HISTORIC PRESERVATION REVIEW COMMISSION

TERRY BREJLA, CHAIR
LISA DEHART, VICE CHAIR

2 South Green Street
Sonora, CA 95370
209 533-5633

COMMISSIONERS
Charlotte Hague
Sharon Marovich
Jerry Morrow
Jeannette Simons

AGENDA
HISTORIC PRESERVATION REVIEW COMMISSION
BOARD OF SUPERVISORS CHAMBERS, 4TH FLOOR
COUNTY ADMINISTRATION CENTER
2 SOUTH GREEN STREET
MONDAY, July 6, 2020
4:00 p.m.

PUBLIC PARTICIPATION PROCEDURES

In order to protect public health and the safety of Tuolumne County citizens, the Tuolumne County Historic Preservation Review Commission Meeting will be physically closed to the public. Public Comment will be opened and closed individually for each agenda item listed below, excluding Reports. To observe or participate in the July 6, 2020 meeting, follow the instructions below. For assistance during the meeting, please call **209-770-5623**. For detailed Zoom instructions go to the Agenda Packet https://www.tuolumnecounty.ca.gov/140/Historic-Preservation-Review-Commission.

1) Use the link to join the webinar: https://us02web.zoom.us/j/86011971123 (Webinar ID: 860 1197 1123)

2) During the public comment period you will have the option to "*raise your hand*" if you would like to comment on a project or during the public comment portion of the meeting.

If participating by computer:

- After clicking the "*raise your hand*" option, please wait until a staff member unmutes your microphone.
- Once staff has unmuted your microphone you will be asked to provide comments.
- Once your allotted time is up, a staff member will mute your microphone and "*lower your hand*".

If participating by smartphone:

- If you are participating from your smartphone, you will also have a "*raise your hand*" feature.
- When you are unmuted a prompt will appear to confirm you would like to be unmuted.
- Once you confirm you will able to provide public comment. Staff will assist as described above.

If participating by telephone:

- If you are participating via telephone call, you will need to press *9 (star 9) to "*raise your hand*", and when you are unmuted you will hear "*you are unmuted*" allowing you to provide public comment. Staff will assist as described above.

You also may submit written comments by U.S. mail at 2 South Green Street, Sonora, CA 95370 or email (communityresources@tuolumnecounty.ca.gov) for retention as part of the administrative record. Comments will not be read during the meeting. Comments must be received by the Community Development Department Director no later than 9:00 AM on the morning of the noticed meeting.

COMMISSION BUSINESS:

A. Salute the Flag

B. Reports from Staff and Commissioners

C. COVID-19 Procedures

PUBLIC FORUM: 15 minutes

The public may speak on any item not on the printed agenda. No action may be taken by the Commission.

MINUTES:

Consideration of the Minutes of the June 1, 2020 meeting.

PUBLIC HEARINGS:

Project Review – Review the following project; take any necessary action.

1. Mills Act Contract (MIS19-024) to enter into a "Historic Property Preservation Agreement" to preserve the two-story brick Queen Anne building known as "The Emporium".

2. Resolution to add "The Emporium" structure on the property to the Tuolumne County Register of Cultural Resources.

3. Historic Conditional Use Permit (CUPH20-001) to allow the replacement of the existing composite shingle roof to a subtle non-reflective brown metal roof.

COMMITTEE REPORTS:

1. **Demolition Review Committee** – Committee report; take action as necessary.

2. **Grant Committee** – Committee report; take action as necessary

3. **"Preserve America" Committee** – Committee report; take action as necessary.

ADJOURNMENT

The Minutes, Staff Reports, and other documents for the items referenced in this Agenda are available for review at the Tuolumne County Community Development Department, 48 Yaney, Sonora, California, and online at **www.tuolumnecounty.ca.gov**. Any other materials related to the items referenced in this Agenda that are provided by the County to the HPRC Commissioners prior to the meeting are available for review at the Tuolumne County Community Development Department, 48 Yaney, Sonora, California, and will be available at the meeting. Any materials provided to the Commissioners during the meeting by the County will be available for review at the meeting, and materials provided by the public will be available for review at the Community Development Department the day following the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (209) 533-5633. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (28CFR 35.102-35.104 ADA Title II).

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COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

April 22, 2020

TO: Historic Preservation Review Committee

FROM: Quincy Yaley, AICP Community Development Department Director

RE: Public Hearing Procedures

In light of current COVID 19 Health Orders and the Historic Preservation Review Committee meeting being held via the Zoom Platform, County Counsel has advised that the Review Committee may modify the public comment procedures for public hearings at the July 6, 2020 meeting.

Due to the modified meeting format and tele-conferencing meeting procedures, the Chair may choose to allow public comment on the project in an alternative fashion, rather than calling for those in favor, those in opposition, those neutral, and then any rebuttals or surrebuttals. The Chair may take public comment on the project in any order in lieu of the calling for those in favor, opposition, neutral, rebuttals, and then surrebuttals.

The Commission may elect to allow the applicant or applicant representative a specific time to speak on the project prior to taking public comments on the item. This opportunity could have a specific time length allotted, such as five or ten minutes.

As a reminder, those who wish to provide information during the public comment are not required to provide their name. County staff will notify the Chair of any individuals who wish to provide testimony and will limit the testimony to the time limit identified by the Chair.

If an item on the agenda is not identified as a "public hearing", public comment is still required and can be conducted in a similar format to the modified procedures above.

All votes require a roll call with each commissioner to be named by County Staff prior to stating their vote. The Chair shall also identify by name the commissioner who initiated the motion and the name of the commissioner who seconds the motion. After a second is named, the Chair must allow County staff to complete a roll call vote.

It is possible that a delay may occur from the time the Chair calls for public comment on a project and when County staff can connect them into the zoom meeting. It is recommended that the Chair pause for 60-90 seconds after calling for public comment to allow for any connections to occur. If there are no individuals in the queue for commenting on a specific item, after 90 seconds has elapsed County staff will notify the Chair that there is no further public comment.

Staff may need to respond to emails or phone calls from members of the public during the meeting to provide assistance to the public if they encounter problems using the Zoom platform. Staff requests that the Chair allow additional time as needed to ensure that members of the public can engage in the meeting.

COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

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April 22, 2020

TO: Historic Preservation Review Committee

FROM: Quincy Yaley, AICP Community Development Department Director

RE: Zoom Video and Teleconference for Planning Commission Meetings

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In response to increasing risks of exposure to the coronavirus (COVID-19), the Tuolumne County Historic Preservation Review Committee meeting will be conducted and participated via Zoom. Video conferencing via Zoom will allow the Committee and County to adhere to social distancing requirements of the Brown Act and provide a way for the public to provide public comment live during the meeting. The Chair of the meeting will set the time length public comment at each item. You are not required to identify yourself in order to provide comments during the meeting.

Below is the Zoom link and Webinar ID needed to participate or observe the meeting:

Please click the link below to join the webinar:

https://us02web.zoom.us/j/86011971123

Or iPhone one-tap :

US: +16699006833,,86011971123# or +13462487799,,86011971123#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099

Webinar ID: 860 1197 1123

International numbers available: https://us02web.zoom.us/u/kesEKwube

The public can view the meeting from their smartphone, on their computer browser, or listen on their telephone. Zoom does not require an account to attend the meeting, but if the public wishes to create one, their basic accounts are free.

It is possible that a delay may occur from the time the Chair calls for public comment on a project and when County staff can connect them into the Zoom meeting. The Chair will pause for 60-90 seconds after calling for public comment to allow for any connections to occur. If there are no individuals in the queue for commenting on a specific item, after 90 seconds has elapsed county staff will notify the Chair that there is no public comment.

Members of the public can also choose to watch the meeting and do not have to comment during the meeting. If a member of the public does not want to provide public comment live, they can provide public comment prior to the meeting via email to the Community Development Department Director at communityresources@tuolumnecounty.ca.gov. If you would like your comments to be included in the record, please send comments to the above email address by 4:00 p.m. of the day of the noticed meeting.

If anyone is having technical difficulties with Zoom, they can visit Zoom's support page for helpful tips: https://support.zoom.us/hc/en-us/categories/201146643.

Below are step by step instructions on how to join and interact as an attendee via Zoom.

JOINING A WEBINAR BY LINK

- To join the webinar, clink the link that we provided above
- If you are signed in, change your name if you do not want your default name to appear.
- If you are not signed in, enter a display name.

MANUALLY JOINING A WEBINAR

- Use the 9-digit meeting ID/webinar ID: 860 1197 1123
- Sign in to the Zoom Desktop or Mobile App
- Click or tap **Join a Meeting**
- Enter the 9-digit webinar ID, and click **Join** or tap **Join Meeting**
- If prompted, enter your name and email, then click **Join Webinar** or tap **Join**.
- You may change your name if you do not want your default name to appear, as you are not required to state your name.

WAITING FOR HOST TO START THE WEBINAR

- If the host has not started broadcasting the webinar, you'll receive a message letting you know to "Please wait for the host to start the meeting".

PUBLIC COMMENT

- During the public comment period you will have the option to "raise your hand" if you would like to comment on a proposed project or during the public comment portion of the meeting.
- Once you have clicked the "raise your hand" option, please wait until a staff unmutes your microphone.
- Once staff has unmuted you will have three minutes to speak.
- A staff member will verbally communicate to you and the Commissioners when you have 30 seconds remaining and then when your time is up.
- Once your allotted time is up, a staff member will mute and "lower your hand".
- If you are participating from your smartphone, you will also have a "raise their hand" feature.
- When you are unmuted a prompt will appear to confirm you would like to be unmuted.
- Once you confirm you will able to provide public comment.

- If you are participating via telephone call, you will need to press *9 (star 9) to "raise their hand", and when you are unmuted you will hear "you are unmuted" allowing you to provide public comment.

END OF MEETING

- If you would like to leave the meeting before it ends, click **Leave meeting**. If you leave, you can rejoin if the webinar is still in progress, as long as the host has not locked the webinar.

SURFACE/MINERAL RIGHTS OWNER: Mallory Barendregt

APPLICANT: Mallory Barendregt

PROJECT AND LOCATION

PROJECT DESCRIPTION:

1. Mills Act Contract (MIS19-024) to enter into a "Historic Property Preservation Agreement" to preserve the two-story brick Queen Anne building known as "The Emporium".

2. Resolution to add "The Emporium" structure on the property to the Tuolumne County Register of Cultural Resources.

3. Historic Conditional Use Permit (CUPH20-001) to allow the replacement of the existing composite shingle roof to a subtle non-reflective brown metal roof.

The 0.25± project site is zoned C-1:D:H: HDP:MX (General Commercial: Design Review:Historic:Historic Design Preservation:Mobilehome Exclusion) District under Title 17 of the Tuolumne County Ordinance Code.

LOCATION: 18180 Main Street, in the community of Jamestown. On the west side of Main Street approximately 550 feet of the intersection of Highway 49 and Main Street. Assessor's Parcel Number 003-171-012, in Township 1 North Range 14 East Section 10 Mount Diablo Base and Meridian. Supervisorial District 5.

GENERAL PLAN: The General Plan land use designation for the site is GC (General Commercial). Table 1.3 of the General Plan indicates that the C-1 (General Commercial) zoning district and all combining districts are combatable with the GC land use designation. Therefore, the requested Historic Conditional Use Permit and the Mills Act contract may also be found to be consistent with the Tuolumne County General Plan.

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15308 (Class 8) of the State CEQA Guidelines because the approval of this project consists of an action taken by the County, as authorized by state and local ordinance, for protection of the historic environment.

GENERAL INFORMATION

1. In 1972, California Senator James Mills authored legislation to empower local government to grant property tax relief to owners of historic homes and commercial properties. Tuolumne County implemented this law through the adoption of Resolution 171-92. This Resolution recognizes the importance of protecting historic properties and establishes a framework to implement the County's Mills Act program.

2. Rule 1 of Resolution 171-92 states that in order to qualify for inclusion in the County's Mills Act Program, a privately-owned property must not be exempt from property taxation, and must meet at least one of the following criteria:

    - Listed on the National Register of Historic Places;
    - Located within a district that is listed in the National Register of Historic Places;
    - Listed on a State register of historical or architecturally significant sites;
    - Is on the Tuolumne County Register of Cultural Resources; or
    - Is currently zoned: H (Historic Combining) or: HDP (Historic Design Preservation Combining) under Title 17 of the Tuolumne County Ordinance.

    The project site is:

    - Listed on the National Register of Historic places.
    - Listed on the Tuolumne County Register of Cultural Resources.
    - Is zoned Historic Combining and Historic Design Preservation Combining under Title 17 of the Tuolumne County Ordinance Code.

