board Meeting Minutes from August 4, 2021.

Board Member Holmgren believed that Historic Preservation Board Members needed to be more diligent about stating their names when speaking. She pointed out that there were places in the Meeting Minutes that were missing the names of those speaking.

MOTION: Board Member Beatlebrox moved to APPROVE the Minutes of August 4, 2021, as written. Board Member Holmgren seconded the motion. The motion passed unanimously.

B. Consideration to Approve the Historic Preservation Board Meeting Minutes from September 1, 2021.

Board Member Beatlebrox reported that she served as the Chair Pro Tempore at the September 1, 2021, Historic Preservation Board Meeting. As a result, she believed she would need to sign off on the minutes rather than Chair Scott. This was verified by Chair Scott.

MOTION: Board Member Beatlebrox moved to APPROVE the Minutes of September 1, 2021, with the change that the Chair Pro Tempore sign the Meeting Minutes. Board Member Holmgren seconded the motion. The motion passed unanimously.

3. PUBLIC COMMUNICATIONS

No eComments were submitted and no hands were raised on Zoom.

4. STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Board Member Hutchings reported that a historic home on Park Avenue, between 10th and 11th Streets, had the front siding ripped off. He did not recall seeing that item come before the Board. Chair Scott noticed the same thing. When the owners restored the home, the paint would bubble on the front. He suspected there may have been water issues because the paint continued to bubble. Board Member Hutchings pointed out that it is a historic home built from historic material and it would make sense that approval from the Board would be required before the siding was removed. City Planner, Aiden Lillie noted that there were no Historic District Design Review ("HDDR") applications from that property. However, Staff would contact the homeowners and look into the concerns expressed by the Board.

5. REGULAR AGENDA

A. Historic District Grant Program.

Planner Lillie reported that the Historic District Grant Program discussions were originally scheduled to take place at the current Historic Preservation Board Meeting. However, there was a great amount of interest and Staff wanted to ensure that the applications were presented in an efficient manner. As a result, the request was to continue the item until the November 3, 2021, Historic Preservation Board Meeting.

MOTION: Board Member Beatlebrox moved to CONTINUE the Historic District Grant Program discussion to the November 3, 2021, Historic Preservation Board Meeting. Board Member Hutchings seconded the motion. The motion passed unanimously.

B. 1002.5 Norfolk Avenue – Historic District Design Review – The Applicant Proposes Temporary Relocation and Disassembly and Reassembly to Accommodate a New Addition to a Landmark Historic Structure. PL-21-04761.

Planner Lillie presented the Staff Report and reported that the item was a proposal for temporary relocation, disassembly, and reassembly for 1002.5 Norfolk Avenue. The applicant was proposing partial disassembly and reassembly, as well as temporary relocation for the Landmark Historic Structure to accommodate structural upgrades and a rear addition on the property. Planner Lillie shared a photograph from 1941 and a more recent photograph of the structure for context.

At the August 4, 2021, Historic Preservation Board Meeting, the Board approved material deconstruction of a portion of the rear to accommodate the addition. However, the Board tabled the proposal to panelize the structure. After that discussion, the conclusion was that temporary relocation and partial disassembly and reassembly of a small portion of the west elevation would be a preferable option. Planner Lillie explained that the reason panelization was initially proposed was to accommodate excavation machinery and to enable construction on the rear addition.

Staff recommended the Historic Preservation Board approve the temporary relocation of the Landmark Historic Structure. Once the addition is constructed, the landmark structure will return to the original location. Planner Lillie shared a site plan to show where the building would be placed temporarily during construction.

On September 28, 2021, the Planning Director and Chief Building Official determined that the temporary relocation would help to avoid hazardous conditions and enhance the preservation of the structure. On August 25, 2021, a licensed Structural Engineer wrote a report related to findings on the site. That report concluded that if the building was lifted it would need to be braced prior to lifting. The Structural Engineer proposed that a bracing

plan be submitted for review and approval. This would allow for proper evaluation of the structure and a bracing plan based on existing conditions.

Staff also recommended that the Historic Preservation Board approve the partial disassembly and reassembly of a portion of the west elevation. Elevation drawings were shared that depicted Panels A and B on the south elevation and Panel C on the north elevation. Planner Lillie explained that in the Land Management Code, Chapter 15-11-14, the Historic Preservation Board is required to find that the proposal complies with certain requirements. For instance:

- A licensed Structural Engineer certified that the Historic Structure could not reasonably be moved intact:
 - Shen Engineers, Inc. visited 1002.5 Norfolk Avenue on February 19, 2021, and determined the following on August 25, 2021:
 - The exterior and interior walls were 1x12 installed vertically. They had no capacity for wind, seismic, or gravity loads.

Planner Lillie explained that the Historic Preservation Board was able to determine, with input from the Planning Director and Chief Building Official, that the unique conditions and the quality of the Historic Preservation Plan warranted the proposed disassembly and reassembly. She explained that unique conditions included but were not limited to:

- Problematic site or structural conditions that precluded temporary lifting or moving of the building as a single unit;
- Physical conditions of the existing materials prevented temporary lifting or moving of the building and the applicant had demonstrated that panelization would result in the preservation of a greater amount of historic material; and
- All other alternatives have been shown to result in additional damage or loss of historic materials.

On September 28, 2021, the Planning Director and Chief Building Official determined that partial panelization would help enhance the preservation of the structure. The Historic Preservation Board has the authority to approve the proposal by taking input from the Planning Director and Chief Building Official and determine that the unique conditions warranted the proposed partial disassembly and reassembly. Planner Lillie noted that Staff had not received any public input on the item.

The applicant's representative, Jonathan DeGray reported that the agenda item was a follow-up to previous discussions. It would move the building to the side to allow sufficient room on the east side for equipment. To do that, the four-foot section with three walls would need to be panelized. Board Member Beatlebrox had questions about the porch. Mr. DeGray explained that the porch roof would be reconstructed due to the structural condition of the roof. Board Member Beatlebrox pointed out that there were also the railing and porch supports to consider. Mr. DeGray believed that those materials were in

good shape and could potentially be saved. He suggested that there be a Condition of Approval for Staff to evaluate the materials.

Chair Scott opened the public hearing. There were no public comments. The public hearing was closed.

MOTION: Board Member Holmgren moved to APPROVE the temporary relocation and disassembly and reassembly to accommodate a new addition to a Landmark Historic Structure at 1002.5 Norfolk Avenue, subject to the following:

Findings of Fact

Background

1. 1002.5 Norfolk Avenue is a one-story cross-wing house built around 1893.
2. 1002.5 Norfolk Avenue is a Landmark Historic Structure on the Park City Historic Sites Inventory.
3. On May 12, 2021, the Applicant submitted a Historic District Design Review (HDDR) Application.

Temporary Relocation

4. The Applicant proposes the temporary Relocation of the Landmark Historic Structure to protect the Landmark Structure during the construction of a rear addition. After the addition is constructed, the Landmark Structure is proposed to be returned to its original location.
5. On August 25, 2021, a licensed structural engineer, Henry Shen of Shen Engineers, Inc., wrote a report of findings based on a February 19, 2021 site investigation (Exhibit F). Shen concluded the following, "Considering the age and rotted condition of the building, and the differential settlement of 6", if the building is to be lifted, it will require the building be braced prior to lifting it. We propose to provide a bracing plan for review and approval by the chief building official once the interior of the building is demolished. This will allow us to do a proper evaluation of the structure and a bracing plan based on actual existing conditions".
6. The Historic Preservation Board approved the temporary Relocation to protect the Landmark Historic Structure during the construction of a rear addition, subject to the Conditions of Approval below.

Panelization

7. On February 19, 2021, Shen Engineers, Inc. visited 1002.5 Norfolk Avenue and completed a Physical Conditions Report.
8. The report determined the following:
 - a) It is assumed the main roof existing joists are 2x4 at 24" on center on a sloped roof spanning 8'-0" to 12'-0". The 12'-0" roof joists are 12% capacity of the code. The 8'-0" roof joists are 16% capacity of the code. If so, they need to be upgraded or replaced with new roof joists. It is suggested to reframe the roof ridge and valley beams and installing new roof joists.
 - b) The existing roof deck is 1x wood plank installed perpendicular to the existing joists. It doesn't have any capacity of shear diaphragm value. Suggest installing new 5/8" plywood or OSB with 10d @ 6" on center nailing.
 - c) The existing main and crawl space floor joists are 2x6 @ 24" on center spanning 12'-0. Most of them were rotted out. They have to be replaced.
 - d) All the existing headers need to be upgraded. We will review each one when the design is available.
 - e) The whole exterior and interior walls are 1x12 installed vertically. They have no capacity for wind, seismic, or gravity loads. Most of the 1x12 plank walls are rotted.
 - f) The north side of the existing building is supported by sandstone foundation walls. The south side of the existing building doesn't have any footing. On the basement area, the footing is sandstone. On the non-basement portion, the existing foundation walls were built with woodpiles and sandstone. 90% of them were rotted out. We suggest tearing off the existing foundation walls. New reinforced concrete footing and foundation walls need to be poured for supporting the existing building and forming the frost depth of 40" minimum.
 - g) Due to the age and rotted condition of the building, the differential settlement of 6". To move the building and straighten it would cause the structure to fail and collapse. Based on these observations, we feel the building cannot be reasonably moved intact.
9. On February 19, 2021, the Chief Building Official, Planning Director, and Building and Planning staff visited 1002.5 Norfolk Avenue.

10. The Chief Building Official and Planning Director determined that this unique condition and the quality of the Historic Preservation Plan warrant the proposed panelization.
11. The Historic Preservation Board approved panelization of the Landmark Historic Structure.

Conclusions of Law

1. The proposal complies with Land Management Code § 15-11-14, Disassembly and Reassembly Of A Historic Building Or Historic Structure; and Land Management Code § 15-11-13, Relocation and/or Reorientation of a Historic Building or Historic Structure, and § 15-11-9, Preservation Policy; § 15-13-2; and Design Guidelines For Historic Residential Sites.

Conditions of Approval

1. The Applicant must submit a preservation plan and construction mitigation plan which demonstrate that a licensed, professional building mover will move the building and protect it while being stored. Both plans shall include documentation from a structural engineer certifying that the temporary Relocation will not have a detrimental effect on the structural soundness of the Landmark Structure. The Applicant shall complete a Historic Preservation Plan, subject to Chief Building Official and Planning Director approval prior to issuance of a building permit.
2. The historic structure shall be secured and protected from adverse weather conditions, water infiltration, and vandalism before, during, and after the relocation/reorientation process.
3. If rehabilitation of the historic structure is delayed, temporary improvements, that are to be approved by the Planning Department, such as roof repairs, secured and/or covered windows and doors, and adequate ventilation shall be made to the structure to protect the historic fabric until rehabilitation can be accomplished.
4. The preservation plan detailing the steps and procedures for relocation or reorientation of a historic building shall be completed and approved by the Planning and Building Departments. This plan shall outline, step by step, the proposed work to relocate and/or reorient the building to ensure that the least destructive method of moving the building will be employed.
5. A historic building shall be moved in one piece whenever possible. When problematic structural or relocation route conditions preclude moving a building as a single unit, then partial disassembly into large sections may

be acceptable. Total disassembly of building components shall be avoided except under extreme situations.

6. Buildings and their components shall be protected from damage during the moving process by adding bracing, strapping, and by temporarily infilling door and window openings for structural rigidity.
7. The setting for a relocated historic building shall be selected for compatibility with the character of the structure and with the character of the original site.
8. The applicant is responsible for notifying the Building Department prior to proposing any changes to this approval.
9. The Applicant shall submit in writing any changes, modifications, or deviations from the approved scope of work for Planning Director review and approval/denial in accordance with the applicable standards prior to construction.
10. Where the Historic exterior materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material, and finish. Prior to removing and replacing Historic materials, the applicant shall demonstrate to the Planning Director and Historic Preservation Planner that the materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. No Historic materials may be disposed of prior to advance approval by the Planning Director and Historic Preservation Planner.
11. A Soils Report completed by a geotechnical engineer as well as a temporary shoring plan, if applicable, will be required at the time of building permit application.
12. The Historic Structure shall be returned to its original grade following construction of a foundation. When the original grade cannot be achieved, generally no more than six inches (6") of the new foundation shall be visible above final grade on the primary and secondary facades. The site shall be re-graded so that all water drains away from the Structure and does not enter the foundation. A plinth, or trim board at the base of the Historic Structure, shall be added to visually anchor the Historic Structure to the new foundation.
13. The Applicant shall provide the City with a financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan prior to submission of a building permit.

