

ORDINANCE 3000

AN ORDINANCE AMENDING THE TUOLUMNE COUNTY ORDINANCE CODE BY REPEALING CHAPTER 2.33 TO DISBAND THE AREA PLANNING COMMISSIONS, REPEALING CHAPTER 2.36 TO DISBAND THE DESIGN REVIEW COMMITTEES, AND REPEALING CHAPTER 2.38 AND REPLACING IT WITH A NEW CHAPTER 2.38 RELATIVE TO THE HISTORIC PRESERVATION REVIEW COMMISSION

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

SECTION 1: Chapter 2.33 of the Tuolumne County Ordinance Code is hereby repealed.

SECTION 2: Chapter 2.36 of the Tuolumne County Ordinance Code is hereby repealed.

SECTION 3: Chapter 2.38 of the Tuolumne County Ordinance Code is hereby repealed and replaced with a new Chapter 2.38 to read as follows:

Chapter 2.38
HISTORIC PRESERVATION REVIEW COMMISSION

Sections:

- 2.38.010 Establishment of Commission.**
- 2.38.020 Membership.**
- 2.38.030 Terms-Appointment.**
- 2.38.035 Vacancies and removal.**
- 2.38.040 Commission meetings.**
- 2.38.050 Continuing education.**
- 2.38.060 Special expertise.**
- 2.38.070 Chair-Rules and regulations.**
- 2.38.080 Compensation.**
- 2.38.090 Duties.**

2.38.010 Establishment of Commission. There is established a commission to be known as the Historic Preservation Review Commission.

2.38.020 Membership. The Commission shall consist of nine members with all members having demonstrated interest, competence or knowledge in historic preservation. Commission members

shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archeology or other historic preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography or cultural anthropology, to the extent that such professionals are available in the community. Commission membership shall also include lay members who have demonstrated special interest, competence, experience, or knowledge in historic preservation, American studies, cultural anthropology, cultural geography, or other historic preservation related disciplines. Effort will be made to fill the positions on the Commission with professional and lay members as highly qualified, and representing as diverse a range of disciplines as possible.

2.38.030 Terms - Appointment. Commission members shall be appointed by the Board of Supervisors. The Board of Supervisors shall make interim appointments to fill unexpired terms in the event of vacancies occurring during the term of members of the Commission. The Board of Supervisors shall act within sixty days to fill a vacancy. Terms of office of the Commission members shall be staggered. The term of office of each member shall be for four years and until the appointment of his/her successor.

2.38.035 Vacancies and removal.

- A. Vacancies on the Commission shall be filled as set forth in Section 2.38.020 and Section 2.38.030 for the unexpired term. A vacancy on the Commission shall occur automatically on the happening of any of the following events before the expiration of the term:
1. Removal of the incumbent;
 2. Death or resignation of the incumbent;
 3. The incumbent's ceasing to be a permanent resident of the county; or
 4. The incumbent's absence from three consecutive regular or special meetings or his/her absence from four regular or special meetings in any one calendar year.
- B. The Director of the Community Resources Agency shall certify the happening of a vacating event to the Board of Supervisors. The Board of Supervisors may waive a vacating event for any member.

2.38.040 Commission meetings. The Commission shall meet at least four times per year, with meetings held at regular intervals, in accordance with California's open meeting laws. Written minutes of Commission meetings shall be kept on file and available for public inspection.

2.38.050 Continuing education. Each Commission member is required to attend at least one informational or educational meeting, seminar, workshop or conference per year that pertains directly to the work and functions of the Commission and would be acceptable to the state.

2.38.060 Special expertise. If a special expertise is not represented on the Commission for the consideration of nominations to the National Register of Historic Places, California Register of Historical Resources, or other actions which are normally evaluated by a professional in such discipline, the Commission shall obtain professional technical expertise from established organizations, institutions, public agencies or other commissions, such as the State Office of Historic Preservation, State Historical Resources Commission, regional archeological information centers, colleges or universities, American Institute of Architects preservation officers, private preservation consultants or regional councils of government.

2.38.070 Chair - Rules and regulations. The members of the Commission shall annually elect a chair who shall serve for a term of one year. The Commission shall make such rules and regulations as are necessary to conduct its business.

2.38.080 Compensation. The members of the Commission shall serve without compensation, but may receive reimbursement for actual and necessary expenses as are incurred in carrying out their duties.

