

# Salt Lake City Historic Landmark Commission

## Retreat Notes

Wednesday, June 18, 2008

The Historic Landmark Commission convened for their annual retreat in room 126 of the City and County Building at 5:19 p.m. Commissioners present for the retreat included Paula Carl, David Fitzsimmons, Arla Funk, Sheleigh Harding, Polly Hart, Creed Haymond, Jessica Norie, Anne Oliver and Warren Lloyd. Commissioner Earle Bevins, III was excused.

City Staff members present for the retreat included Mary De La Mare Schaefer, Deputy Director of Community and Economic Development; Frank Gray, Director of Community and Economic Development; Esther Hunter, Senior Advisor to the Mayor; Janice Lew, Principal Planner; Paul Nielson, Land Use Attorney; Joel Paterson, Acting Interim Planning Director; Robin Zeigler, Senior Planner and Cecily Zuck, Historic Landmark Commission Secretary.

Chairperson Fitzsimmons called the meeting to order and recognized Paul Nielson as the first presenter of the evening.

Mr. Nielson introduced himself to the Commission. He noted that he felt the Historic Landmark Commission had an outstanding set of Policies and Procedures and should consider that their primary guiding document.

### **Robert's Rules of Order**

- Motions: Robert's Rules of Order (RRO) are very particular regarding motions, instead of stating, "I would like to make a motion", Robert's indicates that the proper verbiage is, "I move to", or, "I move that..."
- Amending Motions: The correct action is to make a motion to amend rather than suggest an amendment, even if you authored the motion originally.
- Seconding motions: second the motion and then discuss particulars. The person who made the motion has first right to discuss the motion.
- Motion to adjourn: the chair shall adjourn the meeting, a motion is not necessarily needed for the proceedings of the Commission to end; common sense prevails, particularly in the case of a dangerous situation which might require immediate action.

Commissioner Funk noted that page seven of the staff materials on Robert's Rules of Order noted that the motion had to include findings before any vote could be taken.

Mr. Paterson stated that staff often identified these findings. He noted that if the Commission found against the staff recommendation, then they did need to make their own findings before taking a vote on the motion.

Commissioner Hart noted that she had heard motions made in the vein, “Based upon staff findings I move...,” and wondered if this was appropriate verbiage.

Mr. Nielson noted that this was appropriate.

Commissioner Harding inquired what a good way to obtain legal advice during proceedings would be.

Mr. Nielson noted that he could be addressed directly, but when considering policy opinions, he would usually decline to participate. He noted that the Commission should feel free to stop and ask about procedural items at any time, for instance, if the Commission felt that there was an issue which could involve a liability or legal error on their part as far as their proposed findings were concerned.

Commissioner Harding inquired if competing motions could be on the table at the same time.

Mr. Nielson noted that there was a hierarchy of motions according to RRO, but there was no use in trying to decipher it for the use of the board, unless the motions were in direct conflict of one another. He noted that when motions were in direct conflict, the Commission must discuss the first authored motion before proceeding with an opposite motion.

### **Decision Making**

Mr. Neilson stated that Land Use Law really hung its hat on the findings of fact. He stated that those findings were the standards on which a decision might be considered arbitrary, capricious or illegal. Mr. Nielson noted that there must be substantial evidence to support the Commission’s decision. He noted that it was not easy to define what would be considered substantial evidence, but the more specific the Commission could be in making findings, all the better.

Mr. Nielson reviewed a case before the Utah Supreme Court, “Bradley vs. Pace and City”...

...the court held that in the case the undisputed facts demonstrate that the City’s decision was not arbitrary or capricious but was the result of careful consideration and was supported by substantial evidence, of significant import, consideration of the PUD spanned nearly a year and a half and involved more than a dozen separate meetings wherein public input was heard, objections voices and modifications to the PUD imposed, although certain materials were not timely submitted, the majority of the required documentation was before the Planning Commission and the City Council where the PUD ultimately was approved. That documentation as well as the other evidence before the Commission and the Council supported the approval of the PUD...

Mr. Nielson noted that it would be reasonable for the Commission to rely on the staff reports so long as the Commission found that the staff reports were adequate. He noted that he felt the

Planning Division's staff reports to be well crafted, providing an analysis of the law and facts, and were adequate in their findings.