14. The addition shall be undertaken in such a manner that if removed in the future the essential form and integrity of the Landmark Historic Structure could be restored.
15. The addition shall be visually subordinate to Historic Structures when viewed from the Right-of-Way.
16. The Applicant shall complete Historic District Design Review and approval prior to issuance of a building permit.
17. Where the addition abuts the Historic Structure, a clear transitional element between the old and new should be designed and constructed.
18. In-line additions shall be avoided.
19. Panelization shall be done using recognized preservation methods.
20. The Applicant shall complete measured drawings of the structure or element to be disassembled/reassembled.
21. The Applicant shall submit a thorough photographic survey of the interior and exterior elevations as well as architectural details of the structure, including site and location views from all compass points, exterior elevations, and interior elevations of each room.
22. Written plans detailing the disassembly and reassembly steps and procedures shall be completed and approved by the Planning and Building Departments.
23. Structures shall be disassembled in the largest workable pieces possible.
24. To ensure accurate reassembly, all parts of the Building, Structure, or element shall be marked as they are systematically separated from the Structure. Contrasting colors of paint or carpenter wax crayons shall be used to establish a marking code for each component. The markings shall be removable and shall be made on surfaces that will be hidden from view when the Structure is reassembled.
25. Important architectural features of a Historic Building or Structure shall be removed, marked, and stored before the Structure or element of the Structure is disassembled.
26. The process of disassembly of a Historic Structure shall be recorded through photographic, still, or video.

27. Wall panels and roof surfaces shall be protected with rigid materials, such as sheets of plywood when there is a risk of damage during the disassembly/storage/reassembly process.
28. Disassembled components—trim, windows, doors, wall panels, roof elements, etc.— shall be securely stored on-site in a storage trailer or off-site in a garage/warehouse/trailer until needed for reassembly.
29. The original orientation and siting shall be replicated as closely as possible.
30. New foundations and additions shall follow the Design Guidelines.
31. The Landmark Historic Structure must be reassembled in the original form, location, placement, and orientation.
32. Staff shall visit the site and evaluate whether the material on the porch railing can be preserved.

Board Member Toly seconded the motion. The motion passed with the unanimous consent of the Board.

C. 1129 Park Avenue – Historic District Design Review – The Historic Preservation Board Approved Material Deconstruction and Lifting of the Significant Historic Structure. During Initial Construction, the Applicant Discovered the Structure is not Sound and Proposes Reconstruction. PL-21-04978.

Assistant Planning Director, Rebecca Ward reported that Mr. DeGray, the Project Architect, and Wendy Smith, the property owner, were both present at the Historic Preservation Board Meeting to answer questions. Director Ward presented the Staff Report and explained that the item was a proposal for the reconstruction of a Significant Historic Structure at 1129 Park Avenue. On June 2, 2021, the Board reviewed the project and approved lifting the structure for a new foundation. However, during the initial work, the applicant uncovered the original log construction. The log wall construction sat directly on soil. The bottom logs and floor system framing were rotted. In addition, there was no connection between the walls and the floor system. It was noted that the walls were built with stacked logs sandwiched between framed walls.

The applicant was requesting a modification to the HDDR to reconstruct the Significant Historic Structure based on the as-built floor plans, roof plans, and elevations. Assistant Director Ward reported that Chapter 15-11-15 of the Land Management Code, established the following three criteria for the Board to consider for reconstruction:

- The Chief Building Official would determine whether the Significant Historic Structure was hazardous or dangerous, pursuant to Section 116.1 of the International Building Code;
- The Significant Historic Structure could not be made safe and/or serviceable through repair; and
- The form, features, detailing, placement, orientation, and location of the Significant Historic Structure would be accurately depicted by means of new construction, based on as-built measured drawings, historic records, and/or current or historic photographs.

The Planning Director and Chief Building Official visited the site and it was determined that based on the findings, the structure was dangerous, pursuant to Section 116.1 of the International Building Code. The Chief Building Official also determined that due to the state of the material, the structure could not be made safe or serviceable through repair. Assistant Director Ward explained that this was due to the primary log structure and the base layer logs that had deteriorated and were not attached to a floor. It was recommended that the structure be demolished and reconstructed based on the as-built measured drawings, historical records, and historical photographs.

Assistant Director Ward reported that as part of the HDDR application, the applicant submitted as-built floor plans, roof plans, and elevations. The as-built plans showed the covered front entry porch, which was constructed after 1949. The Board's determination for the original approval required that the front entry porch be removed so the home would be restored to an early 1900s structure. As a result, Staff recommended Condition of Approval 1, that the reconstruction of the Significant Historic Structure not include the front entry porch. Assistant Director Ward stated that the Historic Site Form established the details related to the construction of the structure. Condition of Approval 9 requires that the applicant submit an updated Historic Preservation Plan to reflect the reconstruction. This would need to be approved by the Planning Director and Chief Building Official before moving forward with work on the structure.

Staff recommended that the Historic Preservation Board conduct a public hearing and consider approval of the reconstruction of 1129 Park Avenue, subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter. No public input was received on the item.

Chair Scott opened the public hearing. There were no public comments. The public hearing was closed.

Discussions were had about the history of the structure and the proposed reconstruction. Planning Director, Gretchen Milliken read a letter that the new owner received from the descendants of Mable Larsen Sundstrom. The home property was purchased by Albert Sundstrom in 1930. It had been the property of his parents since 1909. When Mr. Sundstrom purchased the property there was a log building at 1129 Park Avenue. It was used as a stable for horses at one time. After Mr. Sundstrom purchased the property, he

turned the log building into his machine shop. On December 25, 1932, Mr. and Ms. Sundstrom were married. In the early 1930s, Mr. Sundstrom sold his machines to purchase materials to turn the log building into their home. A material called Celotex was placed over the logs to give them a smooth surface. A kitchen was built on the back of the log home, which was completed between 1943 and 1944. In 1945 and 1946, an additional bedroom was added and in the early 1950s, a third bedroom was placed in the back of the home. Mr. Sundstrom passed away in 1979 and Ms. Sundstrom lived in the home until she turned 100.

Board Member Toly believed the intention was to bring the structure back to a time period in the 1940s. Board Member Beatlebrox wondered if it was possible to have a condition about where the materials end up. Director Milliken explained that they could ask that the materials be properly documented so that photographs, construction methods, and the Sundstrom history could be added to the Historic Sites Inventory. Ms. Smith reported that the material would be opened up to artisans so they could utilize the material. Additionally, she was in contact with Dalton Gackle from the Park City Museum. She wanted to see that the materials were used in some way.

MOTION: Board Member Beatlebrox moved to APPROVE the reconstruction of 1129 Park Avenue subject to the following:

Findings of Fact

1. 1129 Park Avenue was built sometime before 1901 and appears on the 1889 Sanborn Insurance map, the first map for this area.
2. On May 13, 2021, the City Council enacted Ordinance No. 2021-23, approving the Jupiter Moons Plat Amendment to create a 4,699.50-square-foot Lot for 1129 Park Avenue to accommodate a Duplex, with access from Woodside Avenue.
3. A Duplex is a Conditional Use in the Historic Residential – 1 Zoning District. Planning Department
4. On June 9, 2021, the Planning Commission approved a Conditional Use Permit for a Duplex on the site.
5. On June 2, 2021, the Historic Preservation Board approved lifting the Significant Historic Structure for a new foundation and the Material Deconstruction of a portion of the rear façade to accommodate an addition.
6. The Historic Preservation Board denied retention of the covered front entry porch, which was constructed after 1949.

7. During initial work, the Applicant uncovered the original log construction of the Significant Historic Structure and discovered the following:

Once interior demolition exposed the perimeter walls of the historic form, it was found that the log wall construction was sitting directly on soil. The bottom logs and floor system framing are rotted. Similar to the conditions found at 909 Woodside, there is no connection between the walls and floor system that would allow sufficient structural integrity for the building to be lifted as a unit.

Furthermore, because of the way the walls have been built, stacked logs sandwiched between framed walls, panelization of walls as units is unlikely to be successful due to the weight and lack of connection between logs and between logs and the framed walls.

Based on these observations, we propose to reconstruct the historic form per the drawings in the permit application set.

8. The Applicant requested modification to the June 2, 2021, Historic Preservation Board approval of the lifting of the Significant Historic Structure and Material Deconstruction of a portion of the rear façade to request Reconstruction of the Significant Historic Site.
9. The Chief Building Official determined the Significant Historic Structure is hazardous or dangerous pursuant to Section 116.1 of the International Building Code:

Based on the findings of an inspection performed by the Chief Building Official and Deputy Planning Director on August 26, 2021, the 1129 Park Avenue structure has been determined to be considered dangerous pursuant to section 116.1 of the 2018 International Building Code: Planning Department "...the structure is dangerous to human life and or the public welfare...."

10. The Chief Building Official determined the Significant Historic Structure cannot be made safe and/or serviceable through repair:

Due to the state of the material and structural members the building cannot be made safe or serviceable through repair. The structure is primarily a log structure, and the base layer logs are deteriorated and not attached to a floor or foundation creating the impossibility of lifting or panelizing the structure. Staff's recommendation would be to demolish and reconstruct the building based on the as-built measured drawings and historical records/photographs.

11. The form, features, detailing, placement, orientation, and location of the Significant Historic Structure will be accurately depicted by means of new construction based on as-built measured drawings, historic records, and current or Historic photographs.

Conclusions of Law

1. The proposal meets the criteria outlined in Land Management Code Section 15- 11-15, Reconstruction Of An Existing Historic Building Or Historic Structure.
2. The proposal meets the criteria outlined in Land Management Code Section 15- 13-4, Reconstruction, as conditioned below.

Conditions of Approval

1. Reconstruction shall be guided by the as-built floor plans, roof plans, and elevations, but the covered front entry porch constructed after 1949 shall not be Reconstructed (See Attachment 1).
2. Reconstruction shall include recreating the documented design of exterior features such as roof shape, architectural detailing, windows, entrances, steps, and doors, and the historic spatial relationships of the early 1900s Structure.
3. Reconstruction shall include measures to preserve and reuse any remaining historic materials found to be safe and/or serviceable.
4. The Reconstructed Significant Structure shall accurately duplicate the appearance in materials, design, color, and texture.
5. The Reconstructed Significant Structure shall duplicate the setting, placement, and orientation of the original Structure.
6. The Reconstruction shall re-establish the Historic relationship between the building and historic site features. Planning Department
7. The Significant Historic Structure shall not be reconstructed on a location other than the original site.
8. Significant Vegetation shall be protected and preserved during and after construction.
9. The Applicant shall submit an updated Historic Preservation Plan reflecting reconstruction. The Planning Director and Chief Building Official must

review and approve the updated Plan prior to any demolition of the Significant Historic Structure.

Board Member Holmgren seconded the motion. The motion passed with the unanimous consent of the Board.

D. 1274 Park Avenue – Historic District Design Review – The Applicant Proposes Material Deconstruction of the Significant Historic Structure to Accommodate Structural Upgrades and an Addition. PL-20-04632.

Assistant Director Ward reported that Architect, Bruce Taylor, and property owner, David Beador were both present to answer questions. She presented the Staff Report and explained that the item was a proposal for the material deconstruction of a Significant Historic Structure, which would accommodate structural upgrades and an addition to 1274 Park Avenue. The structure was constructed in 1911 and was originally a hall-parlor house but was modified between 1907 and 1929 to resemble a gable front. The home was clad with aluminum siding, except for the front façade, which was clad with board-and-batten siding underneath the wraparound porch.

On June 24, 1999, the property owners and the City entered into a Preservation Easement for the front and side facades, with modifications approved by the Historic District Commission on September 14, 1998. Part of that approval allowed for the removal of the aluminum siding and the restoration of the drop-lap wood siding. However, the restoration of the wood siding was never completed. As a result, the applicant now requested material deconstruction approval to remove the aluminum siding, restore and reconstruct the wood siding, replace doors and windows, complete structural upgrades with a new foundation as well as add an addition to the rear.

Assistant Director Ward stated that the property is a single-family dwelling but is part of the Alpine Retreat @ Park City Condominium, a six-unit condominium that included two Significant Historic Structures, 1266 and 1274 Park Avenue. 1274 Park Avenue was Unit 1 of the Alpine Retreat @ Park City Condominium. It was noted that the Alpine Retreat Homeowners Association approved expansion for 1274 Park Avenue to include a garage, which was proposed to be located at the rear of the property, along with a rear entry foyer, mudroom, and laundry area as well as an upper-level bedroom.