2.38.090 Duties. The Historic Preservation Review Commission is charged, and may exercise only, the following duties:

- A. Inventory. The Commission shall maintain a system for inventorying cultural resources, including organizing, developing and administering such inventory within the county. Inventory activities shall be coordinated with and complementary to the state program to ensure that inventory results produced by the Commission will be readily integrated into the state-wide comprehensive cultural resources management planning process. As part of any ongoing inventory effort, procedural requirements must allow for periodic update of inventories as cultural resources gain maturity. The Commission must adopt state guidelines for conducting its inventory of cultural resources. State-approved inventory forms shall be used to facilitate integration into the California Historic Resources Information System (CHRIS) and for statewide comprehensive cultural resources management planning purposes. Procedural standards for evaluation of properties must be consistent with the National Register of Historic Places criteria. The Commission shall establish internal procedures to facilitate the use of inventory results in the planning process by county officials and departments. The Commission shall submit inventory results to the Board of Supervisors and is authorized to propose the establishment of historic preservation districts to the Board of Supervisors based upon inventory results. Copies of the inventories shall be deposited and maintained at the County Community Resources Agency and the California Historic Resources Information System (CHRIS).
- B. Compile, Record, and Update Cultural Resources Information for the County. The Commission shall be responsible for overseeing the compiling, recording and updating of information on cultural resources within the county. The information shall be based on a comprehensive inventory which is conducted in conformance with state inventory standards and procedures.
- C. Recommend Nominations to Local, State and Federal Registers. With the property owner's consent, the Commission may recommend to the Board of Supervisors nominations of privately-owned properties to the National Register of Historic Places, the California Register of Historical Resources or the Tuolumne County Register of Cultural Resources. The Commission may recommend to the Board of Supervisors nominations of Tuolumne County-owned properties to the National Register of Historic Places, the California Register of Historical Resources, or the Tuolumne County Register of Cultural Resources.
- D. Publish Procedural Rules for Registering Properties in Local, State or National Registers.
 - 1. The Commission may publish procedural rules for registering cultural resources identified in a local cultural resources inventory program for the National Register of Historic Places, in accordance with the requirements of the National Historic Preservation Act, Section 101(C)(2). The procedural requirements must include standards and criteria for boundary

identification, property owner notification, public meeting format and appeal procedures in accordance with established regulations of the National Register of Historic Places.

2. The Commission may publish procedural rules for registering properties identified in a local cultural resources inventory program for the California Register of Historical Resources. The procedural requirements shall be consistent with the published standards and procedures issued by the State Historical Resources Commission.
3. The Commission may publish procedures to implement the rules adopted by the Board of Supervisors for registering properties identified in a local cultural resources inventory program for the Tuolumne County Register of Cultural Resources.

E. Join in Applications and Facilitate Applications for Listings on Local, State, and National Registers. At the request of the property owner, the Commission may join in the nomination of a resource to and may act as a facilitator to assist applicants in their efforts to obtain listing on the National Register of Historic Places, the California Register of Historical Resources, or the Tuolumne County Register of Cultural Resources.

F. Consideration of Applications for Listing on Local, State and National Registers. The Commission shall consider any applications referred by the Board of Supervisors for listing on the National Register of Historic Places on behalf of Tuolumne County, and shall forward its recommendations, with respect to the proposed listing, to the State Office of Historic Preservation. The Commission shall consider all applications referred by the Board of Supervisors for listing on the California Register of Historical Resources on behalf of Tuolumne County and shall forward its recommendations, with respect to the proposed listing, to the State Historical Resources Commission. The Commission shall consider all applications received by the Community Resources Agency for listing on the Tuolumne County Register of Cultural Resources and shall forward its recommendations, with respect to the proposed listing, to the Board of Supervisors.

G. Provide for Public Participation. The Commission shall provide opportunities for public participation in all responsibilities delegated to it, in accordance with appropriate regulations, standards and guidelines. The Commission shall encourage public participation in local cultural resources management programs. Public participation shall be fully encouraged in direct involvement on the Historic Preservation Review Commission as professional or lay members. Each property owner shall be notified in writing prior to any action by the Commission to recommend inclusion of property on a list of cultural resources. Public participation shall be fully encouraged in the performance of the cultural resources inventory programs at all levels of completion to identify and inventory significant cultural resources within the county. Inventory results shall be of public record and on file at the County Community Resources Agency, except in the case of sensitive resources, e.g., archeological sites subject to looting. Public participation and comment shall be fully encouraged in the nomination process for the National Register of Historic Places, the California Register of Historical Resources, and the Tuolumne County Register of Cultural Resources. The Commission shall publish, or make available published procedures by which assessments of potential nominations to the National Register of Historic Places, California Register of Historical Resources, and Tuolumne County Register of Cultural Resources will be administered.

H. Annual Report. An annual report of the activities of the Commission shall be submitted to the Board of Supervisors and the State Office of Historic Preservation as prescribed by the State Office of Historic Preservation. The report may include such information as appointments to the Commission; resumes of Commission members and staff; attendance records of

members; official minutes of the Commission meetings; revisions in the enabling ordinance if applicable; sponsorship of special programs such as educational workshops or conferences; summaries of environmental review cases requiring Commission comments; new landmarks and historic districts designated; review of nominations to the National Register of Historic Places, California Register of Historical Resources, or Tuolumne County Register of Cultural Resources; cultural resources inventory updates and other pertinent activities performed by the Commission.