Commissioner Oliver inquired if when making a motion and varying from staff's opinion the Commission needed to make their own specific findings based upon the findings, or contrary to them, as the case may be.

Mr. Nielson noted that it was not necessarily needed, but it was never a bad idea to provide as much support as the Commission could give to their decision.

#### Objectivity in Decision Making

Mr. Nielson noted that several standards in ordinance sections 21A.34.020.G and H, specifically H, noted that physical characteristics of a project must be 'visually compatible', which he considered a fairly nebulous statement and he noted that when the Commission found a project to be incompatible with such standards they should strengthen their findings of fact and legally defensibility by explaining what it was that made that project visually incompatible or compatible. He noted that such phrases contained in that standards such as 'visually compatible', 'better', et cetera, were a legal weakness open to interpretation so should be explained wherever feasible.

Mr. Paterson noted that the Land Use Appeals Board (LUAB) had overturned decisions based upon the findings of the particular board or Commission not being specific enough and seemingly leaving things open to individual interpretation.

Mr. Nielson noted that the Commission was fully entitled to disagree with the staff report but should try to explain their findings for the cause of legal defensibility.

#### Public Hearing Procedures and Decision Making

Mr. Neilson cited the following section of the Ordinance: 21A.10.030.G.2, Findings: General Procedures for Findings and Decisions.

...all decisions, shall be in writing and shall include at least the following elements:

- a. A summary of the information presented before the decision-making body or officer;
- b. A summary of all documentary evidence submitted into the record to the decision-making body or officer and which the decision-making body or officer considered in making the decision;
- c. A statement of the general purpose of this Title, the specific purpose of the district where the use is or would be located, and the standards relevant to the application;

- d. A statement of specific findings of fact or other factors considered, whichever is appropriate, and a statement of the basis upon which such facts were determined, with specific reference to the relevant standards set forth in this Title; and
- e. A statement of approval, approval with conditions or disapproval.

Mr. Nielson stated that he felt these items were almost always all addressed, however, it was a template to think about when making a decision or in addressing new findings, and should be reflected in the discussion of a motion.

### **Conflict of Interest**

- Several sources of conflict of interest legislation exist: statutes, ordinances, policies and procedures, et cetera
- If a statute states something contrary to the ordinance, the statute is superior and will prevail over the ordinance
- If the statute leaves interpretation open to the ordinance, the ordinance will prevail
- Under state laws there is the Municipal and State Employees' Ethics Act which Commissioners should abide by, even as volunteers of the municipality
- Local ordinance provisions refine this issue of conflict of interest further
- Commission members would be considered public volunteers under the statute, subject to such regulations or possibly considered as an employee
- Ordinance does not define what constitutes a personal interest. Only notes if the decision could have a financial impact on a member that member should remove themselves from the proceedings
- Commissioners should abide by their own profession's code of ethics as well.
- If a Commissioner felt that there was an issue which might disqualify them from a matter, they should approach the Attorney's Office with that information prior to the public hearing.

Commissioner Harding stated that the policies noted the Commission should decide if the conflict was valid and inquired what this included.

Chairperson Fitzsimmons stated that the Commission had voted before on perceived conflicts, and noted that there had been a case where if the member had recused themselves, there would not have been a quorum. He noted that in the case of that hearing, he had informed the Commission that the applicant was his boss's client and the Commission had decided that he could stay for the hearing, although Chairperson Fitzsimmons did not deliberate on the matter and did not vote; he was present to maintain a quorum so the meeting could continue.

Mr. Nielson noted that this was fine and the key element was to decide if the Commissioner could remain impartial in such a situation.

Commissioner Harding inquired if a Commissioner with a conflict could remain present at the hearing and not vote.

Mr. Nielson noted that the policies only applied if the Commissioner felt they couldn't make an impartial decision, not if they were simply uncomfortable with the matter at hand. He stated that if a conflict existed and quorum needed to be maintained, a decision such as Chairperson Fitzsimmons had described was prudent.

Mr. Paterson noted that everyone's idea of a conflict of interest would be different. He noted that if a Commissioner had an issue which might be perceived as a conflict of interest, it should be declared and the Commission could decide if they agreed with the conflict or not and whether that Commissioner should participate in the hearing item.