The applicant submitted an HDDR application and a Condominium Plat Amendment application. Assistant Director Ward reported that the City Council approved the Condominium Plat Amendment in 2020 to reflect the additional square footages. Since that time, the property was sold and the HDDR application was put on hold. The new owner now wanted to proceed with the project.

Several applicant proposals were shared with the Board. For instance, the applicant proposed replacing the windows and doors. The side and rear façade windows were less than 50 years old and aluminum. The doors were also less than 50 years old and non-

historic. The applicant proposed replacing the vinyl and aluminum windows with Code-compliant wood-clad windows. At the front of the structure, no changes were proposed. There were two single-pane wood windows and stained-glass historic windows on the front façade. Condition of Approval 16 required the protection, preservation, and restoration of those stained-glass windows.

The applicant also proposed removing the aluminum siding to restore and reconstruct the drop-lap wood siding. Assistant Director Ward reported that the Preservation Easement allowed for the removal of the aluminum siding and Condition of Approval 3 required the repair of deteriorated or damaged wood siding using recognized preservation methods. Where historic exterior materials could not be repaired, they needed to be replaced with materials that matched the historic in all aspects, such as scale, dimension, profile, material, texture, and finish.

Assistant Director Ward stated that the applicant also proposed to lift the Significant Historic Structure for upgrades to the foundation. The Historic Site Form for 1274 Park Avenue stated that the foundation material was unknown but the applicant's Physical Conditions Report determined that the structure did not have a continuous foundation, as there were portions of stacked rock and other portions with poured concrete. Additionally, the structure was at grade, and drainage issues had damaged the structure. The proposal was to lift the structure to accommodate upgrades to the foundation as well as raise the structure six inches for improved drainage. Assistant Director Ward overviewed some of the Conditions of Approval with the Board:

- Condition of Approval 7 required the site to be re-graded so the water would drain properly from the structure;
- Condition of Approval 8 required a plinth or trim board at the base of the Significant Historic Structure to be added to visually anchor the structure to the updated foundation; and
- Condition of Approval 17 required the applicant to submit a Structural Engineer Report to verify the structural integrity of the structure for Planning Director and Chief Building Official review and approval, prior to the submission of a Building Permit application.

The applicant proposed to remove a portion of the rear façade to accommodate an addition. Assistant Director Ward explained that this was at the rear of the property and will be accessed by Sullivan Road. The Preservation Easement recorded against the property allowed for changes to the rear façade. Photographs taken from Sullivan Road were shared with Board Members to provide additional context.

Assistant Director Ward reported that Chapter 15-11-9 in the Land Management Code required the applicant to complete a Financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan. This would be required prior to the submittal of a Building Permit application. Staff recommended the Board conduct a public hearing and consider approval of the material deconstruction for 1274 Park

Avenue, subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter.

Board Member Holmgren asked to see the photograph of the area where the addition would be. She wanted to know whether the trees would be removed. Assistant Director Ward explained that the trees were part of the discussion during the Plat Amendment process. The trees along the property line would not be removed. During the platting process, the applicant worked on preservation of the vegetation. One tree would be removed as part of the project, but under the Code, the applicant is required to replace that tree with a like tree on the site.

There was discussion regarding the addition. Assistant Director Ward shared photographs and stated that there would not be any changes to the front or the side facades. The garage and bedroom would be at the rear of the property along Sullivan Road. Board Member Hutchings asked about the material that would be removed from the back. Assistant Director Ward shared drawings taken from the Physical Conditions Report. The proposal was for a transitional element that would connect to the garage and bedroom near Sullivan Road.

Board Member Hutchings noted that usually the packet identifies the portion of the house being removed during a material deconstruction. He wondered if that should be made clear in the information presented. Assistant Director Ward explained that it would be specified within the Historic Preservation Plan. However, a Condition of Approval could be added to ensure that the Historic Preservation Plan outlined the deconstruction on the rear façade.

Board Member Toly asked if the wood underneath the aluminum siding was intact. Assistant Director Ward reported that there had been some water damage to portions of the siding. Mr. Taylor explained that the owner peeled back a few small areas of siding. Aside from nail hole damage, the siding looked decent, but toward the ground, there was evidence of water damage and rot in the lower boards. Assistant Director Ward stated that there was a Condition of Approval that said all of the wood siding that could be salvaged and restored was required to be saved.

Board Member Holmgren asked for more details about the drainage issues. Mr. Taylor explained that the back kitchen door was the low point on the site. All of the surface water ended up at that back door. Changing the grade by six inches would allow the water to drain around the back of the property towards Sullivan Road.

Further discussions were had about the wood underneath the aluminum siding. Chair Scott noted that it was not uncommon for the bottom few rows to have water damage. Mr. Taylor stated that the areas of exploration on the property were fairly minimal, so he could not make a universal statement about the level of damage. However, his expectation was that there would be water damage on the bottom few rows.

Chair Scott opened the public hearing.

Lisa Plain identified herself as the owner of 1265 Sullivan Road at the Alpine Retreat. She fully supported Mr. Beador and the project.

There were no further public comments. The public hearing was closed.

Assistant Director Ward wondered if the Board wanted to add Condition of Approval 18, which would specify that the limited material deconstruction on the rear façade must be included as part of the Historic Preservation Plan. All Board Members were in support of the added condition.

MOTION: Board Member Hutchings moved to APPROVE the material deconstruction of 1274 Park Avenue subject to the following:

1. Replace windows and doors.
2. Remove aluminum siding and restore drop-lap wood siding.
3. Lift the Significant Historic Structure for upgrades to the foundation for improved drainage and remove a portion of the rear façade to accommodate an addition.

Findings of Fact

1. 1274 Park Avenue was constructed circa 1911.
2. Based on the Historic Site Form, the Significant Structure was originally a hall parlor house but was modified between 1907 and 1929 to resemble a gable front with an addition to the south side.
3. The home is clad with aluminum siding, except for the front façade, which is clad with board-and-batten siding under the wraparound porch.
4. On June 24, 1999, the property owners and the City entered into a Preservation Easement for the front and side facades, with modifications approved by the Historic District Commission on September 14, 1998 (Summit County Recorder Entry No. 546937).
5. The 1998 Historic District Commission approval allowed for removal of the aluminum siding and for the restoration of drop-lap wood siding. The approval expired on September 14, 1999, and it appears the restoration of the wood siding was never completed.

6. Access to the Significant Historic Structure will continue to be from the rear via Sullivan Road.
7. 1274 Park Avenue, while a detached Single-Family Dwelling, is part of the Alpine Retreat @ Park City Condominium, a six-unit condominium that includes two Significant Historic Structures, 1266 and 1274 Park Avenue.
8. 1274 Park Avenue is Unit 1 of the Alpine Retreat @ Park City Condominium.
9. On March 6, 2020, the Alpine Retreat Homeowners Association approved the expansion of 1274 Park Avenue, Unit 1, to include a ground-floor 336-square-foot garage and 15-square-foot entry foyer/mudroom/laundry area, and 521 square feet of upper-level space that includes a wet bar, sitting area, bathroom, closet, and sleeping area.
10. On July 9, 2020, the City Council adopted Ordinance No. 2020-33, approving an amended Alpine Retreat @ Park City Condominium Plat to reflect the additional square footage for 1274 Park Avenue.
11. The Applicant requests Material Deconstruction approval to replace non-historic windows and doors, to remove aluminum siding and restore and reconstruct the drop-lap wood siding, to lift the Significant Historic Structure for upgrades to the foundation and to raise the Historic Structure six inches, and to remove a portion of the rear façade to accommodate an addition.
12. The front façade has two single-pane wood and stained-glass historic windows. The Applicant does not propose any changes to these windows. The side and rear façade windows are less than 50 years old, and the Applicant proposes replacing these vinyl and aluminum double-hung and sliding windows with code-compliant aluminum wood-clad windows, subject to Historic District Design Review approval.
13. 1274 Park Avenue is primarily clad in non-original aluminum siding. Aluminum siding is not allowed in Historic Districts. Planning Department
14. The removal of the aluminum siding and the repair, restoration, and reconstruction of the original drop-lap wood siding is allowed pursuant to the Preservation Easement, which protects the front and side facades, but allows for modifications based on the 1998 Historic District Commission approval, including removal of the aluminum siding and restoration of the original drop-lap wood siding.
15. The Applicant proposes to complete the removal of the aluminum siding to restore the original drop-lap wood siding.

16. LMC § 15-13-2(B)(2)(a) requires the repair of deteriorated or damaged historic exterior materials using recognized preservation methods. When historic exterior materials cannot be repaired, they must be replaced with materials that match the historic in all respects: scale, dimension, profile, material, texture, and finish.
17. The Applicant proposes to lift the Significant Historic Structure for upgrades to the foundation.
18. The Historic Site Form for 1274 Park Avenue states the foundation material is unknown.
19. The Applicant's Physical Conditions Report determined the Structure does not have a continuous foundation with portions of stacked rock, and other portions with poured concrete. The Significant Historic Structure is at grade and drainage issues have damaged the Structure.
20. The Applicant proposes lifting the Significant Historic Structure to accommodate upgrades to the foundation.
21. The new foundation shall not raise or lower the Significant Historic Structure more than two feet from its original floor elevation and the historic placement, orientation, and grade of the Historic Structure must be retained.
22. The Applicant proposes to remove a portion of the rear façade to accommodate an addition.
23. Additions to a Significant Historic Structure are considered only on non-character-defining facades, usually tertiary facades.
24. The Preservation Easement for 1274 Park Avenue protects the front and side facades but allows for changes to the rear façade.
25. Additions must be visually subordinate to the Significant Historic Structure when viewed from the primary public right-of-way and not obscure, detract from, or modify historic roof forms.
26. In-line additions should generally be avoided, and a transitional element is required. Planning Department
27. The rear façade is 31 feet wide, and the proposed addition includes a six-foot-wide and nine-foot-long transitional element that is set back three feet from the historic side façade.

Conclusions of Law

1. The proposal complies with Land Management Code Section 15-11-12.5, Historic Preservation Board Review For Material Deconstruction.
2. The proposal complies with Land Management Code Section 15-13-2, Design Guidelines For Historic Residential Sites.

Conditions of Approval

1. The applicant is responsible for notifying the Building Department prior to proposing any changes to the approval.
2. The applicant shall submit in writing any changes, modifications, or deviations from the approved scope of work for Planning Director review and approval/denial in accordance with the applicable standards prior to construction.
3. Where historic exterior materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material, and finish. Prior to removing and replacing historic materials, the applicant shall demonstrate to the Planning Director and Historic Preservation Planner that the materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. No historic materials may be disposed of prior to advance approval by the Planning Director and Historic Preservation Planner.
4. A soils report completed by a geotechnical engineer as well as a temporary shoring plan, if applicable, will be required at the time of building permit application.
5. The new foundation shall not raise or lower the Landmark Historic Structure more than two feet from its original floor elevation.
6. The Historic Site shall be returned to its original grade following the construction of a foundation. When the original grade cannot be achieved, generally no more than six inches of the new foundation shall be visible above Final Grade on the primary and secondary facades.
7. The site shall be re-graded so all water drains away from the Structure and does not enter the foundation.
8. A plinth or trim board at the base of the Historic Structure shall be added to visually anchor the Historic Structure to the new foundation. Planning Department

9. The form, material, and detailing of a new foundation shall be similar to foundations of nearby historic structures.
10. The applicant shall submit a cribbing and excavation stabilization shoring plan reviewed and stamped by a State of Utah licensed and registered structural engineer prior to issuance of a building permit. Cribbing or shoring must be of engineer-specified materials. Screw-type jacks for raising and lowering the building are not allowed as primary supports once the building is lifted.
11. Historic structures which are lifted off the foundation must be returned to the completed foundation within 45 days of the date the building permit was issued.
12. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines it is necessary. This would be based upon the need to immediately stabilize an existing historic property, or specific site conditions such as access or lack thereof, or in an effort to reduce impacts on adjacent properties. The applicant is responsible for notifying the Building Department if changes are made. If the cribbing and/or shoring plans are to be altered at any time during the construction of the foundation by the contractor, the structural engineer shall submit a new cribbing and/or shoring plan for review. The structural engineer shall be required to re-inspect and approve the cribbing and/or shoring alternatives within five days of any relocation or alteration to the cribbing and/or shoring.
13. The applicant shall request an inspection through the Building Department following the modification to the cribbing and/or shoring. Failure to request the inspection will be a violation of the Preservation Plan and enforcement action through the Historic Preservation Financial Guarantee or ACE could take place.
14. The applicant shall complete a Historic Preservation Plan—subject to Chief Building Official and Planning Director approval—prior to issuance of a building permit.
15. The applicant shall provide the City with a Financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan prior to issuance of a building permit.
16. The historic stained-glass windows on the front façade shall be protected, preserved, and restored.