3. Resolution 171-92 also states that an application to enter into a Mills Act Contract shall be considered an application for inclusion on the Tuolumne County Register of Cultural Resources.

4. Rule 2 of Resolution 171-92 states that a property is eligible for consideration to be listed on the Tuolumne County Register of Cultural Resources if it meets one of the following criteria:

    - It exemplifies or reflects significant elements of Tuolumne County's cultural, social, religious, economic, political, engineering or architectural history;
    - It is identified with historic persons or with important events in local, state or national history;
    - It embodies distinguished architectural characteristics valuable for a study of a period style or method of construction or is a valuable example of the use of indigenous materials or workmanship;
    - It is representative of a notable work of a master builder or architect; or

- It meets one of the criteria listed in Rule 1.

The project site meets the criteria listed in Rule 1 and Rule 2.

5. If a property qualifies for inclusion in the Mills Act program, the property owner will enter into an "Historic Property Preservation Agreement," a contractual agreement between the property owner and the County. The contract allows the property owner to receive a property tax reduction in exchange for maintaining the resource on the property, consistent with the Secretary of Interior's Standards. The contract operates in a similar fashion to a Land Conservation (Williamson Act) contract, in that it has a duration of ten years, is automatically renewed each year unless cancellation is filed by either party, runs with the land (regardless of ownership changes), carries increased tax liabilities upon withdrawal from a contract, and requires approval by the Board of Supervisors.

6. The Tuolumne County General Plan encourages incentive programs to promote historic preservation. One example is Policy 13.A.1, which states:

> *Initiate, adopt, and promote the availability of monetary and other incentive programs to encourage the retention, reuse and restoration of historic structures.*

Implementation of this policy is identified in Implementation Program 13.A.a of the General Plan. It states:

> *Continue to implement the Mills Act in Tuolumne County and update Resolution 171-92 to reflect legislative changes to the Mills Act when necessary to provide reductions in property taxes through historic preservation. The Mills Act program will aid in encouraging the adaptive reuse of historic structures for business enterprises.*

7. On December 06, 2019, Mallory Barendregt, owner of a circa 1897 two-story late Victorian commercial brick building known as "The Emporium", submitted an application to participate in the County's Mills Act program. Upon further review, it was determined that the applicant needed a Historic Conditional Use permit (CUPH20-001) for a re-roof proposed in the maintenance plan of the Mills Act application.

8. On February 27th ,2020 a site visit was conducted to view and take pictures of the two-story structure. The subject property is developed with and antiques shop that serves espresso and ice cream. Looking Northwest at the front of the building, the structure is composed of a wood facia including a deck, columns, arches, railing and windows. At the front top of the structure, the words "Emporium" is present. Looking on the west side of the building (the left side, facing the front), the siding is composed of brick along with six upper windows along the top portion of the structure. From the east side of the structure (right side, facing the front), the siding is also composed of brick along with eight upper windows along the top portion of the structure. Looking at the south side of the structure, the siding is also composed of brick with two windows and a door on the lower portion, four windows in the middle section, and two windows and a door on the upper portion of the structure.

9. Conditional Use Permit CUPH20-001 is an application for new roof on "The Emporium" structure. The roof currently is composed of composite shingles. The new roof would consist of a metal roof with a 30-pound tarpaper underlayment and a 26-gauge Strata Rib Steel brand overlay with

sidewall, counter, ridge and closure pieces. The chosen color is a subtle non-reflective brown to blend in with surrounding structures. An example has been provided by the applicant and is available for review during regular business hours at 48 Yaney avenue, Sonora, California.

10. Section 2.38.090(C) of the Tuolumne County Ordinance Code states that the Historic Preservation Review Commission may recommend to the Board of Supervisors nominations to the Tuolumne County Register of Cultural Resources. Section 2.38.090(I) of the Ordinance Code states that the HPRC shall review and make recommendations to the BOS regarding Mills Act applications.

11. The application for a Mills Act contract will be considered by the Tuolumne County Historic Preservation Review Commission (HPRC) at its meeting on July 6, 2020. The recommendations of the HPRC will be provided to Tuolumne County Board of Supervisors for a final decision.

RECOMMENDATION

1. Community Development Department Staff recommends approval of the proposed Mills Act "Historic Property Preservation Agreement" based upon the following findings:

    A. The proposed Mills Act "Historic Property Preservation Agreement" is consistent with Tuolumne County Resolution 171-92, which establishes procedures for implementation of the Mills Act.

    B. The proposed Mills Act "Historic Property Preservation Agreement" is consistent with the Cultural Resources Management Element of the Tuolumne County General Plan.

    C. The proposed Mills Act "Historic Property Preservation Agreement" is consistent with provisions in Title 14 of the Tuolumne County Ordinance Code.

    D. The proposed Mills Act "Historic Property Preservation Agreement" is exempt from additional review under the California Environmental Quality Act (CEQA), pursuant to Section 15308 of the State CEQA Guidelines.

2. Community Development Department Staff recommends approval of the Resolution to list the circa 1897 two-story late Victorian commercial brick building known as "The Emporium" on the Tuolumne County Register of Cultural Resources based upon the following findings:

    A. The proposed listing of the circa 1897 two-story late Victorian commercial brick building on the Tuolumne County Register of Cultural Resources is consistent with Tuolumne County Resolution 171-92, establishing the Tuolumne County Register of Cultural Resources.

    B. The proposed listing of the circa 1897 two-story late Victorian commercial brick building on the Tuolumne County Register of Cultural Resources is consistent with the Cultural Resources Management Element of the Tuolumne County General Plan.

    C. The proposed listing of the circa 1897 two-story late Victorian commercial brick

building on the Tuolumne County Register of Cultural Resources is consistent with provisions in Title 14 of the Tuolumne County Ordinance Code.

D. The proposed listing of the circa 1897 two-story late Victorian commercial brick building on the Tuolumne County Register of Cultural Resources is exempt from additional review under the California Environmental Quality Act (CEQA), pursuant to Section 15308 of the State CEQA Guidelines.

3. Community Development Department Staff recommends approval of Conditional Use Permit CUPH20-001 based upon the following findings and subject to Conditions 1 through 7:

A. The proposed project is consistent with the Tuolumne County General Plan.

B. The proposed project is in accordance with the Tuolumne County Ordinance Code.

C. The proposed use will not overburden existing municipal facilities.

D. The size and terrain of the project site are suitable for the proposed use.

E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety or general welfare of the persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the area.

F. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines.

S:\Planning\PROJECTS\Miscellaneous\2019\MIS19-024 Barendregt\Application Review\HPRC Agenda Report Template.docx

Figure 1. Site plan

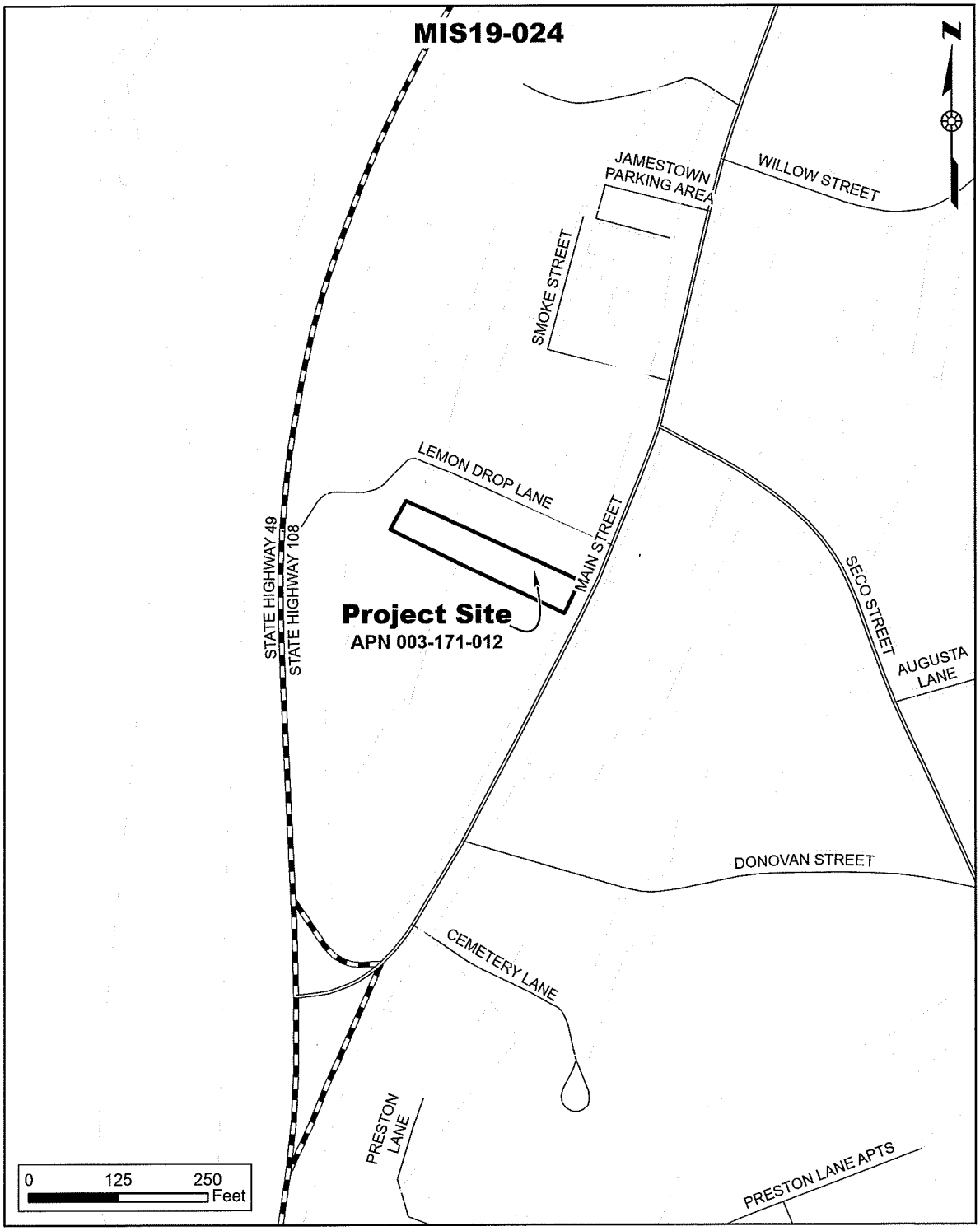


Figure 2. Site plan, example #2

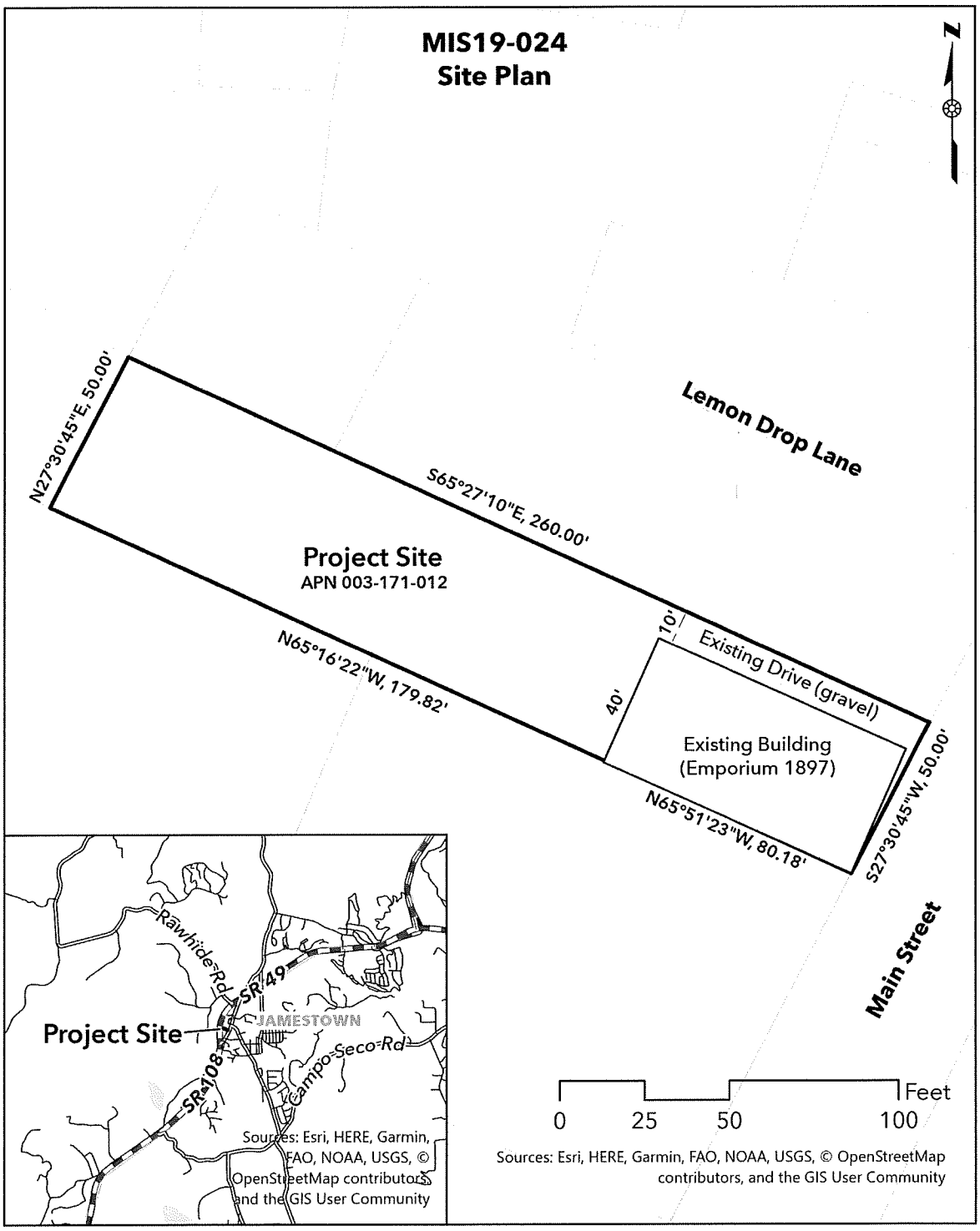


Figure 3. Pictures from site visit

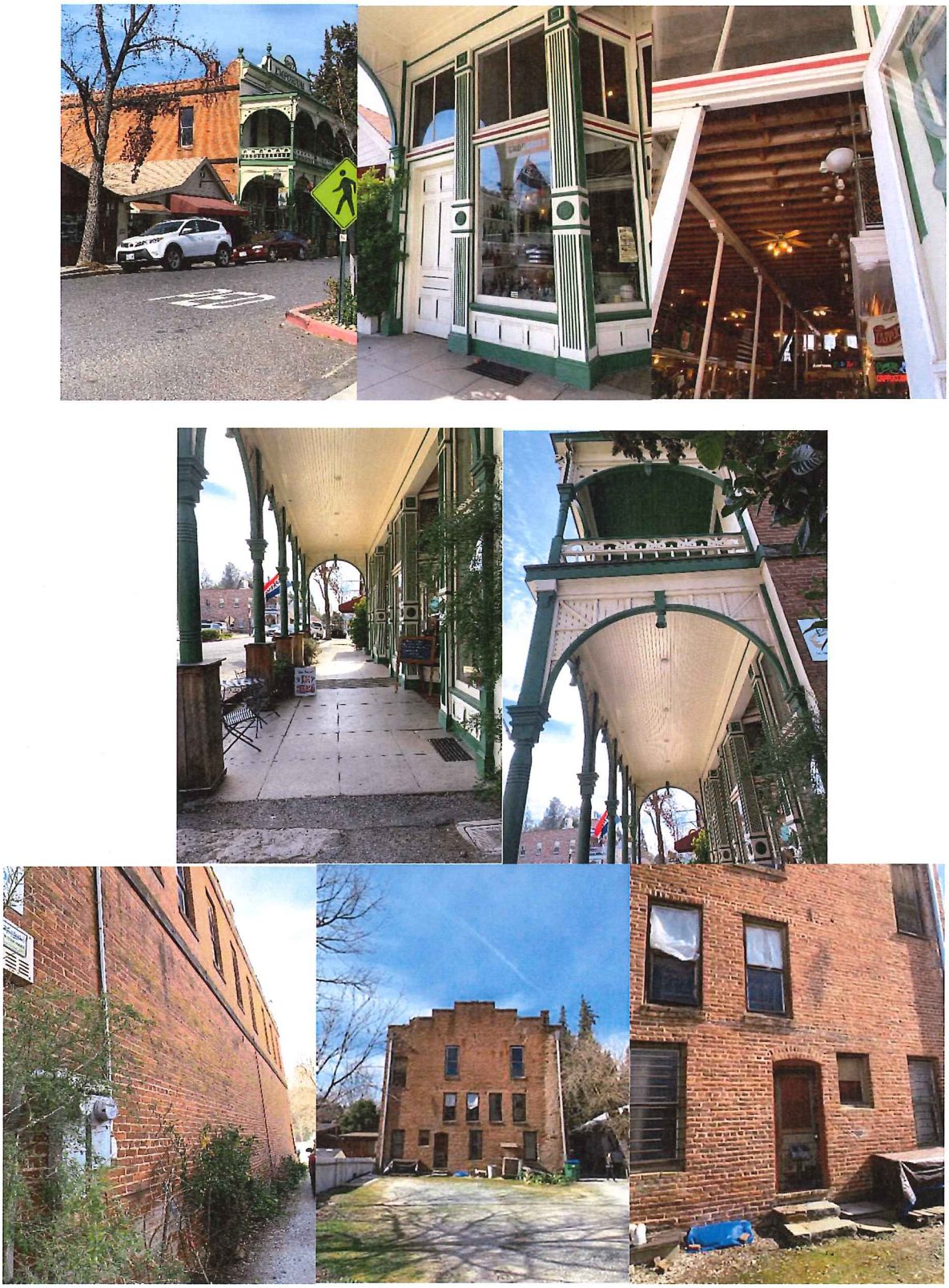


Figure 4. Pictures of current roof

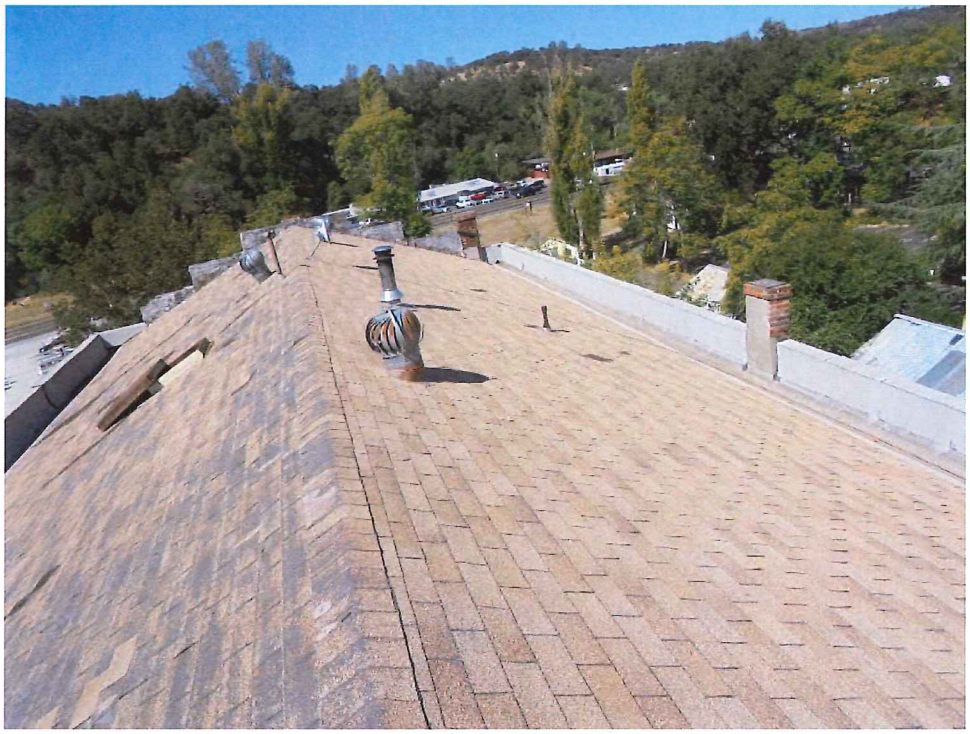
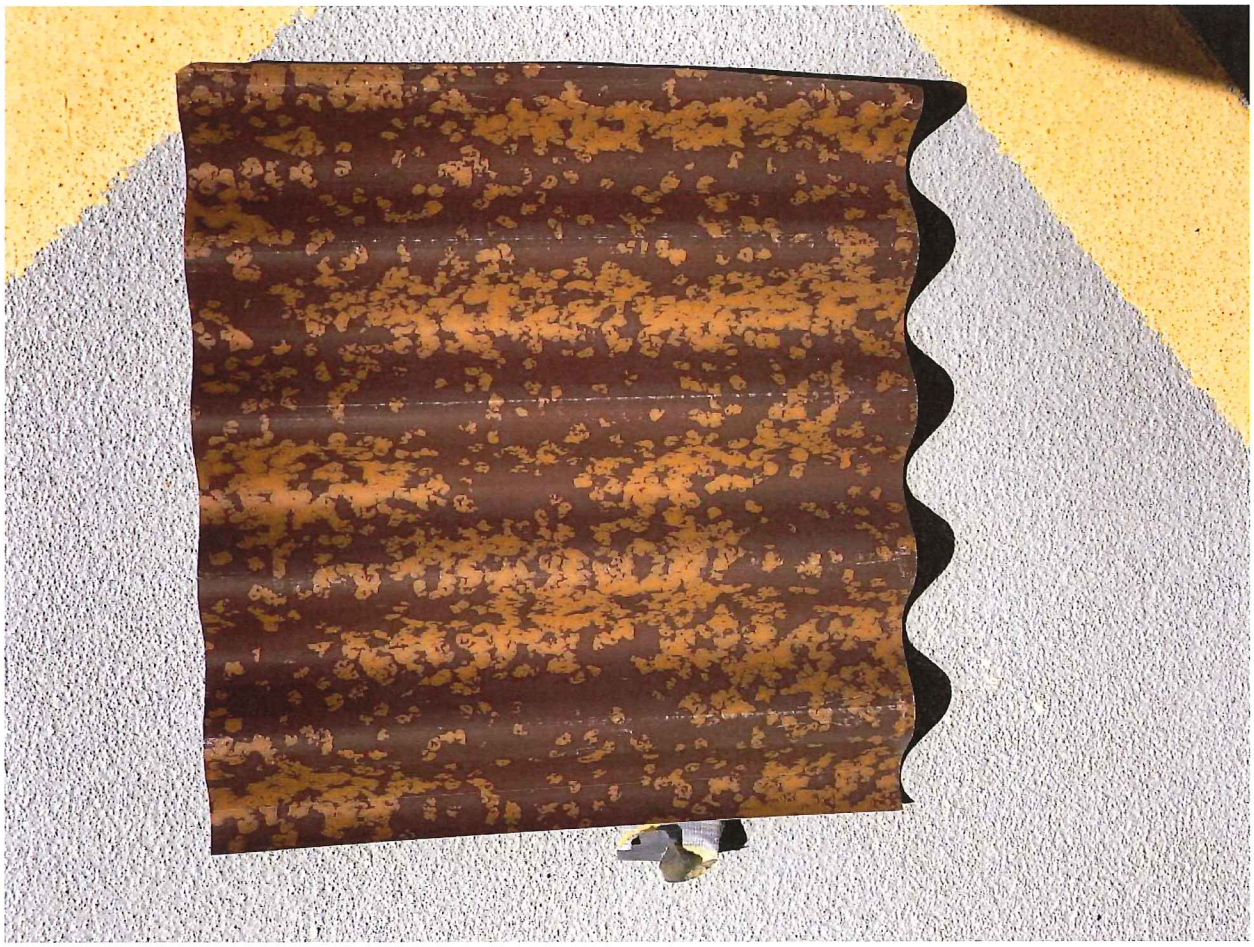


Figure 5. Picture of proposed roof



Recorded at the request of
and return to:
Clerk of the Board of
Supervisors

HISTORIC PROPERTY PRESERVATION AGREEMENT

THIS AGREEMENT, is made between the County of Tuolumne (County) a general law county whose authority is vested by the State of California Constitution and Government Code, and Mallory Barendregt (Owner).

WHEREAS, Owner possesses certain real property located in the County of Tuolumne, described in EXHIBIT A attached and made a part hereof.

WHEREAS, the property is a qualified historic property in that it is privately owned property which is not exempt from property taxation and meets at least one of the following criteria:

A. Is on the National Register of Historic Places;

B. Is in a district listed in the National Register of Historic Places;

C. Is on a State of CA official register of historical or architecturally significant sites;

D. Is on the Tuolumne County Register of Cultural Resources;

E. Is currently zoned: H (Historic Combining) or :HDP (Historic Design Preservation Combining) under Title 17 of the Tuolumne County Ordinance Code.