Mr. Nielson noted that the biggest problem occurred when only the bare number of Commissioners required for quorum was present and conflicts affected quorum. He stated that there were several hypothetical situations which might require advisement from the city attorney's office.

Commissioner Lloyd stated that he had experienced a clear conflict of interest in the last year. He stated that his architectural firm was the representative for his own property and he therefore recused himself from both the Commission proceedings and the presentation of the item.

Mr. Paterson noted that this had been a wise decision, and noted it did not always look completely ethical to the public for a Commissioner to present their own project or preside over an issue with which that Commissioner might have a close relationship.

Mr. Nielson noted that in the case of an upcoming potential conflict, it would be prudent to put the conflict in writing and deliver that communication to the attorney's office.

### **Ex Parte Communications**

Mr. Nielson noted that while the Ordinance stated nothing about ex parte communication between development applicants and Commission members, the attorney's office felt that Commissioners should not participate in ex parte communications, and even while state statutes were not so forthright, if someone approached a Commissioner about a hearing item on a fact finding mission the applicant's right to due process could be affected. He noted that while there was no specific mandate or penalty for doing it, if a board member went and spoke to the applicant or another member of the public on an item it would not appear ethical either.

Mr. Nielson noted that the ordinance did not do a particularly good job of identifying what constituted a personal interest in a case and therefore he would leave that up to the discretion of the Commission. He noted that many members of the Commission were members of professional societies and therefore might have direct or indirect involvement in a case with a client or former client and should abide by their applicable professional code of ethics.

Commissioner Fitzsimmons inquired what the Commission should do if approached at home by the applicant or other member of the public.

Mr. Nielson noted that the approached Commissioner should encourage the applicant to follow due process and voice their opinions at the public meeting, which was the proper venue for such communication.

Mr. Paterson noted that the discussion might require an individual to recuse themselves from an issue and the Commissioner could note that at the time; that an applicant tried to engage them in a discussion about their concerns.

Commissioner Lloyd stated that the issue with ex parte communication was that it would occur inevitably at some point, but should be reported to the Commission at the time of the hearing. He noted that it was more critical that the nature of the communication be in the public record than that the communication occurred in the first place.

Commissioner Hart inquired what they should do if an individual insisted on speaking with them.

Commissioner Oliver stated that she had been sent an email in the past regarding a particular case and she had sent that communication to the staff member for the item. The staff member then had her disclose that communication to the Commission at the time of the hearing.

Mr. Paterson noted that he felt that to be an appropriate course of action for Commissioner Oliver to take.

Mr. Nielson noted that other states did look at ex parte communication more seriously, particularly when regarding a decision requiring legislative action.

Commissioner Oliver inquired if exchanging opinions after a decision with fellow Commissioners was appropriate.

Mr. Nielson noted that the spirit of the law indicated that the Commissioners should be able to maintain their decision after the fact, and was analogous to a jury; therefore the item was open to discussion, however, if an item were tabled or continued the conversations should end.

Chairperson Fitzsimmons inquired if a Community Council member were also a Commission member, what should be considered ex parte communication.

Commissioner Hart noted that she was the Chair of the Capitol Hill Community Council.

Mr. Nielson noted that when anything that came before the Community Council and was scheduled to be heard before the HLC, Commissioner Hart should recuse herself from the Community Council meeting for the duration of that item. He stated that he was not certain that this would be considered an ex parte communication but it could present a conflict.

Commissioner Hart noted that this eventuality had been discussed prior to her appointment to the Commission and Mr. Nielson's suggestion was analogous to how she had intended to proceed with such issues in the future.

Mr. Paterson noted that Commissioner Hart should make this occurrence clear at the time of the HLC hearing as well.

Mr. Nielson noted that an inquiry had recently been made by an applicant as to whether or not it would be appropriate to invite members of a Commission to a neighborhood meeting, and stated that the attorney's office ultimately recommended that the Commissioners not attend as it could be interpreted by someone as ex parte communication, even if the Commissioners only attended as community members and did not participate in the discussion.