17. The Applicant shall submit a structural engineer report verifying the Structural integrity of the Significant Historic Structure for Planning Director and Chief Planning Department Building official review and approval prior to submitting a building permit application.
18. The limited material deconstruction on the rear façade must be included as part of the Historic Preservation Plan.

Board Member Beatlebrox seconded the motion. The motion passed unanimously.

E. 427 Main Street – Historic District Design Review – The Planning Department Issued a Historic District Design Review for Emergency Repair Work to Remove a Chimney with a Condition of Approval the Applicant Come Before the Historic Preservation Board to Determine Material Deconstruction or Reconstruction. PL-21-04957.

Assistant Director Ward reported that the Applicant, Mimi Kim, and the Applicant's Representative, Gretchen Amerongen was present at the Historic Preservation Board Meeting to answer questions. She presented the Staff Report and explained that the item was a proposal for the material deconstruction and permanent removal of a non-functioning chimney at 427 Main Street. Assistant Director Ward explained that 427 Main Street was a Landmark Historic Structure on the Park City Historic Sites Inventory. It was also known as the War Veteran's Memorial Building. It had a non-functioning chimney located at the rear of the structure along Park Avenue.

On August 20, 2021, the applicant reached out to inform the City that bricks from the chimney were crumbling and falling, which created a hazard as there is parking next to the chimney as well as walkways at the rear of the building. The applicant submitted an HDDR application to request a Waiver Letter for emergency repair work. The applicant obtained a Structural Engineer Report on August 30, 2021, that outlined some of the structural issues with the chimney. The Planning Director issued an HDDR Waiver Letter for the emergency repair work with the following conditions:

- As much material as possible be salvaged and stored, pending the Historic Preservation Board determination regarding the non-functional chimney and its contribution to the Landmark Historic Status;
- The roof be restored as soon as possible;
- The area be secured to protect the public until the non-functional chimney was completely removed; and
- The Historic Preservation Board would make the final determination on whether the non-functional chimney was required to be reconstructed.

The applicant removed the chimney and the Building Department went to the site to assist with salvaging bricks and material. Assistant Director Ward explained that the applicant

was requesting that the Historic Preservation Board approve the permanent removal of the non-functional chimney.

Background information was shared with the Board. Assistant Director Ward reported that 427 Main Street is a 1 ½-story concrete central block with wings that was constructed circa 1939. It reflected the Public Works Administration Moderne with a symmetrical façade, smooth wall surfaces, heavy massing, a framed entrance with Art Deco motifs, and a monumental scale. The site was listed as a contributing building on the National Register of Historic Places in 1979 as part of the Park City Main Street Historic District. It was also associated with the era of mining decline. She pointed out that the Historic Site Form for 427 Main Street did not mention the chimney. The rear of the building was along Park Avenue and there were several parking spaces there. Example images of the chimney were shared with the Board. The photographs indicated that the chimney was original to the structure and remained over the years.

According to Chapter 15-15-1 of the Land Management Code, in some instances, the removal of historic construction materials or building components that were beyond repair could be approved by the Board. Staff recommended that the Historic Preservation Board determine whether the chimney contributed to the historic integrity of the Landmark Historic Structure. Assistant Director Ward explained that there were seven aspects or qualities as defined by the National Park Service that determined historic integrity, which included the following:

- Location: the place where the historic site was constructed;
 - The chimney was most visible from the vantage points of Park Avenue, Woodside Avenue, and Marsac Avenue, but was not a prominent feature along Main Street.
- Design: the combination of physical elements that created the form, plan, space, structure, and style of a site. The design includes considerations such as massing, textures, and colors of surface materials and ornamental detailing;
 - The Historic Site Form highlighted the front façade but did not mention the chimney or the brick.
- Setting: the physical environment, either natural or manmade, of a Historic Site and the relationship between structures and other features or open space;
 - The chimney was a prominent element when viewed from certain vantage points, including Park Avenue, Woodside Avenue, and Marsac Avenue. However, it was not always visible from Main Street.
- Materials: the physical elements that were combined or deposited during a particular period of time in a particular configuration to form a Historic Site;
 - The bricks were not mentioned in the Historic Site Form, but reflect masonry of the 1930s and 1940s.
- Workmanship: the physical evidence of crafts of a particular culture or people during any given period of history;
 - The Landmark Historic Structure features two art deco-style base relief panels above the entryway of the front façade.

- Feeling: a site's expression of the aesthetic of a particular period of time;
 - Example photos were shown.
- Association: the direct link between an important historic era, person, or site;
 - At some point, the chimney became non-functional, but Staff was unable to identify that period of time. There were many important uses associated with the site over the years, including a community center, recreation center, and offices.

Chapter 15-3-3 of the Land Management Code, Design Guideline for Historic Commercial Sites stated that historic chimneys and their decorative features were important character-defining features of historic structures and should be preserved and maintained. However, if the historic materials had deteriorated or contained structural defects, and the applicant could show that they were no longer safe, removal may be approved by the Board. On August 30, 2021, the applicant submitted a Structural Engineer Report, which evaluated the structural integrity of the chimney. The report identified the following issues:

- The flashing had failed and moisture was entering the wall, causing the mortar and bricks to crack apart during freeze and thaw cycles;
- The falling pieces of brick could be a safety hazard to those walking below;
- The chimney did not have sufficient reinforcement, as there were no vertical bars or horizontal bars;
- The lower portions of the chimney seemed to be unaffected, but damaged bricks should be replaced with new bricks; and
- The chimney would continue to support its own dead load, but it was unknown whether it would continue to hold in a seismic event without reinforcement.

The applicant completed the removal process while preserving as many of the bricks as possible. Only 10% of the bricks were able to be preserved as many had been damaged. Staff recommended that the Board open a public hearing and consider approving the permanent removal of the non-functioning chimney.

Board Member Toly reported that the applicant co-hosted an event for her campaign for City Council. City Attorney, Mark Harrington believed that it would be best for her to recuse herself from voting on the item. However, he noted that there was not a direct economic interest, so it was technically her decision to make. Board Member Toly wondered if the Board would still have a quorum if she recused herself. Attorney Harrington confirmed that there would still be a quorum. Board Member Toly stated that she would recuse herself from the vote.

Ms. Amerongen, the Applicant's Representative, reported that she had been the property manager since 2006. Board Member Holmgren believed that the chimney was crumbling because it had been neglected. She felt it could be repaired. Ms. Amerongen reported that the contractor who was working on the project stated that the way the chimney was constructed was not safe and unfortunately could not be reconstructed the way it was. It

also appeared that the chimney was not originally as tall as it was at the time of deconstruction but the contractor was unable to definitively determine that. As long as Ms. Amerongen had managed the building, the chimney had not functioned. She performed roof maintenance and inspections of the building but issues began to occur after the rain and hail storm.

Board Member Beatlebrox suggested that the Historic Preservation Board go over the seven aspects of historic integrity one by one. Location was discussed first. Ms. Amerongen clarified that the chimney was located behind the structure and did not come out of the roof the way a traditional chimney did. The construction of the building was atypical based on the way it was laid out compared to other structures along Park Avenue. There was a below-grade walkway that went all the way around the perimeter of the building. Ms. Amerongen also noted that snow removal was challenging for the building. The hope was to cover the back area at some point in order to make snow removal easier and the area safer.

The location of the chimney was discussed further. Board Member Beatlebrox pointed out that it was not a prominent feature along Main Street. Chair Scott agreed. He did not feel it was a primary feature on Main Street or Park Avenue. Board Member Hutchings disagreed. He felt it was a prominent historic feature that is visible from Park Avenue and Woodside Avenue. Chimneys are historic structures and the Historic District is not limited to Main Street.

The second criterion was discussed. Board Member Beatlebrox pointed out that in terms of design, there was no ornamental detailing. The front of the building had art deco, but the chimney itself was just a large rectangle made of bricks. Board Member Holmgren stated that although the chimney was non-functional currently, the chimney was functional at one time. It was there when the building was constructed. Board Member Hutchings agreed with the comments made by Board Member Holmgren. Chair Scott did not believe the chimney contributed to the design of the primary façade.

The third criterion was discussed. Board Member Beatlebrox stated that though the chimney was functional at one time, she was neutral on the chimney. Board Member Hutchings stated that chimneys were prominent historic features in Park City. He felt strongly that it contributed to the setting. Chair Scott noted that the chimney likely had a story, but it did not contribute to the setting on the Main Street side. On the other hand, it likely contributed to the setting on the Park Avenue side. Board Member Holmgren did not want to see the chimney permanently removed simply because it was non-functioning.

The fourth criterion was discussed. In terms of the materials, Board Member Beatlebrox noted that it was a large brick structure. She wondered whether the chimney had always been painted. Ms. Amerongen reported that it had been painted since she had managed the building. The paint actually contributed to the deterioration as it trapped the moisture on one side.

The fifth criterion was discussed. Board Member Beatlebrox felt that workmanship was the most important. Everything on the front façade on Main Street was a work of art and it was clear to her that an artist did not create the chimney. She believed the workmanship for this particular chimney was not significant. Board Member Holmgren disagreed and stated that it was a nicely set brick chimney.

The sixth criterion was discussed. In terms of the feeling, Board Member Hutchings pointed out that the physical presence of the chimney was clear based on the photographs included in the Staff Report. He felt the various vantage points showed the historical significance of the chimney. Board Member Toly asked to see the oldest photograph of the chimney. Assistant Director Ward shared a photograph from 1949. From what Staff could determine, the chimney had been a consistent structure. Chair Scott explained that his thinking had changed due to the historical photographs that were shared. He felt that the chimney was a prominent structure that told a story and could be seen from multiple angles.

The final criterion was discussed. Board Member Beatlebrox stated that the association was with the entrance of the building and not the chimney. She had not known there was a chimney associated with the building until the Historic Preservation Board learned that it was falling down. She was not certain that this particular historic chimney met all of the seven criteria. Board Member Hutchings believed that it did meet all of the criteria and that it was an important historic structure. Board Member Beatlebrox pointed out that if the chimney was permanently removed, the site would still retain its identity and convey significance. Board Member Hutchings believed an argument could be made that the chimney did not contribute if the Board only considered the impact from Main Street. However, it contributed to other areas. Chair Scott agreed that from the backside of the building, it contributed historical value.

Chair Scott opened the public hearing. There were no public comments. The public hearing was closed.

MOTION: Board Member Holmgren moved to DENY the application to consider permanent removal of the chimney located at 427 Main Street and direct Staff to return with findings consistent with the majority statements about the seven aspects of historic integrity, as defined by the National Park Service. Those statements determined that the structure contributed to the historic integrity of the Landmark Historic Structure. Board Member Hutchings seconded the motion. Vote on Motion: Board Member Holmgren-Aye; Board Member Hutchings-Aye; Board Member Beatlebrox-Nay; Board Member Toly-Abstained; Chair Scott-Aye. The motion passed 3-to-1 with one abstention.

6. ADJOURN

MOTION: Board Member Hutchings moved to adjourn. Board Member Holmgren seconded the motion. The motion passed with the unanimous consent of the Board.

Historic Preservation Board Meeting
October 6, 2021

The Historic Preservation Board Meeting adjourned at 7:00 p.m.

Approved by _____
Randy Scott, Chair
Historic Preservation Board

PENDING APPROVAL



**PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF NOVEMBER 3, 2021**

BOARD MEMBERS IN ATTENDANCE: Randy Scott-Chair, Lola Beatlebrox, Puggy Holmgren, Jack Hodgkins, John Hutchings, Douglas Stephens

EX OFFICIO MEMBERS: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Aiden Lillie, Planner; Mark Harrington, City Attorney; Julie Schultz, Executive Office Administrator

1. ROLL CALL

Chair Randy Scott called the meeting to order at approximately 5:00 p.m.

2. MINUTES APPROVAL

A. Consideration to Approve the Historic Preservation Board Meeting Minutes from October 6, 2021.

Action was not taken on the above matter.

3. PUBLIC COMMUNICATIONS

No ecomments were submitted and no hands were raised on Zoom.

4. STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Chair Scott noted that Board Member Tana Toly was not present at tonight's meeting as she was recently elected to the City Council. He pointed out that the open seat would be filled through the usual process. There was discussion as to whether Board Member Toly would attend the December meeting. City Attorney, Mark Harrington noted that she would be able to serve on the Board until she is sworn into office, but it would ultimately be up to her.