- I. Historical Property Preservation (Mills Act) Contracts. The Commission shall review and make recommendations to the Board of Supervisors regarding applications for historical property preservation contracts submitted pursuant to the rules adopted by the Board of Supervisors by resolution.
- J. Advisory Agency for Projects on County-Owned Property Involving Cultural Resources. The Commission shall act as an advisory agency to review projects with the potential to impact cultural resources on Tuolumne County-owned property and shall encourage construction or modifications of Tuolumne County-owned properties, which contain or are adjacent to cultural resources, to be accomplished in a manner that is consistent with the Secretary of the Interior's Standards as defined in Section 14.04.390 of this Code.
- K. Building Permits for Demolition of Structures 50 Years of Age or Older. The Commission is authorized to consider building permits for demolition of structures, buildings, objects or sites 50 years of age or older, regardless of the zoning district in which they are located as provided in Title 14. Review of and consideration of such permits located outside of the H zoning district may be by a subcommittee of the Commission established pursuant to Section 14.08.040.
- L. Conditional Use Permits in H or HDP Districts. The Commission shall review conditional use permits in H and HDP zoning districts as provided in Chapters 17.44 and 17.45.
- M. Section 106 Consultation. The Commission is authorized to provide comments on behalf of Tuolumne County to the State Office of Historic Preservation for projects requiring consultation pursuant to Section 106 of the National Historic Preservation Act relative to activities involving direct or indirect federal assistance or involvement either monetarily or through issuance of federal permits at various stages of the activity. Comments provided by the Commission shall be limited to potential impacts to significant cultural resources 50 years of age or older for housing projects located on privately-owned land and for all applicable development projects on Tuolumne County-owned property. Except as otherwise provided, Section 106 responsibilities of the Commission exclude review of projects on federal lands. All other federal undertakings on private lands that are not related to housing are exempt from Historic Preservation Review Commission review.
- N. Disability Access. The Commission shall consider the implementation of local, state and federal disability access regulations and guidelines in reviewing use permits for alterations of cultural resources within the H or HDP districts.
- O. Support for Historic Preservation Incentives. The Commission may provide letters of support for individual property owners seeking local, state or federal historic preservation incentives.

- P. Amend Cultural Resources Element of General Plan and Cultural Resources Sections of this Code. The Commission may initiate amendments to the Cultural Resources Element of the General Plan and to Chapters 2.38, 14.04, 14.06, 14.08, 14.10, 14.12, 14.14, 17.44 and 17.45 of this Code.
- Q. Comment on Proposed Legislation. The Commission may review and comment on proposed legislation related to the management of cultural resources.
- R. Public Education. The Commission may coordinate and participate in programs to educate the public on cultural resource related issues.
- S. Heritage Corridors. The Commission may review proposed heritage corridors and advocate the adoption of heritage corridors. When requested, the Commission may assist property owners in identifying or interpreting cultural resources along heritage corridors.
- T. Provide Comments on Actions Proposed by Governmental/Quasi-Governmental Jurisdictions Affecting Cultural Resources. During any public review opportunity provided, the Commission may provide comments to the Board of Supervisors regarding the effects on cultural resources from actions proposed to be undertaken on lands which are under the jurisdiction of governmental and quasi-governmental agencies including, but not limited to, lands under federal or state jurisdiction and lands owned by public utilities or local governments.
- U. Seek Funding. The Historic Preservation Review Commission may seek funding as authorized by the Board of Supervisors, including, but not limited to, grant funding from local, state and federal sources, as necessary to carry out the duties and responsibilities of the Commission as provided in this Chapter.
- V. Provide Technical Assistance and Expertise. The Historic Preservation Review Commission may provide technical assistance and expertise to the Tuolumne County Community Resources Agency on cultural resource issues.
- W. Limits on Review of Land Development Applications. Review of land development applications by the Historic Preservation Review Commission as authorized in this Chapter shall be limited to one meeting unless the applicant agrees to continue consideration of the application to a subsequent meeting.

SECTION 4: If any provision of this 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 this 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 5: This Ordinance shall take effect on July 1, 2013. 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 forgoing ordinance introduced on the 19 day of March, 2013, and adopted at a regular meeting of the Board of Supervisors of the County of Tuolumne, State of California, on this 2 day of April, 2013, by the following vote, to wit:

AYES: Brennan Hanvelt, Royce Rodger,

NOES: Shay

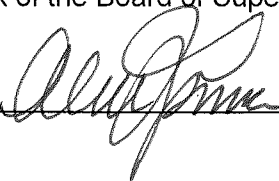
ABSTAIN: _____

ABSENT: _____

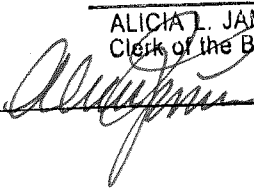


Randell A. Hanvelt, Chairman
Board of Supervisors,
County of Tuolumne,
State of California

ATTEST: ALICIA JAMAR,
Clerk of the Board of Supervisors

By  (SEAL)

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

ALICIA L. JAMAR
Clerk of the Board
By: 

APPROVED AS TO LEGAL FORM:
County Counsel, County of Tuolumne

By 
Carlyn M. Drivdahl, Deputy County Counsel