### **Requesting Ordinance Changes**

Mr. Nielson noted that the Commission might consider recommending in the future that they be allowed to initiate proposed amendments to the Land Use Ordinances. He stated that under the current ordinances, particularly 21A.50.030; only the Mayor, City Council member, property owner or Planning Commission member could offer a zoning amendment for consideration. He noted that the HLC could offer a proposal to amend the zoning map pertaining to current HLC areas, but not initiate a proposal for a new overlay district or new historic district. He noted that the Landmark Commission might wish to go to the Mayor's Office or Planning Commission to state that the Commission felt it would be appropriate to be able to offer amendments to the ordinance.

Mr. Paterson noted that it was the purview of the Commission to suggest an amendment to the land use map, but not to define a new area for preservation, and there was no provision to suggest a change in base zoning or zoning overlay.

Chairperson Fitzsimmons noted that one of the guiding provisions of the Commission was to promote preservation in the City.

Mr. Nielson noted that this was correct, and an amendment to rectify the oversight would have to be initiated by one of the aforementioned parties.

Chairperson Fitzsimmons stated that Mr. Paterson had a comment unrelated to the evening's proceedings.

Mr. Paterson noted that Frank Gray was present, observing the retreat. Mr. Paterson stated that Mr. Gray had recently been appointed by the Mayor as the new head of Community and Economic Development. Mr. Paterson introduced him to the Commission.

Chairperson Fitzsimmons thanked Mr. Gray for his attendance at the retreat and moved on to the next speaker, Esther Hunter, Senior Advisor to the Mayor.

### **Mayor's Historic Preservation Goals**

Ms. Hunter stated that the Mayor's Office had several goals for preservation in the City. Ms. Hunter quoted:

I know of no safe depository of the ultimate powers of society but the people themselves; and if we think them enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion with education.

– Thomas Jefferson

She noted that the Mayor's office felt that the Commissioner's citizen involvement in the boards was absolutely critical and praised the outstanding staff for their dedication and expertise as well.

Ms. Hunter noted that she was very excited to be working on city policy and that the Historic Landmark Commission used to be a committee of the Planning Commission. She stated that the ordinance change suggested by Mr. Nielson regarding the Landmark Commission's authority to suggest changes to the ordinance was something that the Mayor's Office could take on.

Ms. Hunter noted that Robin Zeigler had done some wonderful work regarding the Economic Hardship Ordinance and noted that if there were other policy issues which the Commission felt they should bring forward to the Mayor's Office, they should feel free to do so.

Ms. Hunter reviewed the history of citizen planners in Salt Lake City:

1890-1910: City Beautiful Movement

1928: City Planning Enabling Act

Ms. Hunter noted that both of these movements arose from corrupt periods in city government and the idea was that citizens needed to be involved in the public process, which was whence some of the original boards and commissions had been established.

Ms. Hunter reviewed a handout containing key policy platforms with the Commission. She noted that the Mayor's webpage would soon contain a policy section with new policies the Mayor's Office is working towards enacting. She stated that the 180 day plan and blueprints outlined these platforms and were still available on Mayor Becker's personal website, but not yet on the city site.

She noted that the encouragement of LEED standards was something which would be very important to HLC in the future; to take environmental issues and building practices into consideration. She noted that the Mayor's Office was working on an ordinance to expedite building permits for those interested in building commercial LEED projects.

Ms. Hunter noted that the idea of promoting open and transparent government included the television broadcast of Planning Commission Meetings. She stated that there had not been a request yet to televise the HLC and Board of Adjustment meetings, but this could likely happen in the future.

Ms. Hunter noted that an important goal of the current administration was also to promote education of preservation issues. She noted that the current administration was concerned with



promoting preservation education among the youth of the city, and the idea of taking preservation into the school system had produced some very exciting conversations within the Mayor's Office.

Ms. Hunter noted that there was also the concern within the current administration that preservation be promoted across different socioeconomic levels. She stated that there had been several issues in the past with those with limited incomes, limited ability, senior citizens who have been in houses, and then have to deal with historic districts and the preservation of their homes.

She stated that she wanted to draw attention to Mayor Becker's plan to become a great American city, and to integrate the history of Salt Lake City with societal change; for instance, how to recycle buildings, adapt to living changes due to foreseeable energy crises, and how to retain local character while maintaining a planning process with a clear vision for the future. She stated that the HLC often dealt with issues on a case by case instance, and it was important for the Commission to have a clear view of preservation issues throughout the city.

She noted that the Preservation Plan CAC had an ongoing issue with the idea of a decision making body versus an advocacy role, and the Commission was currently fulfilling both roles. She stated that if the Commission did not currently fulfill that advocacy role, no one else would.

Ms. Hunter reviewed an article authored by Mayor Becker entitled, "Finding Winning Solutions – The Art and Science of Good Governance," which noted that good governance of a municipality or agency could only be obtained by collaboration between citizens, staff and other members of communities and agencies. She stated that within the HLC was that public process, and every commissioner, citizen and staff member provided input into the process, and this input particularly affected the Preservation Plan.

Ms. Hunter asked the Board to be introspective in regards to their own openness and transparency and question how best they serve the public. She noted, for instance, that the Commission might want to consider how the public process affected the citizens of the area, what they can do to improve that process, how to improve education throughout the community and so forth. She noted that the Mayor had been extremely impressed that since the beginning of his administration, he had not received one negative comment about the Historic Landmark Commission, which had not been the case when he had presided on the Planning Commission, and Ms. Hunter noted that the Mayor conveyed his thanks to the Commission.

Chairperson Fitzsimmons voiced his thanks for that recognition from the Mayor.

Ms. Hunter noted that everyone was eagerly anticipating the initiation of the Preservation Plan for the city, however, it was possible that some stop gaps might be necessary in the meantime, particularly items such as changes to the Economic Hardship Ordinance, density bonuses, conservation districts which had been discussed, but that these allocations were an issue of resource and time. She noted that if everyone could prioritize issues as a team, those goals could be accomplished.

She noted that there was always a balancing act as far as what the Commission needed in order to make a decision, and stated that the Commission was barely staffed at minimums as far as what the Ordinance required.

Ms. Hunter turned the proceedings back to the Commission at this time.

Commissioner Norie was excused at 6:49 p.m.

### **Review of Goals for 2007**

Ms. Lew noted that the agenda for the next Commission meeting had included time during the work session, to address any issues left over from the evening's retreat. She noted that included in the information provided for the retreat was a review of the goals for 2007 from the 2006 Annual Report. She noted that these goals included the creation of the Preservation Plan as well as a number of surveys throughout the city. Ms. Lew noted that the committee for the Preservation Plan had met on June 17, 2008, and noted that they had reviewed the Visioning Document for Phase II of the Plan.

Ms. Lew turned the proceedings over to Commissioner Oliver for an update on the Preservation Plan.

Commissioner Oliver noted that Ms. Hunter had left copies of the Fisher Mansion update for the Commission. She passed them along to the Commission.

### **Preservation Plan**

Commissioner Oliver noted that they had discussed the Visioning Document in the meeting on June 17, 2008, and then broken into a work session where working groups were formed to analyze the plan in detail. She stated that they discussed different aspects of the plan, particularly a suggestion that the HLC should not perform both decision making and advocacy duties at the same time. Commissioner Oliver stated that they had reviewed all of the information, and were told to send any comments to Robin or the consultancy group within the next two weeks. She noted that comments were welcomed from the Commission as well as the work group and the plan was to present the finalized plan in early September in two public meetings and at the HLC meeting following those dates.

Vice Chairperson Lloyd noted that he felt the continuing discussion to be very helpful and felt the participation of various community members to be extremely beneficial as well. He noted that he felt there was a clear direction developing to understand and make policy and advocacy city-wide with a link between economic development and redevelopment, and he felt the preservation plan could open doors to work with the Redevelopment Agency in a vastly improved way.

Commissioner Oliver noted that Robin and the consultants had worked on ways to target those individuals they would like to see attend the meetings in September, particularly through newsletters, email and personal invitations.

Commissioner Oliver noted that the CAC would meet again next Tuesday, June 24, 2008 at 5:00 p.m., room 126 to discuss the Visioning Document with Ron Sladek, another member of the consulting team.

Ms. Lew noted that the Preservation Plan was a permanent item on the agenda for the foreseeable future and the Commission's concerns could be discussed at anytime.