Planning Director, Gretchen Milliken stated that it had come to the Planning Department's attention that some historical siding was removed from the lower level of a home at 1049 Park Avenue. She reported that the Planning Department issued a Stop Work Order on the project, however, the historic material was destroyed when it was removed. She stated that the owner was contacted, and Staff was working with them to keep the remainder of the historical material intact and ensure that they are going through the proper channels to undertake the work that they are doing.

5. **CONTINUATIONS**

There were no continuations.

6. **WORK SESSION**

A. **Land Management Code Amendments – Accessory Apartments – The Historic Preservation Board Will Review Proposed Land Management Code Amendments that Reduce Accessory Apartment Regulations to Incentivize Construction of Long-Term Rental Units Proposed for Significant or Landmark Historic Sites on the Park City Historic Sites Inventory and in the Historic Districts in General. PL-21-05000.**

Assistant Planning Director, Rebecca Ward presented the Land Management Code Amendments regarding Accessory Apartments and explained how they might impact the Historic Districts. She presented an informational graphic on Accessory Apartments, which are also called Accessory Dwelling Units (“ADU”) or Mother-in-Law Apartments.

She reported that the current Code allows attached Accessory Apartments in the interior upper level, interior lower level, as a garage conversion, or above a garage. The Land Management Code does not currently allow for detached Accessory Apartments, which is one of the amendments under consideration.

Assistant Planning Director Ward highlighted Goal #2 of the City’s 2021 Housing Assessment and Plan, which seeks to reduce Accessory Apartment regulations to incentivize construction of these long-term rentals Citywide. Under the current Code, Accessory Apartments cannot be less than 400 square feet or more than 1,000 square feet in size. They cannot be larger than one-third of the square footage of the main home. Accessory Apartments are capped at two bedrooms. She added that the Code requires one additional parking space for each bedroom of an Accessory Apartment. There cannot be more than four Accessory Apartments within a 300-foot radius. Owners of Accessory Apartments are required to record a deed restriction against the property to ensure that the units are not used for nightly rentals. The Code requires the rental period be 30 days or longer.

Assistant Planner Ward summarized the General Plan goals to create more affordable housing and additional workforce housing. The Housing Toolbox recommended allowing attached and detached Accessory Apartments to create a diversity of housing types within neighborhoods. She referenced Goal #15 to preserve the integrity, mass, scale, compatibility, and historic fabric of the Historic Districts. In addition, this goal seeks to maintain the character, context, and scale of compatible infill development and additions. She noted that they were looking for Board input on potential special considerations for Accessory Apartments in the Historic Districts, especially for significant and landmark historic structures.

The first proposed amendment to the Code seeks to allow detached Accessory Apartments, which could result in additional paving for onsite parking and could have impacts on landscaping and relocation of significant vegetation. She reported that the current design guidelines for Accessory Structures include minimizing visual impacts of onsite parking with landscaping and complementary and integrated design. Accessory Apartments can be located at the front of the site if it would be appropriate for the streetscape or character. Some guidelines encourage the roof form, exterior materials, and architectural detailing to compliment the primary structure.

The design standards also require that Accessory Structures must be subordinate in scale to the primary structure. A rustic, bare wood look was determined to generally not be appropriate for a residential or commercial structure but could be on Accessory Structures. Although the current Code defines an Accessory Structure as “not a dwelling unit,” she explained that if detached Accessory Apartments are allowed, they would want to consider what they would look like and how they would fit in on historic sites.

Assistant Planning Director Ward added that a survey was posted to the community at the end of September. They have had quite a bit of participation and public input in this survey. She presented the results to the Board and noted that most respondents are generally in favor of allowing detached Accessory Apartments; however, most were not supportive of allowing detached Accessory Apartments on significant or landmark historic sites. Staff recommended prohibiting detached Accessory Apartments on the front of a site and instead requiring that they be set behind the single-family home if allowed. In addition, they recommended prohibiting the rustic bare wood design on any Accessory Apartment and requiring that the Accessory Apartment meet the same design guideline standards as the single-family home to blend in with the home. Staff also recommended that Accessory Apartments that are attached to a significant or landmark historic site would have their entry on a secondary or tertiary façade so that the historic façade would be preserved.

The first consideration for the Board was whether detached Accessory Apartments should be allowed. She reported that the Planning Commission was considering detached Accessory Apartments on lots in excess of 3,750 square feet and whether detached Accessory Apartments should be allowed on sites designated significant or landmark historic sites.

Board Member Jack Hodgkins sought clarification regarding whether the deed restriction would apply to all structures or just the Accessory Apartment. Assistant Planning Director Ward responded that it would encompass the entire site. Currently, the proposed deed restriction would require the property owner to live on-site to have an Accessory Apartment; however, the Planning Commission was considering whether to eliminate that requirement. She further explained that the proposed deed restriction would apply to the main dwelling and the Accessory Apartment and would require that both have at least a

90-day lease. Nightly rentals would be prohibited. It was confirmed that nightly rentals would be prohibited for all structures on the site.

Board Member Hodgkins asked about the reasoning behind Staff's recommendation to prohibit natural wood siding. Assistant Planning Director Ward explained that Staff would like the Board's input on this issue. Under the current Code, Accessory Structures are not classified as dwelling units, whereas the amendments would define Accessory Apartments as dwelling units. She commented that if the rustic look would be appropriate for a historic site, they could address that in the design guidelines.

It was noted by Board Member Hutchings that many of the sites in the Historic District might not likely be able to add an Accessory Apartment on-site while still meeting setbacks and other design requirements. He asked how these amendments would further the City's goals as discussed. Assistant Planning Director Ward noted that in HR-1 and HR-2 Districts where there is a minimum lot size of 1,875 square feet, those homes could have an Accessory Apartment within the existing footprint. Such Accessory Apartments are allowed under the existing Code. In the Historic Residential Low-Density District, the minimum lot size is 3,750 square feet, which could accommodate a detached Accessory Apartment on site.

With regard to adding a detached Accessory Apartment to a historic structure, Board Member Hutchings recounted the recommendation of the consultant that the idea would be to minimize the amount of regulation to help encourage this type of development. He felt there would be enough mitigation by going through the design process that they would not even need to get into whether the Accessory Apartment was proposed for a significant or landmark historic site. He remarked that the fact that a site is historic should not be part of the hoop that homeowners need to navigate to have a detached Accessory Apartment. With regard to the siding issue, he felt that it would make sense to leave it to the regular design process rather than imposing another layer of regulation.

In response to an inquiry regarding whether Accessory Apartments could be temporary or permanent, Assistant Planning Director Ward responded that they could only be permanent. Board Member Hodgkins raised the prospect of prefabricated structures that could easily be installed and removed for historic purposes or other reasons. Assistant Planning Director Ward added that the design processes would not change as a result of the proposed amendments and noted that outside of the Historic Districts, prefabricated homes might be considered. She asked if the Board had an interest in carving out exceptions in the design guidelines for prefabricated structures. It was noted that prefabricated structures are just a type of construction and if it would be the easiest way to construct a structure on a particular site it could just go through the regular design process. Board Member Hutchings felt that anything that would not create special limitations in the Historic District would be preferable. He referenced a site where they used a crane to construct a home on-site in two layers.

Board Member Hutchings raised the issue of the deed restriction on nightly rentals and offered that if the City was trying to encourage this type of development he could not see limiting the property owner's ability to earn extra income by renting out their home or an Accessory Apartment on a nightly basis. He felt that a deed restriction on the entire home and Accessory Apartment would be too restrictive and queried how it could be handled.

Board Member Beatlebrox understood that taxes were reduced on a rental as long as a long-term lease was in place. She asked what incentives that might have on both the Accessory Apartment and the main home. Assistant Planning Director Ward responded that the tax reduction was for the primary and secondary ownership and reported that Staff would look into the issue. It was confirmed that the minimum required lot size of 3,750 square feet would be the equivalent of two Old Town lots.

Assistant Planning Director Ward confirmed her understanding that the overall input from the Board was to look for opportunities to allow detached Accessory Apartments, as long as they comply with the Historic District design guidelines that are applied to any other structure in the Historic District. She also confirmed that the Board felt that the minimum lot size of 3,750 square feet for a detached Accessory Apartment was reasonable and attached Accessory Apartments would continue to be allowed on smaller lots.

Board Member Hodgkins noted that the Planning Commission's input regarding maximum heights and commented that they addressed many of his issues. Assistant Planning Director Ward next requested input from the Board on parking. She explained that the current Code required one parking space for each Accessory Apartment bedroom. There could be a significant or landmark historic home that would be exempt from the parking requirement; however, if the addition of the Accessory Apartment disturbed the historic site, then under the current Code, the owner would be required to construct onsite parking.

She explained that there is an exception that would allow a property owner to go through a Conditional Use Permit review to allow for tandem parking. In that scenario, the applicant would be required to show that the tandem parking would not create an undue hardship for the neighborhood, other parking options were less desirable, and reasonable efforts have been made to encourage the use of all off-street parking. She reported that the survey results showed that parking was the number one concern of the residents. There was some support for reducing parking for Accessory Apartments located near transit stops.

Board Member Beatlebrox expressed that requiring parking would incentivize residents to have a car. In the Historic District, people use transit, and they want to attract people who need to live where they work. She felt that requiring a parking space would not be a great idea.

Board Member Holmgren offered that if she were to construct an Accessory Apartment, she would check with the Legal Department to see if she could prohibit motorized

vehicles, much like a renter could be restricted from smoking or pets. She commented that in certain areas, there is no need for having a vehicle.

Assistant Planning Director Ward suggested that they could include a prohibition in the deed restriction of vehicles on site. Board Member Holmgren wanted to know if the lease could prohibit the tenant from having a motorized vehicle.

Board Member Hodgkins agreed that if they are trying to create housing in the Historic District where there are so many in need of housing, that there should not be a great need for someone to have a car. If parking spaces are required, it would go against the reasoning behind creating these Accessory Apartments. He observed that these units would be naturally affordable units and the rents would increase if parking were required. He would eliminate the parking requirement because it contradicts the purpose of Accessory Apartments.

Board Member Hutchings echoed the prior comments and felt that there would be significant demand for small units for seasonal workers and those who work in Old Town. Requiring parking would be the biggest barrier for a property owner to put an Accessory Apartment on their site. He noted that the survey was not specifically for the Historic District, with the exception of one question regarding detached Accessory Apartments on significant or landmark historic sites. He felt that it was an entirely different issue in other parts of the City, whereas, in Old Town, it was desirable to incentivize property owners to contribute to the inventory and make these units more naturally affordable. He felt that less restriction would be better.

Chair Scott echoed these comments and expressed concern about the impact of additional parking on the historic site. He would agree with no additional parking on the historic site.

Board Member Hutchings offered that avoiding the process of a Conditional Use Permit would be helpful.

Assistant Planning Director Ward referenced the Sudbury Memo in the Staff Report and noted that there were approximately 50 permitted Accessory Apartments Citywide. The City's consultant evaluated the obstacles to these units and concluded that there was currently a straightforward review process for the majority of zoning districts. Currently, Accessory Apartments involve a Planning application without a public hearing required, whereas the three Historic Districts require a Planning Commission Conditional Use Permit. She noted that the Planning Commission expressed an interest in retaining this review process because of the impacts of parking within the Historic Districts.

She recapitulated that from a Board perspective, they would recommend that even in the Historic District, these review processes be streamlined. She sought input on any concerns about removing the Conditional Use Permit process in the Historic Districts. The Board expressed no concerns. Assistant Planning Director Ward reported that the

community was split about the degree of review that Accessory Apartments should require.

She requested input on any other concerns or issues specific to the Historic District or historic sites that should be addressed by Staff. Board Member Beatlebrox suggested that a longer lease period be considered. She felt that a 90-day minimum was almost like a nightly rental.

Assistant Planning Director Ward reported that currently, the Code requires rentals of at least 30 days. The Planning Commission discussed increasing it to 90 to 120 days. Based on their survey of other ski town communities, the Planning Commission generally settled on 90 days to provide housing for the seasonal workforce, feeling that a longer requirement might conflict with the seasonal workforce. It was noted that some people have enough money to rent an Accessory Apartment for 90 days and only use it on the weekends. Chair Scott agreed with the 90-day minimum, as it would be the seasonal workers they were trying to help.

Board Member Hodgkins added that from an Affordable Housing standpoint, deed restrictions often have six-month lease requirements; however, that can create issues in seasonal communities such as Park City. Since an owner could not require a tenant to stay for six months, it would ultimately hurt the owner and the housing inventory. He asked about the process for garage conversion requests. Assistant Planning Director Ward explained that under the current Land Management Code, an Accessory Building receives extreme exceptions from setbacks, however, Accessory Buildings cannot be a dwelling unit. Converting a garage to a dwelling unit would have impacts that could not be mitigated on-site. She reported that the Planning Commission took the position that any dwelling unit would and should meet the same setbacks required for the single-family dwelling.