WHEREAS, both County and Owner desire to carry out the purposes of Article 12 (Commencing with Section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code and Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.

WHEREAS, both County and Owner desire to limit the use of the property to retain its characteristics as property of historical significance in the manner described in EXHIBIT A attached and made a part hereof.

NOW, THEREFORE, both Owner and County in consideration of the mutual promises, covenants and conditions set forth herein and the substantial public benefits to be derived therefrom, do agree as follows:

1. AGREEMENT SUBJECT TO GOVERNMENT CODE SECTIONS 50280-50290. This agreement is made pursuant to California Government Code Sections 50280 through 50290 and Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code and is subject to all of the provisions of those statutes.

2. PRESERVATION OF PROPERTY. Owner agrees to preserve and maintain the historical structures and land, as a qualified historic property, in no less than equal to the condition of the property as of the date hereof. Owner further agrees to preserve the property and, if necessary, to restore and rehabilitate the property to conform to the rules and regulations of the Office of Historic Preservation of the California Department of Parks and Recreation (OHP) and according to the Secretary of the Interior's Rehabilitation Standards in a manner described in attached EXHIBIT A.

Owner agrees to provide whatever information shall be required by the County to determine the property's continuing eligibility as a qualified historic property.

In addition to the requirements set forth in this Contract, Owner is subject to the requirements of the underlying zoning district(s).

Owner shall be responsible for replacement of the historic property unless destroyed or damaged exceeding 75 percent of its then current value through "Acts of God" such as fire, flood, tornado, lightning or earthquake or other damage beyond the control of the owner.

3. INSPECTIONS/REPORTS. Owner shall provide for such periodic examinations, by appointment, of the exterior and interior of the premises by the Community Development Director, County Assessor, the State Department of Parks and Recreation, the State Board of Equalization or other representatives of the County, as may be necessary to determine Owner's compliance with this Agreement.

Every two years the owner shall report to the Community Development Director on the progress of the rehabilitation or remodel or on actions which have been taken to maintain the structure in the state prescribed in section 2 above.

4. PAYMENT OF FEE. As a condition to entering into the contract, Owner shall pay County the fee established in the County's Master Fee Ordinance, which fee does not exceed the reasonable cost of administering the County's historical property program.

5. TERM. The term of this agreement shall be from January 1, 2020, to and including December 31, 2030.

6. AUTOMATIC RENEWAL. On the anniversary date of this agreement, one year shall be added automatically to the initial term of the agreement unless notice of nonrenewal is given as provided in this agreement.

7. NOTICE OF NONRENEWAL. If in any year either Owner or County desires not to renew this agreement, that party shall serve written notice of nonrenewal on the other party in advance of the annual renewal date. Unless the notice is served by the Owner at least 90 days or by the County at least 60 days prior to the renewal date, one year shall automatically be added to the term of the agreement. Upon receipt by Owner of the notice of nonrenewal from the County, Owner may make a written protest. At any time prior to the renewal date, County may withdraw its notice of nonrenewal.

8. EFFECT OF NOTICE NOT TO RENEW. If in any year either party serves notice of intent not to renew this agreement, this agreement shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the agreement, as the case may be.

9. FURNISHING OF INFORMATION. Owner shall furnish County with any information County shall require in order to enable County to determine the eligibility of the property to be classified as qualified historical property.

10. CANCELLATION. County may cancel this agreement if County determines Owner has breached any of the conditions or covenants of this agreement or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. County may also cancel this agreement if it determines Owner has failed to restore or rehabilitate or maintain the property in the manner specified in this agreement.

11. NOTICE OF CANCELLATION. This agreement cannot be canceled until after County has given notice and has held a public hearing as required by the Government Code Section 50285. Notice of public hearing shall be mailed to the last known address of each owner of property within the historic zone and shall be published in accordance with Government Code Section 6061.

12. CANCELLATION FEE. If County cancels this agreement in accordance with Section 10, Owner shall pay a cancellation fee of twelve and one-half percent (12-1/2%) of the full value of the property at the time of cancellation. The full value shall be determined by the County Assessor without regard to any restriction on the property imposed pursuant to this agreement. The cancellation fee shall be paid to the Controller at such time and in such manner as the Controller shall prescribe and shall be deposited in the State General Fund.

13. NOTICES. All notices required by or provided for in this agreement shall be given in writing and may be mailed or delivered in person. If mailed, the address of Owner shall be the last known address on the County records and the County address shall be:

Tuolumne County Community Development Department
2 South Green Street

Sonora, CA 95370
(209) 533-5633

Deposit of notice in the mail, postage prepaid, shall be deemed receipt of the notice.

14. NO COMPENSATION. Owner shall not receive any payment from County in consideration of the obligations imposed under this agreement, it being recognized and agreed that the consideration for the execution of this agreement is the substantial public benefit to be derived therefrom and the advantage that will accrue to Owner as a result of the effect upon the assessed value of the property on account of the restriction on the use and preservation of the property.

15. REMEDY IF AGREEMENT HELD NOT AN ENFORCEABLE RESTRICTION. In the event it is finally determined this agreement does not constitute an enforceable restriction within the meaning of the applicable provisions of the California Government Code and the California Revenue and Taxation Code, except for an unenforceability arising from the cancellation or nonrenewal of this agreement, for any tax year during the term or any renewal of this agreement, then this agreement shall be null and void and without further effect and the property subject to this agreement shall from that time be free from any restriction whatsoever under this agreement without any payment or further act of the parties to the agreement.

16. EMINENT DOMAIN PROCEEDINGS. Upon the filing of any action in eminent domain by a public agency for the condemnation of the fee title of any land described herein or of less than a fee interest which will prevent the portion of the land condemned or other land or a portion of it which is the subject of this agreement from being used for any authorized use, or upon the acquisition in lieu of eminent domain by a public agency for a public improvement, the portions of this agreement by which Owner agrees to preserve and to restrict the use of property described herein shall be null and void upon such filing as to the portion of the land condemned or acquired and to the additional land the use of which for an authorized purpose will be prevented as a result of condemnation or acquisition.

If, subsequent to the filing of an action in eminent domain, the proposed condemnation is abandoned by the condemning agency as to all or a portion of the land subject to the agreement, the restrictions on the use of the property included in this agreement shall, without further agreement of the parties, be reinstituted and the terms of this agreement shall be in full force and effect.