### Surveys

Ms. Lew noted that there had been a number of surveys listed as goals in the 2006 Annual Report:

- Avenues Survey: still in the process, no final documents yet.
- West University District- possible expansion: not finished yet, but possibly by the end of the year
- Gilmer Park Intensive Level Survey and Design Guidelines: slated for review in August
- Sugarhouse Business District: reviewed last month by the Commission
- Liberty Wells Reconnaissance Level Survey: already viewed by the Commission

Ms. Zeigler noted that the University District Survey had been put on hold during the Planning Division reorganization, but was back on track for review later in the year. She noted that the Intensive Level survey for Liberty Wells was on hold due to funding, but she noted that it looked as though the funding was all pulled together and that process would begin anew in the near future as well.

Commissioner Haymond inquired what the current boundaries of the University Historic District were.

Ms. Zeigler noted that she was not certain of the boundaries off of the top of her head but would obtain that information for Commissioner Haymond.

### Educational Opportunities

Ms. Lew noted that staff intended to move forward with reinstating the annual awards ceremony for the Commission and welcomed any ideas or suggestions regarding the ceremony. She stated that another opportunity for community education which staff had considered recently was attending the Avenues Street Fair in September. She welcomed ideas from the Commission.

Commissioner Funk stated that she felt it would be beneficial to hold award ceremonies on the recognized properties by putting a sign or notice in the front yard and later presenting the owner with the award, which would then be forefront in the neighborhood's awareness. She noted that this would expand the audience, with a different group of people than previously reached through traditional advertising outlets.

Commissioner Oliver noted that this option would provide an increased opportunity for regional education about Historic Districts. She noted that the property owner could then offer a tour of the home if they wished to.

Commissioner Funk noted that she felt such a small gesture could greatly increase the value of a particular property in the eyes of locals.

Commissioner Funk noted that staff could also provide pamphlets for community education at such ceremonies and people could learn about them.

Ms. Zeigler noted that her first thought had been to hold a traditional reception, but the primary purpose in her mind was to promote education of the community, much more so than honoring the person receiving the award. She noted that she loved the idea of on-site awards.

Commissioner Oliver noted that they could make one property an overall winner and note other recognized properties at that ceremony.

Ms. Lew noted that the awards had not been given out in a number of years so there were a number of properties which deserved recognition.

Commissioner Funk noted that the more public the venue for the reward, the better for everyone involved.

Vice Chairperson Lloyd noted that it also came back to the idea of best practices for the Commission. He noted that an award project would become an item documented in a way to refer back to; it would help to identify what elements made a successful preservation project.

Chairperson Fitzsimmons inquired if there was funding in the budget for such a project.

Ms. Lew stated it was her understanding that there was money available for some awards resources.

Mr. Paterson noted that there had been money in the past to address such things, and education would be a huge priority for the new Community and Economic Development (CED) Director, Frank Gray, who was personally supportive of outreach programs such as the awards program to reach more people and educate them about the preservation process.

### **Other Items for Discussion**

Commissioner Haymond stated that part of what had drawn him to city policies and politics was the home next door to his own. He noted that the owners were continually remodeling the home badly and therefore it had been vacant for the past twelve years. He stated that there had never been proper enforcement of the home's historic elements even when other issues were addressed such as electrical wiring and plumbing. He noted that he would like to see someone dedicated to investigating the issues related to the HLC, even if only an inspector available on a part-time basis.

Mr. Paterson noted that staff could do more to train enforcement officers in regard to preservation issues. He also noted that CED had made a budget request to add two enforcement officers dedicated to Planning Division issues; officers who would go out and enforce conditions of approval for particular projects. Mr. Paterson noted that building inspectors were looking at certain things and did not have the knowledge base to address issues particular to historic preservation. He noted that the requested inspectors had not been funded under the current budget, but staff would continue trying the issue.

Commissioner Haymond stated that this issue only highlighted the importance of additional outreach to the community, that there was a need to commit more resources to public education. He noted that several people, particularly young homeowners in historic districts, didn't know that they couldn't make alterations to the exterior of their homes.

Mr. Paterson stated that they were going to push for additional outreach within the community including realtors and title companies.