She further explained that the current Code allowed for garage conversions, with the requirement of onsite parking. For historic sites that were granted exceptions for the sole purpose of parking, lifting a historic home for parking was a policy specifically crafted to take parking off the street. She added that removing the parking requirement to convert a garage to a dwelling unit would create a larger parking impact. She stated that they have seen applications to convert a garage into increased living space.

It was noted by Board Member Hutchings that under the Land Management Code, a single-family home is required to have two parking spaces, so if an owner wanted to convert a garage for either increased living space or an Accessory Apartment, it would conflict with the Land Management Code. He felt that there would have to be a change to the Code to allow that type of conversion and stressed that such a change would then push the parking onto the street.

There was discussion regarding owners who would not need the garage to meet the site's parking requirements and how a conversion would be evaluated from a design

perspective. It was noted that the amendments regarding Accessory Apartments would be applicable not only to historic structures but would also apply to new structures. Assistant Planning Director Ward explained that the distinction would lie in whether the site was designated significant or landmark. In cases where the site went through the review process specifically as to the garage, they would need to evaluate the impacts of changing that prior approval before allowing a garage conversion.

Board Member Holmgren mentioned the bright blue house on Park Avenue as an example of a garage conversion into a living space. She noted that the structure still looked like a garage but was converted to living space where the owner maintained the driveway for parking.

Board Member Hodgkins returned to his prior comments regarding siding. He would consider any type of siding that was consistent with the neighborhood for an Accessory Apartment located in the back of a historic site; he noted that sometimes bare wood might be more appropriate than not. Assistant Planning Director Ward commented that the amendments were currently crafted to allow this.

7. REGULAR AGENDA

A. Historic District Grant Program – The Historic Preservation Board Will Consider Applications for the Historic District Grant Program's "Competitive Grant" Category. These Grants are to be Awarded for Projects Defined as "Preservation, Rehabilitation, and/ or Restoration" in the Land Management Code.

City Planner, Aiden Lillie explained that they received 22 applications from property owners for the fiscal year 2022 Historic District Grant Program ("Grant Program"). She stated that Staff would recommend that the Board consider these applications and forward a positive recommendation to the City Council for 21 of these applications. Planner Lillie shared an image of the postcard sent to property owners of a historic landmark or significant historic sites in the Park City Historic District. She also presented an overview of the applications received showing the amounts requested by each applicant, the fund that would supply these monies, and the proposed work. She noted that this review was published for public review.

She presented a map of the Main Street Redevelopment Area ("RDA") and the Lower Park RDA. She reported that this year Staff had a total of \$127,136 to award. Of that amount, \$50,000 came from the Lower Park RDA, \$30,000 came from the Main Street RDA, and the balance of \$47,136 came from the General Fund. The funds applied for totaled \$635,805.62. She explained that on September 29, 2021, Staff evaluated and scored each of the applications using consistent criteria to ensure that each application would achieve the goals of the Grant Program and would align with the Grant Program's Mission Statement.

Planner Lillie explained that in evaluating these applications, Staff recommended that the applicants receive a percentage of funds applied for based on their evaluation score. She noted that the postcard notice stated that funds would be capped at \$15,000. She explained that if an applicant applied for \$50,000 and received a score of 44% based on the consistent criteria applied by Staff, they would be awarded a maximum of 44% of the \$15,000 cap, or \$6,600.

Planner Lillie stated that Staff recommended the denial of one application, which is the Thames and Silver King Shaft Study Grant because they did not find that the Study Grant was within the scope of the Grant Program. She read the scope of work for this grant request and stated that Staff wanted to discuss expanding the scope of the Grant Program in a Work Session on January 5, 2022, as well as some other items to revisit for next year's Grant Program. She noted that the same applicant applied for a separate grant to stabilize a separate structure and Staff recommended approval of the second application.

Planner Lillie reported that as a result of Staff's evaluations, \$126,970 of the available funds would be awarded. This amount was broken down as follows: \$44,840 from the General Fund; \$49,000 from the Lower Park RDA; and \$33,000 from the Main Street RDA, with the excess taken from the General Fund. Any funds not claimed would be added to the Emergency Grant, which is awarded on a rolling basis.

Board Member Hutchings asked if the remainder in each of the funds would roll over to the next fiscal year. Planner Lillie responded that in the past few years, the excess has not rolled over; however, they have been working with the Budget and Accounting Departments to determine if they could make that happen. She suggested that they discuss this further during the January Work Session.

Planner Lillie presented a chart with the addresses and proposed award amounts. Board Member Beatlebrox expressed surprise at the low scores and asked for an explanation. Planner Lillie explained that Staff set up the criteria based on what was sought to be achieved. Staff scored each application based on how closely the applicant met the criteria, with 36 as the maximum total score. Many applicants scored in the range of 20 out of the 36 total points because their application did not closely meet the exact goals of the Grant Program. Board Member Beatlebrox suggested revisiting the criteria in the Work Session. Planner Lillie confirmed that the criteria would be discussed.

Board Member Hodgkins questioned the point of the criteria if the applications would be funded anyway. He felt that the evaluation score was helpful to determine where to spend the money and would assume that they would have more applications than available monies. He asked why they decided to partially fund everything as opposed to funding only those applications that they thought met the criteria better than others.

Planner Lillie explained that all of the applications met the criteria of the Grant Program and the Land Management Code. The evaluation scores compared the applications to the highest possible score and none of them aligned completely with the goals of the

Grant Program. She added that Staff felt it would be more beneficial and efficient to award partial funds to everyone. The Board, however, has the power to recommend awarding the funds using a different methodology. She explained that the higher scores were given to those who prioritized preservation over replacement. She used the example of repairing a window as opposed to replacing it and noted that while replacing a window would still be within the scope of the Grant Program, it would be scored lower than an applicant who proposed to repair a window.

Chair Scott suggested that Planner Lillie present three to four of the applications at the January 2022 Work Session so they could work through the actual applications. He commented that they created the Grant Program from scratch knowing that it would be a work in progress.

Board Member Hutchings agreed with Board Member Hodgkins' comments and noted that when they revamped the Grant Program, the scoring was not intended to award everyone a grant because they assumed that there would be applications that they were not looking to fund. He felt that the scoring process would provide Staff a way to look at some of the projects that might encourage restoration or better restoration within the community. He referenced the applications for total restorations, as compared with the applications for painting or re-roofing. He was disturbed by the request for funds for painting and re-roofing and as part of his analysis, he removed painting and roofing costs. He did not want to turn the Grant Program into a way for owners of historic homes to use it for normal maintenance. He commented that out of the total amounts requested, \$223,000 was for painting and new roofs. If those costs were backed out, there would be an extra \$21,000 that could be awarded to other grant applicants whose projects would entail more work and provide more benefit for the community.

He noted that in the past, they recognized that a historic structure might have been threatened because it needed a new roof; however, the City is no longer in that situation. He reiterated that roofing is a maintenance item.

Planning Director Milliken acknowledged these comments and added that as they went through the process they realized that there was work to be done on the criteria so that they would weed out those types of projects. She explained that while some applications did not score well, they felt that an award was appropriate based on the work proposed. She stated that an application would score higher if it sought to restore original windows; however, there are a lot of homes that do not have the original windows where the applicant proposed taking out windows installed in the 1970s to install windows that would be more appropriate to the house's historical character.

Board Member Hutchings had no issue with the scoring in the sense that it was subjective and was utilized to assist with the judgment calls made on the applications. He expected that when they address this in January, they would be able to come up with a better way to fine-tune the scoring. He reiterated that the Grant Program has never been used to provide money to an applicant by virtue of their application. He added that in the past

they tried to recognize historic restorations that could be used to highlight the Grant Program and help the Planners in their design review process with an applicant.

Board Member Hodgkins added that the intent of the Grant Program was to allow homeowners to go the extra mile to preserve a structure that they would not have otherwise done versus being reimbursed for a project they would undertake in any event. He felt that competitive should really be competitive, and it would allow Staff to focus on good preservation projects. It was also noted that a competitive process would also encourage better preservation.

Assistant Planning Director Ward added that Staff reviewed all of the meeting minutes going back several years to track how this Grant Program evolved over time. She noted that they look forward to the January Work Session to fine-tune this process. She also explained that they looked at the information provided to the applicants, and they did not really give the applicants the opportunity to provide all of the details that they would like to see for a project. She reiterated that this is one of the items they look forward to discussing in January. They want to ensure that the criteria and the expectation for these competitive grants are clear from the beginning so that the applicant is aware of those expectations. In response to an inquiry, Assistant Planning Director Ward referenced the application attached as an exhibit to the Staff Report; the \$15,000 cap was included in the postcard notice.

Board Member Hutchings asked if there was an expectation within the community that simply because an owner applied for a grant that they would receive money. He specifically referenced painting and felt that by awarding grants for things like painting or roofing, they were establishing that expectation. The collective surprise of the Board with the number of applications submitted this year was nice, but they would not want to send the wrong message about awarding these grants. He also raised the issue of how they could market this Grant Program to encourage historic restoration. In the past, the Park City Historical Society would award grants as part of the branding of the idea of quality restoration. He felt that the reasoning behind these grants was being watered down with the way applications were being processed.

With regard to the window example referenced by Planning Director Milliken, it was noted by a Board Member that more points should be allowed for the more historic replications proposed by an applicant. It was recognized that because this is not part of the Land Management Code, these would be judgment calls that Staff and/or the Board could make in evaluating these applications. While there is more consistency now, they need to be aware of not sending the wrong message with the awards being made. It was suggested that Staff provide the Board with sample applications prior to the January Work Session so that the Board Members could also score them.

Chair Scott commented on the information provided to the applicants and read the description of eligible work, which included repairing or replacing windows, re-pointing masonry, exterior painting, and electrical updates. Board Member Hutchings commented

that this information was consistent with the Grant Program from its inception. On some occasions, exterior painting was awarded and others it was not depending upon the structure and the judgment call of Staff. He did not recall much in the way of negative impacts that arose from denials in the past.

Board Member Hodgkins questioned whether money should be going toward painting at all. He felt that roofing presented another issue because there could be more appropriate roof looks for historic structures, so they might consider including roofing as an allowed project.

Board Member Holmgren recounted her personal experience where her roof slid off and she was grateful to have received funds from the Grant Program that paid half the cost of that repair. She commented that exterior paint should be considered maintenance and recalled a meeting where they discussed removing painting from the list of allowable projects. Planner Lillie confirmed that past minutes reflect that the Board requested painting be removed; however, when she published the notice prepared by prior Staff it remained in as an allowed project.

Board Member Holmgren stated that the Grant Program was initially implemented to address electrical upgrades since many of the historic homes were wired with extension cords. But as far general maintenance, those items should not be included. Planning Director Milliken added that they would have liked to see more detail and information from the applicants. She agreed that painting was more of a regular maintenance item; however, there might be situations that provide the good cause to allow for the paint to preserve historic material. It would be hard to know that, however, without a detailed application.

Board Member Beatlebrox recalled prior discussions involving a long-time homeowner who needed their entire house painted and did not have the income that new homeowners bring to Park City. They also discussed having the Board involved in these decisions, which might include site visits. She would like to discuss this further in January.

Board Member Hodgkins agreed that they want to keep people in their homes, and the situation referenced above might involve the award of an Emergency Grant.

A question was raised about the amounts in the Emergency Fund. Planner Lillie responded that there would be approximately \$1,000 left. She noted, however, that there were a lot of funds left over from fiscal year 2021, and they have been discussing whether they might be able to include these monies in the Emergency Fund. The leftover funds total approximately \$22,000.

Planner Lillie explained that Staff received public comment prior to this meeting as follows:

"I am a taxi driver on the Main Street and the tourists like the old houses that are preserved as well as how colorful they are. I think investing in these restoration projects means investing in the economy of Park City because the characteristic buildings of Park City are an attraction for both locals and tourists."

Planner Lillie reported that Staff recommended the Board review the evaluations for the Grant Program and forward a recommendation to City Council for their determination.

Chair Scott opened the public hearing and noted that there were public comments included in the chat as well as those who raised their hands to speak.

Sally Elliott added some historical perspective and stated that Old Town has changed. When the Old Town Grant Program began, most of the homes in Old Town were in need of improvement and most of the owners of those homes did not have substantial funds to paint, re-roof, or shore up the structures. Since the Grant Program began, Old Town has become the most desirable place to live and people with financial resources are able to add on to and maintain their homes. She applauded the decision of the Board to question whether painting or re-roofing continued to be a priority for the Historic District Commission ("HDC"). In the past, grants for painting or re-roofing were necessary, however now she felt it was no longer necessary. She recalled when it was a big deal to help people pay for lifting their homes to install better foundations. She commented that things have changed, and the Board is on the right track.

Planner Lillie read a question from the chat that regarding the variables that define the score. She explained that as Staff evaluated each application, they used a score chart based on the Historic District Grant Program's Mission Statement, which explained that the Grant Program was designed to financially incentivize the preservation, rehabilitation, and restoration of historic structures to create a community that honors its past and encourages historic preservation.

Planner Lillie also added that the purpose of the Grant Program was to assist in offsetting the costs of preservation, rehabilitation, and restoration work. She explained that they looked at how the work would help stabilize the property, visually enhance the community, how it would be affected from the public right-of-way as well as other criteria they took from the 2008 Duvall Study. She described the history of the Grant Program and noted that it had been in existence since 1987 until it was paused in 2015 to better re-evaluate the program.

Melanie Young reported that she served on HDC in the past and she has lived in Old Town for 30 years. She has one of the few homes that still has its original siding, fascia, windows, and doors. She felt that painting was key because her home is all wood. Her home is a significant landmark structure, and she does not have unlimited funds to renovate. She noted that she would need grant funds to paint her home in order to preserve it. She understood that many would like things for aesthetics. When she served on the HDC, they would conduct site visits to evaluate grant requests and she felt it

important to take a close look at what people have done and want to do to preserve their building. Ms. Young reiterated that she does not have the \$30,000 to paint her house.

An Unidentified Male Speaker stated that he purchased his home at 416 Park Avenue in 1988 and the Grant Program helped him. Many wanted the home to be torn down and re-built for the same price that he spent to renovate it. He noted that the Mayor of Park City-owned his house in approximately 1910. The speaker commented that even though he has owned the home for a long time, he does not have the money to put into the house. He has been a good resident by restoring the house himself and does not intend to leave Park City. He has worked hard to keep the house significant. He has problems with snowplows and snow shed from the north and south and has done his best to preserve the home without a lot of help. He stated that the house has a lot of issues, and he would like some help preserving it, which would be to everyone's benefit.

There were no further public comments.

Chair Scott recalled that they wanted to make the application process easy, but they also wanted a story to be told. He recalled situations where during the renovation process, owners sought grants that were not considered preservation, and they wanted to find ways to rank those requests differently. He noted that there was work to be done.

Due to the lack of information and interpretation, Board Member Hodgkins stated that Staff decided to distribute the funds amongst all eligible applicants regardless of the scores. Planner Lillie explained that the amount of each award was based on the applicant's score as applied to the \$15,000 cap. Therefore, if an applicant applied for \$100,000, and their score was 50%, they would be awarded \$7,500. It was noted that this calculation would be the same for an applicant who applied for \$20,000.

Planning Director Milliken added that if an applicant applied for an amount less than the \$15,000 cap, their score would be applied to the amount requested rather than the \$15,000 cap. In response to an inquiry, she explained that affordability was part of the criteria, but was impossible to determine based on the applications received. Planner Lillie added that the application included an area for a brief project description that allowed the applicant to provide a narrative of the proposed work. She confirmed that Staff did not interview the applicants.

Board Member Hodgkins asked if the initial discussions on the Grant Program included residency and if primary residencies should have preference. He noted that this would also go to the issue of affordability. It was mentioned that those discussions were held, but the focus was to on the Board's task as the stewards of the property. It was suggested that the Emergency Fund be looked at differently in terms of the criteria because there is clearly a social aspect involved. It was acknowledged that Staff could provide residents with information that they could also be eligible for the State Historic Credit that would include painting of their historic house. Preservation Utah also has funds that they loan out specifically for historic preservation projects.

Planner Lillie agreed that Staff could better inform residents of the other programs. There was discussion about whether the State Tax Credit Program was for income property only and the differences between the Federal and State programs. Planner Lillie indicated that they would address this in further detail at the January Work Session. For the current applications, she reported that Staff was scheduled to present this to the City Council on November 18, 2021, based on the timeline provided to the applicants. She stated that the Board had the authority to continue this item.

Board Member Hodgkins stated that his year involved a learning curve, and they would not have any better solutions for this year. He did not, however, want to set a precedent that this is how the Grant Program would operate going forward, and that needed to be made clear to the City Council.

Board Member Hutchings echoed the comments of Board Member Hodgkins.

MOTION: Board Member Hodgkins moved to recommend the grants contained in the Meeting Packet, pursuant to the Staff recommendation, to the City Council for consideration on November 18, 2021. Board Member Holmgren seconded the motion.

VOTE: The motion passed with the unanimous consent of the Board.

- B. 427 Main Street – Historic District Design Review – The Planning Department Issued a Historic District Design Review for Emergency Repair Work to Remove a Chimney with a Condition of Approval the Applicant Come Before the Historic Preservation Board to Determine Material Deconstruction or Reconstruction. The Applicant Requested the Historic Preservation Board Allow for Permanent Removal of the Chimney. On October 6, 2021, the Historic Preservation Board Denied the Applicant's Request, Requiring the 2 Park City Page 3 Applicant to Reconstruct the Chimney. PL-21-04957.**

Assistant Planning Director Ward reported that the direction received from the October 6, 2021, meeting was that Staff was to prepare a draft that ratified the denial of the application seeking permanent removal of the chimney at this location. She explained that the draft was provided in the Staff Report and if there were any Findings of Fact that required amendment, they could discuss those.

She explained that the Board was to consider formally ratifying its denial of the application for the permanent removal of the non-functioning chimney. The chimney would be required to be reconstructed with the salvaged brick and appropriate material as approved through the Historic District design review process required as part of the reconstruction of the chimney.

In response to an inquiry, Assistant Planning Director Ward explained that “final action” as defined in the Land Management Code is the date that the Board ratifies the written determination.

MOTION: Board Member Holmgren moved to ratify the Board’s decision denying the permanent removal of the non-functioning chimney at 427 Main Street, as set forth in the Final Action Letter included in the Staff Report. Board Member Hutchings seconded the motion.

VOTE: The motion passed with the unanimous consent of the Board.

8. ADJOURN

MOTION: Board Member Hodgkins moved to ADJOURN. Board Member Hutchings seconded the motion.

VOTE: The motion passed with the unanimous consent of the Board.

The Historic Preservation Board Meeting adjourned at approximately 6:30 p.m.

Approved by _____
Randy Scott, Chair
Historic Preservation Board

Historic Preservation Board Agenda Item Report

Meeting Date: January 5, 2022

Submitted by: Julie Schultz

Submitting Department: Planning

Item Type: Resolution

Agenda Section:

Subject:

Adoption of 2022 meeting dates.

Suggested Action:

Attachments:

[2022 Annual Notice of a Historic Preservation Board Regular Meeting](#)



Notice of a Regular Meeting Date, Time, and Location for Meetings of the Historic Preservation Board of Park City, Utah, for 2022

The regular meetings of the Historic Preservation Board shall be held on the first Wednesday of each month at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah, at 5:00 p.m., except when there is no quorum, no pending business or the regular meeting date falls on a holiday.

1. Notice of Electronic or telephone participation:
NOTICE OF POSSIBLE ELECTRONIC OR TELEPHONIC PARTICIPATION One or more members of the Historic Preservation Board may participate electronically or telephonically pursuant to UCA 52-4-7.8. Electronic meetings without an anchor location will be individually noticed in accordance with state law and local rule.
2. A written agenda will be posted on the State Public Meeting Notice website at <http://pmn.utah.gov> no later than 24 hours before each meeting, except emergencies. Meetings in addition to those specified herein will be held as circumstances require. Appropriate notice will be given for such meetings.

The 2022 meeting schedule for the above agencies is as follows:

January 5, 2022	July 6, 2022
February 2, 2022	August 3, 2022
March 2, 2022	September 7, 2022
April 6, 2022	October 5, 2022
May 4, 2022	November 2, 2022
June 1, 2022	December 7, 2022

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify planning@parkcity.org or 435-615-5060 at least 24 hours prior to the meeting.

Julie Schultz
Planning Department
Executive Office Administrator

Posted on <https://www.utah.gov/pmn/>, www.parkcity.org,

Historic Preservation Board Agenda Item Report

Meeting Date: January 5, 2022

Submitted by: Aiden Lillie

Submitting Department: Planning

Item Type: Staff Report

Agenda Section:

Subject:

2022 Annual Cindy Matsumoto Historic Preservation Award Work Session -- Staff recommends that the Historic Preservation Board choose up to five nominees for the 2022 Annual Cindy Matsumoto Historic Preservation Award and select three members to form an Artist Selection Committee. GI-21-00481

Suggested Action:

Attachments:

[Staff Report](#)

Historic Preservation Board Staff Report

Subject: 2022 Annual Cindy Matsumoto Historic
Preservation Award Work Session
Application: GI-21-00481
Author: Aiden Lillie
Date: January 5, 2022
Type of Item: Work Session



Recommendation

Staff recommends that the Historic Preservation Board choose up to five nominees for the 2022 Annual Cindy Matsumoto Historic Preservation Award and select three members to form an Artist Selection Committee.

Background

The Historic Preservation Board (HPB) started the Annual Cindy Matsumoto Historic Preservation Awards in 2011. The intent of the award is to honor a Project that utilized the Design Guidelines for Historic Districts and Historic Sites, Land Management Code (LMC) Chapter [15-13](#). Properties are selected for this award based on the following categories:

- Adaptive Re-Use
- Infill Development
- Excellence in Restoration
- Sustainable Preservation
- Embodiment of Historical Context
- Connectivity of Site

After a three-year pause beginning in 2018, this will be the ninth year that the HPB is honoring projects in the Historic District.

Past Historic Preservation Award winners include:

- 2011: High West Distillery (artist Sid Ostergaard)
- 2012: Washington School House Hotel (artist Jan Perkins)
- 2013: House at 929 Park Avenue (artist Dori Pratt) and Talisker on Main/515 Main Street (artist Bill Kranstover)
- 2014: Garage at 101 Prospect (artist Bill Kranstover)
- 2015: 562 Main Street (artist Cara Jean Means)
- 2016: California Comstock (painting by Hilary Honadel). Additionally, plaques were awarded to 264 Ontario Avenue, 81 King Road, 257 McHenry, and 1102 Norfolk.
- 2017: Egyptian Theatre, 328 Main Street (artist Marianne Cone)
- 2018: Glenwood Cemetery, (artist Anna Leigh Moore)

These paintings are showcased on the second level of City Hall. The HPB commissions a work of art “depicting the project that best illustrates the Design Guidelines and achieves excellence in adaptive reuse, infill development, excellence in restoration, sustainable preservation, embodiment of historic context, or connectivity of site. Award winners will be awarded with a plaque, distributed at a City Council ceremony in May in honor of Historic Preservation Month. The plaque will include information on the year the Historic Site was constructed and will state that it is a recipient of this award. The art piece will be unveiled at that time as well and will be displayed in City Hall.

Analysis

Staff recommends that the HPB identify up to five nominees for the 2022 Annual Cindy Matsumoto Historic Preservation Award. On February 2, 2022, the HPB will choose one awardee to be selected for an art piece to be commissioned and up to four awardees for a plaque.

Staff has identified the following projects as recommended nominees for the 2022 Annual Cindy Matsumoto Historic Preservation Award. These projects have been completed since the award program was put on pause in 2019 and highlight the 2019 Design Guidelines.

- 1. Silver King Spiro Tunnel Portal.** The Silver King Consolidated Spiro Tunnel Complex - Spiro Tunnel Portal is designated a Significant Site on Park City’s Historic Sites Inventory (HSI) ([HSI Form](#)). The tunnel was opened in 1917 to be used as a drain tunnel. In 1965 and 1966, the portal was used to carry skiers up to the slopes of Treasure Mountain Ski Resort. Today, the Spiro Tunnel provides drinking water to the City. The portal consisted of iron I-beams and large timbers supporting a simple shed roof. The Spiro Tunnel was in a decrepit condition until the City began the Spiro Mine Tunnel rehabilitation project in 2019. The project was extremely successful and was completed in 2021. The tunnel was reconstructed, ventilation was improved, and a public plaza was put into place at the entrance of the tunnel to welcome and educate visitors. The site is a great example of Excellence in Restoration.



