



STAFF REPORT

To: Eastern Summit County Planning Commission
From: Ray Milliner, County Planner
Date of Meeting: June 7, 2018
Type of Item: Code Amendment – Work Session
Process: Legislative

RECOMMENDATION: Staff recommends that the Eastern Summit County Planning Commission review the language relating to the preservation of historic structures, and provide staff with direction.

Proposal

The purpose of the amendments is to provide owners of historic structures in Eastern Summit County with opportunities to establish an adaptive reuse in the building while limiting the impacts of the use on adjacent property owners.

Background

In April of 2018 the Eastern Summit County Planning Commission reviewed changes to the Use Table in Chapter 3 of the Development Code. As part of the review, Commission members noted that the “Historic structures, preservation of, including related accessory and supporting uses” line had been removed from the table and enquired as to why. Staff responded that there was no program in the code for the use, and therefore there was no need to feature it in the table. It was noted that the Snyderville Basin Development Code does have a program that has been used on occasion and has been relatively successful. Commission members commented that perhaps it would be beneficial to have the same program available for residents of the Eastern Summit County Planning area, and directed staff to research the possibility.

Based on this direction, staff has scheduled this work session to:

1. Explain the Snyderville Basin program.
2. Further discuss the possibility of creating a historic preservation program for Eastern Summit County.

Basin Language

The purpose of the language is to create incentives for owners of historically significant structures, with the end goal of preserving them. There are 4 distinct sections in the language. Staff has provided a short description of each below (See Exhibit A for complete language).

1. **Determination of Significance:** This section establishes guidelines for determining what buildings are eligible for designation as “historically significant.” The Planning Commission would make that determination prior to the submittal of a Conditional Use Permit for the adaptive reuse. Criteria for Historically Significant determinations are based on language from the Secretary of the Interior’s standards.

2. **Additional Uses Allowed:** This section establishes the uses that would be allowed in a historic building above what is permitted by the underlying zone.
3. **Qualifying Provisions:** Establishes criteria that a project must meet prior to becoming eligible for Planning Commission review of a Conditional Use Permit.
4. **Use table:** This section identifies where the use is allowed, conditional or low impact.

Proposed Process

1. The owner of a historic property would submit a Conditional Use Permit application for the adaptive reuse of a historic structure.
2. Staff would review the application for compliance with the established criteria in the proposed language and prepare a recommendation to the Planning Commission.
3. The Planning Commission would be asked to:
 - a. Make findings for a determination of Historical Significance per the criteria in the proposed Code language.
 - b. Evaluate the proposal and make findings per the proposed qualifying provisions.
 - c. Evaluate the proposal and make findings of compliance with the criteria for a Conditional Use Permit.

This process can be conducted concurrently.

Recommendation

Staff recommends that the Eastern Summit County Planning Commission review the language relating to the preservation of historic structures, and provide staff with direction.

Exhibits

Exhibit A. Snyderville Basin Language

10-8-11: PRESERVATION OF HISTORICALLY SIGNIFICANT STRUCTURES:

Historically significant buildings are valued in Summit County based upon their contribution to the general welfare, aesthetics and values of property and historical education of Summit County. Historically significant buildings tell the story of Summit County and provide architectural and/or cultural significance. The purpose of these regulations is to provide for the adaptive reuse of a historically significant building with a new use that meets the criteria set forth in this code.

- A. No Increase In Density: No increase in density above what is allowed by the underlying zoning district is or shall be granted through these provisions.
- B. Use Must Be Contained Within The Historic Structure: The adaptive reuse of a historically significant building must be confined to the building itself.
- C. Determination Of Historic Significance Required: Prior to any review for an adaptive reuse of the property, the property owner must demonstrate that the structure is "historically significant". Determinations of historical significance shall be made by the planning commission, who must find that the structure or building meets at least one of the following definitions set forth in subsection D of this section.
- D. Historically Significant Is Defined As:
 - 1. A building or structure associated with events that have made a significant contribution to the broad patterns of Summit County's history; or
 - 2. A building or structure associated with the lives of significant persons in the past; or
 - 3. A building or structure which embodies the distinctive characteristics of a type, period, or method of construction, or that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - 4. A building or structure which has yielded or may be likely to yield, information important in history or prehistory.
- E. Additional Uses Allowed: In addition to the allowed, conditional and low impact uses designated in the underlying zoning district, the following uses may be approved as a conditional use in a historically significant building in any zoning district:

Bed and breakfast inn.

Churches, schools, institutional uses.

Cultural activity.

Home based business, class 2.

Office, moderate.

Personal improvement service.

Personal service.

Pet services and grooming.

Rehearsal or teaching studio for creative, performing arts with no public performances.

Restaurant, deli with no drive-through.

Retail sales, food.

Retail sales, general.

Seasonal plant and agricultural sales.
Veterinarian.

F. Qualifying Provisions: In order to qualify for conditional use review under section [10-3-5](#), "Conditional Use Permit", of this title, the applicant must first demonstrate compliance with all of the following to the planning commission:

1. The building is designated as historically significant by the planning commission. The designation process must be completed prior to the county accepting a conditional use application for the structure unless the community development director determines that it is in the best interest of the county to process the designation and conditional use applications together.
2. The adaptive reuse will require minimal physical change to the building as these features are important in defining the overall historic character of the building and environment.
3. The adaptive reuse is contained entirely within the historically significant structure.
4. Significant archaeological resources affected by the project shall be protected and preserved. If such resources, for the adaptive reuse, must be disturbed, mitigation measures may be undertaken and approved by the community development director. Disturbances to archaeological resources shall be kept to a minimum.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property shall be preserved.
6. The proposed adaptive reuse will not have a material net cumulative adverse impact on the neighborhood or the county due to:
 - a. Traffic;
 - b. Parking;
 - c. Signs;
 - d. Lighting;
 - e. Removal of landscaping; and
 - f. Noise, fumes or odors.

G. Deed Or Restrictive Use Covenant Required: As a condition of all CUP approvals, the property owner shall record a deed or restrictive use covenant to benefit the county, which protects the historical structure from demolition and changes contrary to the intent of the preservation of historical structures provision herein. (Ord. 851, 10-21-2015)