17. SUCCESSORS AND ASSIGNS. This agreement is binding upon and shall inure to the benefit of all successors in interest of Owner. A successor in interest shall have the same rights and obligations under this agreement as the original owner who entered into this agreement.

18. The prevailing party in any action to interpret or enforce this Agreement shall be entitled to recover its reasonable attorneys' fees.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this _____ day of _____, 2020.

COUNTY OF TUOLUMNE	APPLICANT
_____	_____
Chair, Board of Supervisors	Owner
_____	_____
Date	Date

APPROVED AS TO RISK MANAGEMENT
Risk Manager
County of Tuolumne

by_____

_____
Date

THE SECRETARY OF INTERIOR'S REHABILITATION STANDARDS

1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building structure, or site and its environment, or to the use of a property for its original intended purpose.

2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided when possible.

3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged.

4. Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure, or site shall be treated with sensitivity.

6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible.

   In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features, should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historical building materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural or cultural material and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

EXHIBIT A

Owner: Mallory Barendregt

Assessor's Parcel No.: 003-171-012

Legal Description of Property:

The following real property in the unincorporated area of the County of Tuolumne, State of California:

PARCEL NO. ONE

Commencing at the Southeasterly corner of Lot No. 30, Block 3 in the town of Jamestown, according to the official map thereof; running thence in a Northerly direction along Main Street front of said, 50 feet; thence at right angles in a Westerly direction, 220 feet; thence at right angles in a Southerly direction, 50 feet to the Southerly line of said lot; thence at right angles 220 feet along Southerly line of said lot to the point of commencement and being the same parcel as described in the deed from John L. Whitney and Angelina A. Whitney, his wife to Samuel W. Bowles, recorded March 8, 1898, in Book 35 of Deeds, Page 414 and also being the same parcel of land described in the Deed recorded January 21, 1939, in Book 7 of Official Records, Page 36, Tuolumne County Records.

Renovation Schedule:

Historic Conditional Use Permit CUPH20-001 for proposed re-roof.

Maintenance Schedule:

1. Re-roof
2. Annual roof inspection
3. Standard cleaning procedures

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HISTORIC PRESERVATION REVIEW COMMISSION

TERRY BREJLA, CHAIR
LISA DEHART, VICE-CHAIR

2 South Green Street
Sonora, CA 95370
209 533-5633

COMMISSIONERS

Charlotte Hague
Sharon Marovich
Jerry Morrow
Jeannette Simons

HISTORIC PRESERVATION REVIEW COMMISSION MINUTES June 1, 2020

PRESENT: Chair Brejla and Commissioners, Jerry Morrow, Charlotte Hague and Jeannette Simons

ABSENT: Vice-Chair Lisa DeHart and Commissioner Marovich

STAFF: Quincy Yaley, Community Development Department Director; Sheila Shanahan

* * * * * * * * * * *

The Commission rearranged its agenda during the meeting; however, the minutes have been prepared to follow the printed agenda for the purpose of consistency.

CALL TO ORDER/WELCOME:

Chair Brejla called the meeting of June 1, 2020 to order at 4:01 p.m.

PUBLIC FORUM: 15 minutes

Chair Brejla opened the 15 minute public comment period, during which anyone wishing to could come forward and address the Commission on any item not on the Agenda.

Seeing no one else who wished to address the Commission at this time, Chair Brejla closed the public comment period.

REPORTS:

1. **Reports from Staff**:

None

Reports from Commissioners:

Commissioner Morrow asked why the Board of Supervisors have not re-appointed members to the Historic Preservation Review Committee. He noted that all Commissioners terms have expired.

Commissioner Simons responded that her term expires December 2020.

MINUTES:

1. Consideration of the Minutes of the June 3, 2019 meeting.

It was moved by Commissioner Hague and seconded by Commissioner Morrow to approve the minutes of June 3, 2019 with the proposed corrections.

Chair Brejla called for the vote:

Chair Brejla: Aye
Vice-Chair Dehart: Absent
Commissioner Morrow: Aye
Commissioner Hague: Aye
Commissioner Simons: Aye
Commissioner Marovich: Absent

Motion carried 4 – 0 – 0 with Vice-Chair DeHart and Commissioner Marovich being absent.

PUBLIC HEARING:

1. Project Review – Review the following project; take any necessary action.

Consideration of providing concurrence with proceeding with the train motif that adheres to the retaining wall along 5th avenue, as part of the Signalization at 5th Avenue and state Route (SR) 49/108 Project in Jamestown.

Tanya Sanguinetti, Tuolumne County Engineering Manager and Denise Zitnik, Junior Engineer gave a presentation on the Railtown mural.

A discussion ensued on the mural design, colors and historical accuracy. They noted although they liked the design, the proposed color was not historically accurate. After discussing various color options, the Committee recommended that both the train and the stencil surrounding the lettering be the color black.

Ms. Sanguinetti indicated that there were several options for the finish.

The Committee recommended that the finish be a matt black.

It was moved by Commissioner Simons and seconded by Commissioner Morrow to recommend approval of the proposed project with the recommendations of the Committee.

Chair Brejla called for the vote:

Chair Brejla: Aye
Vice-Chair Dehart: Absent
Commissioner Morrow: Aye
Commissioner Hague: Aye
Commissioner Simons: Aye
Commissioner Marovich: Absent

Motion carried 4 – 0 – 0 with Vice-Chair DeHart and Commissioner Marovich being absent.

2. Demolition Review Checklist

The Committee discussed the review guide and checklist. They noted that the checklist was a useful tool for staff and did not see a need to make changes. The committee asked for the item to be removed from any future agendas.

COMMISSION BUSINESS:

1. **Demolition Review Committee** – Committee report; take action as necessary.

A discussion ensued on the demolition in Twain Harte.

2. **Grant Committee** – Committee report; take action as necessary

A discussion ensued on Certified Local Government (CLG) grants, which helps local governments toward preservation irreplaceable historic and cultural resources as assets for the future.

3. **"Preserve America" Committee** – Committee report; take action as necessary.

A discussion ensued on the overall "Preserve America" program.

ADJOURNMENT:

Chair Brejla adjourned the meeting at 5:14p.m.

Respectfully,

Quincy Yaley, AICP
Community Development Department Director

QY:tv

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