Figure 1. The Spiro Tunnel Entrance, October 2021



Figure 2. Inside the Spiro Tunnel, October 2021

2. **227 Main Street (Star Hotel).** 227 Main Street is a Significant Historic Site on Park City's Historic Sites Inventory ([HSI Form](#)). The original structure of a c. 1885 residential L cottage underwent a major alteration in the 1920s when the home was converted into a Spanish Mission style hotel. The structure then went through a major alteration in 1976 when the historic façade was covered. The building was demolished in 2019 and reconstructed in 2021. This site is a great example of Embodiment of Historical Context.



Figure 2. The Star Hotel, November 2021

3. **Thaynes Mine Conveyor Gallery.** The Thayne's Mine Conveyor Gallery is listed as a Significant Site on Park City's Historic Sites Inventory ([HSI Form](#)). The Conveyor Gallery is a wood frame structure that runs perpendicular from the shaft gallows north. The section of the conveyor gallery that runs north-south appears in the 1940 and 1958 Sanborn Insurance maps. In 2013 it was noted that the structural elements of the conveyor gallery were failing, and the entire structure was in various states of collapse. In 2020 the Thaynes Conveyor was rehabilitated and restored by the Friends of Ski Mountain Mining History and a Historic District Grant from the City. This is a great example of Excellence in Restoration.

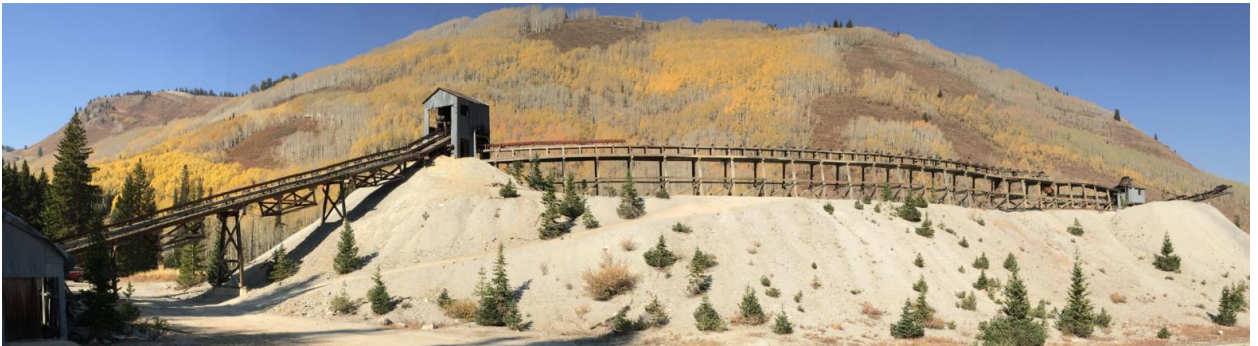


Figure 3. Thaynes Conveyor Gallery, 2020



Figure 4. Thaynes Conveyer Gallery, 2021



Figure 5. Thaynes Conveyer Gallery, 2021

Artist Selection Committee

Staff recommends that the HPB select three members to form an Artist Selection Committee. In all, the selection committee will include three members of the HPB, and Planning Department staff. The HPB may also discuss inviting a member of the Public

Art Advisory Board (PAAB) to the committee.

After the HPB chooses a project to be awarded on art piece on February 2, 2022, Planning Staff will release a request for proposals. Interested artists will be asked to submit up to ten images of previous artwork, a resume, and supporting materials such as articles and letters of support. The selection committee will choose finalists for the 2022 Historic Preservation Award project. Finalists will be invited to interview with the Awards Committee in March 2022. The Awards Committee will then select one artist to create one art piece honoring the Historic Preservation Award recipient.

The Artist Selection Committee will meet several times during the month of March. The committee will meet the first week of March to determine the finalists and the committee will meet as needed in March to conduct interviews. The time commitment will be between 3 and 5 hours.

Department Review

Planning and Legal Departments reviewed this staff report.

Historic Preservation Board Agenda Item Report

Meeting Date: January 5, 2022

Submitted by: Julie Schultz

Submitting Department: Planning

Item Type: Staff Report

Agenda Section:

Subject:

Open and Public Meetings Act Training

Suggested Action:

Attachments:

[LWH_OPMA_PowerPoint_2021](#)

An aerial photograph of a mountain town, likely Park City, Utah, covered in a thick layer of snow. The town's buildings, mostly multi-story structures with dark roofs, are densely packed in the lower half of the frame. In the background, steep, snow-covered mountain slopes rise, with some rocky outcrops visible. The overall atmosphere is cold and serene.

Annual Training

Open and Public Meetings Act

Utah Open And Public Meetings Act

Utah Code §§ 52-4-101 to 305

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OPMA

MEETINGS of a
PUBLIC BODY are open
to the public, unless an
EXCEPTION is available
under the Act that allows
the meeting to be
CLOSED.



Meetings

MEETINGS of a PUBLIC BODY are open to the public, unless an EXCEPTION is available under the Act that allows the meeting to be CLOSED.

MEETINGS

- Convening of
- At least a quorum
- To discuss, receive comments, or act on a matter over which the Board has jurisdiction or advisory power.



Meetings

INCLUDE:

- Retreats
- Workshops
- Field trips
- Electronic meetings



DO NOT INCLUDE:

- Chance meetings
- Social gatherings
- When no quorum is present



Public Body

MEETINGS of a **PUBLIC BODY** are open to the public, unless an EXCEPTION is available under the Act that allows the meeting to be CLOSED.

PUBLIC BODY

Any local administrative, advisory, executive, or legislative body which:

- Consists of two or more persons;
- Spends, distributes, or is supported by tax money;
- Authority to make decisions about the public's business (this includes advisory boards or groups).



Public Notice

Requirements of the Open and Public Meetings Act

Notice

PUBLIC NOTICE

HOW?

- Post
- Publish

WHAT?

- Annual meeting schedule
- Every meeting

EMERGENCY MEETINGS

MUST BE:

- **Posted** at the principal office or where the meeting will be held.
 - (Except for electronic meetings without an anchor location.)
- **Published** on the Utah Public Notice **website**.



Notice

PUBLIC NOTICE

HOW?

- Post
- Publish

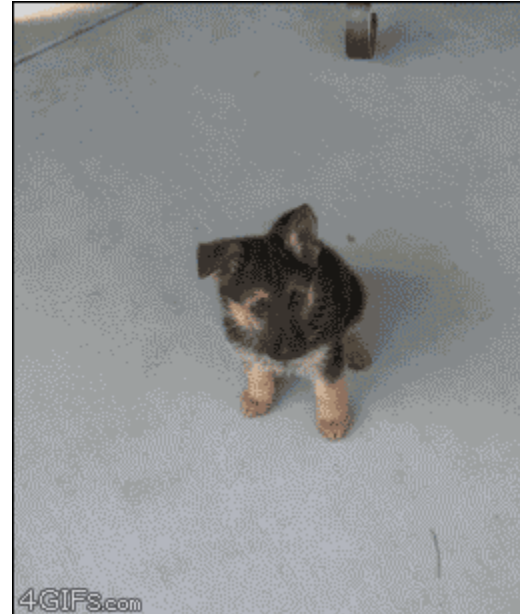
WHAT?

- Annual meeting schedule
- Every meeting

EMERGENCY MEETINGS

ANNUAL MEETING SCHEDULE

- Once a year provide notice of:
 - Date
 - Time
 - Place



Notice

PUBLIC NOTICE

HOW?

- Post
- Publish

WHAT?

- Annual meeting schedule
- **Every meeting**

EMERGENCY MEETINGS

EVERY MEETING

- 24 hours notice
- Content
 - Date
 - Time
 - Place
 - Agenda



Notice

PUBLIC NOTICE

HOW?

- Post
- Publish

WHAT?

- Annual meeting schedule
- **Every meeting**

EMERGENCY MEETINGS



EVERY MEETING

- 24 Hour Notice
- Content
 - Date
 - Time
 - Place
 - **Agenda**
 - Reasonable specificity.
 - Cannot take action on items that are not on agenda.

Notice

PUBLIC NOTICE

HOW?

- Post
- Publish

WHAT?

- Annual meeting schedule
- Every meeting

EMERGENCY MEETINGS

EMERGENCY MEETINGS

- **MUST attempt to notify** all Board members and **a majority of Board** members must approve holding the meeting because of an “emergency or urgent matter.”
- **Best notice practicable** of time, place, and topics.
- **Final action** may be taken at an emergency meeting.
- **Minutes** should include a statement of the unforeseen circumstances that made the meeting necessary.





Meeting Records

Requirements of the Open and Public Meetings Act

Meeting Records

OPEN MEETINGS

- Recording
- Written minutes
 - Date, time, and place.
 - Members present and absent.
 - Substance of all matters proposed, discussed, or decided.
 - Record of each vote.
 - Name of anyone who provided testimony/comments and a summary of the comments.
 - Other information requested.



Meeting Records

Make the recording and minutes of the open meeting available to the public.

- **Recordings** should be made available to the public within **3 business days** after the meeting.
- **Written minutes**
 - For public bodies other than Council, **draft minutes** which must be clearly marked as “pending approval” should be made available within **a reasonable time**.
 - Approved minutes as well as any public materials distributed at the meeting should be made available to the public within 3 business days by:
 - Posting to the Utah Public Notice Website;
 - Making a copy available at the public body’s primary office; and
 - Posting on the public body’s website, if applicable.



Closed Meetings

Closed Meetings



MEETINGS of a
PUBLIC BODY are
open to the public,
unless an EXCEPTION
is available under the
Act that allows the
meeting to be CLOSED

Closed Meetings

A meeting may be closed **only** to discuss **specified topics**



- An Individual's Character, Professional Competence, or Physical or Mental Health
- Pending or Reasonably Imminent Litigation
- Deployment of Security Devices
- Criminal Misconduct Investigations
- Advice of Legal Counsel

— Closed Meeting Procedures —

- Open meeting with quorum present
- 2/3 vote to approve closing the meeting
- Publicly announce and enter into the minutes:
 - Reason for closing the meeting.
 - Location of the meeting.
 - Vote by name.



Closed Meeting Records

CLOSED MEETINGS

- **Recording**
- **Written** minutes optional
 - Date, time, and place.
 - Names of all present and absent (unless disclosure would impair confidentiality necessary for original purpose of closing the meeting).
- **Exception to recording requirement** if discussing:
 - Character, professional competence, or physical or mental health of an individual.
 - Deployment of security personnel, devices, or systems.
- **Protected Records** under GRAMA.

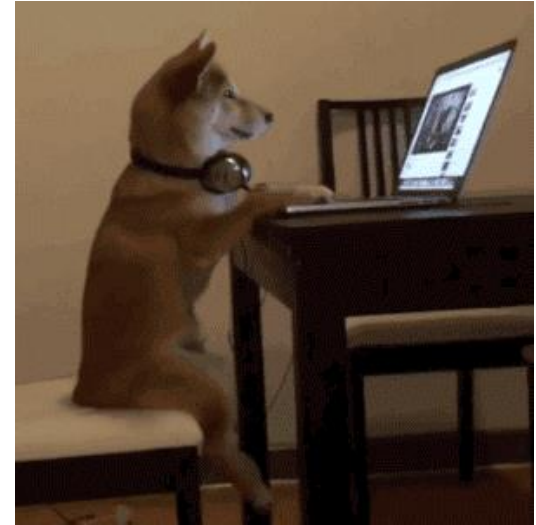


Electronic Meetings

New rules in 2021

Types Of Electronic Meetings

- Resolution or Rule governing use of electronic meetings.
- **Electronic Meetings WITH Anchor Location**
 - Provide anchor location for the public to join.
- **Electronic Meetings WITHOUT Anchor Location**
 - Chair must make determination.
 - Notice must detail the Chair's determination, facts supporting Chair's determination, and include information on how to connect.
 - Determination renewed every 30 days.





Public Comment or Participation

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Public Comment or Participation

- **Public must be allowed to come and watch**, but there is no requirement to allow them to comment.
 - Unless the meeting is a public hearing, which does require an opportunity for public comment.
- **Public has a right to record meetings** if they can do so without disrupting the meeting.



- **Public comments about items not on agenda.**
 - At discretion of the Chair, comments may be discussed during open meeting if not on agenda.
 - No FINAL ACTION if not on agenda.

Disruption of Meeting

- Acceptable to keep people on point.
- Disruptions at meetings do not have to be tolerated.
- May **remove** an individual from the meeting if:
 - **Willfully disrupts** and
 - The orderly conduct of the meeting is **seriously compromised**.





Consequences of Violating the Act

Consequences of Violating the Act



- Private individuals can bring lawsuits for violations of the Act
 - Final action may be voidable.
- Class B misdemeanor for knowingly violating the closed meeting provisions of the Act



Questions?

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