Commissioner Funk inquired if there was a pamphlet available to the public.

Ms. Lew noted that there was an older pamphlet which Ms. Zeigler was working on updating, with new information on various preservation topics. Ms. Lew noted that they were also working on updating the HLC website. She encouraged the Commissioners to look at the website and help identify which areas required improvement, make suggestions to staff.

Mr. Paterson noted that staff was still shorthanded; and the aforementioned issues took time to accomplish and required prioritization.

Commissioner Funk noted that she felt the creation and distribution of a brochure about living in a local historic district and its benefits to be a very high priority. She noted she would even like to see a mass mailing within the historic districts once a year to distribute the information to the public. Commissioner Funk stated that the title companies could also distribute this document when a historic district designation showed up on a title report.

Commissioner Oliver stated that she agreed with Commissioner Funk and also felt the creation of a brochure for distribution at any HLC event should be a priority. She noted that they could also be handed out at the front desks of Planning and Building Permits or the Buzz Center as well.

Commissioner Hart noted that as the city helps fund neighborhood newsletters and the division could request ad space or have an article be placed once a year in newsletters city-wide.

Chairperson Fitzsimmons asked for a quick review of remaining issues from the Commission.

#### Remaining Issues and Prioritization

- Short to medium term: Approach the Planning Commission and other agencies with a draft of the Preservation Plan to solicit input.
- Long term: relegate Rules and Procedures to a lower priority as it was revised not too long ago
- Medium term goal: Address topic of solar panels and sustainability with SHPO and see what might be provided to create a symposium on alternative energy and historic preservation within Planning, the Mayor's Office and SHPO
- Short term: Explore the opportunity of partnering with Kirk Huffaker and the Utah Heritage Foundation to meet with manufacturers of solar collectors.
- Short to medium term: Preservation Plan might incorporate the RDA in the preservation process in a more active and visible way. Utah Heritage Foundation is also concerned with this issue regarding thoughtful redevelopment.

Chairperson Fitzsimmons noted that it might behoove the Commission to establish committees for some of the aforementioned issues to move different items along expeditiously.

Ms. Zeigler noted that she had a list of possible potential ordinance changes for the Commission and asked that the Commission come back to the work session on July 2<sup>nd</sup>, 2008, with recommendations as to which changes they would consider a priority. She noted that the changes had not even been addressed with the attorney's office yet and were therefore provisional, but after prioritization by the Commission, could tentatively move forward internally.

Commissioner Hart noted that she would like to discuss the Economic Review Panel (ERP) and inquired why it was that the Historic Landmark Commission was supposed to be the governing body in the case of historic demolition, but such cases were reviewed by the ERP.

Ms. Zeigler noted that this oversight was one of the proposed changes to the Economic Hardship Ordinance.

Mr. Paterson noted that under the provisions of the ERP; the Historic Landmark Commission chose someone to represent them, the applicant chose someone to represent them, and the two representatives chose a third party, a neutral individual. He noted that these individuals then reviewed the economic details and determined whether the property met the standards for demolition or not.

Commissioner Hart inquired what the proposed changes to the ordinance entailed.

Ms. Zeigler noted that the majority of the changes to the ordinance recommended by staff addressed removal of the Economic Review Panel from the process entirely, so that the full decision would rest with the Historic Landmark Commission.

Commissioner Hart noted that it was her understanding that the ordinance currently provided a loop for a developer rather than a block to demolition and the Commission would rather it were a block.

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Mr. Paterson stated that where the economic provisions had been effective in preservation when people inquired about the process and realized how much information must be gathered, and the time involved in completing the process.

Ms. Zeigler noted that staff had received 10,000 dollars from the RDA to develop commercial design guidelines for historic districts. She stated that they had to come up with about 40,000 dollars more in order to initiate the project.

Ms. Lew noted that the Liberty Park tennis bubble appeal would be heard by the Land Use Appeals Board on Monday, June 30, 2008.

Ms. Lew also noted that the Commission had inquired after a document addressing the treatment of trees in Pioneer Park; she noted that this requested documentation had been received from Public Services.

The retreat adjourned at 7:41 p.m.

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Cecily Zuck, Historic Landmark Commission Secretary