Calaveras County
Planning Department

Peter Maurer – Interim Director of Planning
Phone (209) 754-6394 Fax (209) 754-6540
www.planning.calaverascounty.gov

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To: Planning Commission

From: Peter N. Maurer, Interim Planning Director

Subject: Revisions to Draft Historic Resources Ordinance

Planning staff has made revisions to the draft Historic Resources ordinance based on the comments received at the October 24, 2024 hearing. Below is a summary of those changes:

- B.1 – Clarified that it applies to exterior changes.
- B.1.c.v – Added provision regarding the integrity of the resource.
- E – Added language how the list is established and how a resource may be added to it.
- H.1 – Added the County Archivist to the review body.
- J – Added a subsection regarding maintenance and repair.
- Finding E – Added a reference to Land Use Policy LU 4.2
- Finding L – Included and additional finding regarding the need to protect resources against demolition by neglect.

Additional minor grammatical edits were also made, along with minor edits suggested by Commissioner Laddish at the October 24th hearing.

Section 17.16.060 HISTORIC BUILDINGS AND STRUCTURES

SECTION 1: Section 17.16.060 of the Calaveras County Code is rescinded if it has not already expired before the effective date of this ordinance and the following is added to Title 17 of the Calaveras County Code to read:

17.16.060 HISTORIC BUILDINGS AND STRUCTURES

A. Purpose.

To prevent irreversible destruction of the County's historic resources, this ordinance is intended to:

1. Establish the County's local register of historically important buildings and structures for purposes of determining what buildings or structures in the County qualify for application of the alternative standards set forth in the State Historical Building Code (California Health & Safety Code §18950 et. seq.)
2. Establish the County's local register of historically important buildings and structures for purposes of determining which proposals to demolish or alter such buildings or structures require further review before a demolition or building permit is issued by the County.
3. Set forth standards for reviewing and, if applicable, protecting qualifying historical buildings and structures.
4. Implement the Mills Act.

B. Applicability.

1. This Chapter applies to exterior alteration to, demolition, or relocation of buildings or structures that are:
    a. Listed on the National Register of Historic Places or the California Register of Historic ~~Places~~Resources, or
    b. Have been determined by the State Historical Resources Commission to be eligible for listing on the National Register of Historic Places or the California Register of Historical Resources~~.~~, or
    c. At least seventy-five years old and meet one or more of the following criteria:

i. Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States; or

ii. Associated with the lives of persons important to local, California or national history; or

iii. ~~Embodies~~ Embody the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses~~es~~ high artistic value; or

iv. Ha~~s~~ve yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation; or~~.~~

v. