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JUL 11 1991

ORDINANCE 1849

COUNTY OF TUOLUMNE
PLANNING DEPARTMENT

AN ORDINANCE AMENDING
SECTIONS 17.44.090 AND 17.45.110
OF THE TUOLUMNE COUNTY ORDINANCE CODE BY ESTABLISHING THE
TUOLUMNE COUNTY HISTORIC PRESERVATION REVIEW COMMISSION AS A
MANDATORY REVIEWING AGENCY
AND
AMENDING SECTION 17.45.050
OF THE TUOLUMNE COUNTY ORDINANCE CODE BY
LIMITING CRITERIA FOR MEMBERSHIP TO HISTORIC DESIGN
PRESERVATION DISTRICT COMMITTEES

The Board of Supervisors of the County of Tuolumne ordains as follows:

SECTION 1: Section 17.44.090 of the Tuolumne County Ordinance Code is amended to read:

17.44.090 Action on application for use permit. The procedure for action on an application for a use permit shall be that set forth in Chapter 17.68 of this code except that appeal of the decision shall be directly to the board of supervisors, except that a use permit for demolition or removal must be approved by the board of supervisors, and except that if there is not timely action on the application, it shall automatically be referred to the board of supervisors. If a use permit pursuant to Chapter 17.45 is also required for a project under this chapter, then the Historic Design Preservation District Committee shall act on the permit in place of the director. Prior to any action taken by the decision making body on an application for a use permit for construction, alteration of exterior appearance, demolition or removal, the application shall be referred to the Tuolumne County Historic Preservation Review Commission for comment and recommendation.

SECTION 2: Section 17.45.110 of the Tuolumne County Ordinance Code is amended to read:

17.45.110 Action on application for use permit.

A. The procedure for action on an application for a use permit shall be that set forth in Chapter 17.68 of this code except that the district committee shall act in the place of the director, except that appeal of the action of the district committee shall be directly to the board of supervisors, and except that if there is not timely action on the application, it shall automatically be referred to the board of supervisors. Prior to any action taken by the decision making body, the application shall be referred to the Tuolumne County Historic Preservation Review Commission for comment and recommendation.

B. Notwithstanding subsection A, appeal of any decision of the Jamestown Design Review Committee acting as the district committee shall be made in accordance with the appeals procedure outlined in Section 17.68.130.

SECTION 3: Section 17.45.050 of the Tuolumne County Ordinance Code is amended to read:

17.45.050 District committee.

A. For each district the board of supervisors shall establish a district committee appointed by the board of supervisors consisting of five voting members as follows:

1. Four (4) members who reside within the boundaries of the area containing the district as established by the board of supervisors.

2. One (1) member who is a member of a county recognized historical society and is nominated by that society. Voting members shall declare a disqualification when there is a conflict of interest. Renters or lessees may not vote on a project proposed by their landlord or lessor.

B. The board of supervisors may appoint one or more nonvoting members who shall serve at the pleasure of the board and shall possess appropriate qualifications including but not limited to:

1. One licensed architect or building designer; or
2. One licensed structural or civil engineer; or
3. One person specially qualified by reason of training or experience in historical structural rehabilitation.

C. Terms of the members of the district committee shall be for a period of four years. To provide for staggered terms, two members of the first appointed committee shall be appointed for two years. The two-year office holders shall be determined by lot.

D. Notwithstanding the foregoing, the Jamestown Design Review Committee established pursuant to Chapter 2.36 shall perform all responsibilities of the district committee for those Historic Design Preservation (HDP) districts established within the Jamestown Area Plan boundaries.

SECTION 4: All Ordinances of the County of Tuolumne or portions thereof in conflict herewith are hereby repealed.

SECTION 5: If any provision of the Ordinance or the application thereof to any person or circumstances is for any reason held invalid, such invalidity shall not affect other

provisions or applications of the Ordinance which can be given effect without the invalid provisions or applications thereof, and to this end the provisions of this Ordinance are severable.

SECTION 6: This Ordinance shall take effect thirty (30) days after its adoption. The Clerk of the Board of Supervisors is hereby authorized and directed to publish a summary of this ordinance in the Union Democrat, a newspaper of general circulation printed and published in the County of Tuolumne, State of California, prior to fifteen (15) days after its passage.

The foregoing Ordinance introduced on the 2nd day of July, 1991, and passed and adopted at a regular meeting of the Board of Supervisors of the County of Tuolumne, State of California, on this 9th day of July, 1991, by the following vote, to wit:

AYES: Letellier, Simpson, Marks, Gattis

NOES: Tergeson

ABSTAIN: None

ABSENT: None

Norman Tergeson
NORMAN TERGESON, Chairman,
Board of Supervisors, County of
Tuolumne, State of California

ATTEST: RUBY HAWORTH,
Clerk of the Board of Supervisors

By Ruby Haworth (SEAL)

APPROVED AS TO FORM:

STEPHEN DIETRICH, JR.
County Counsel

By Paul Gustaf
Deputy County Counsel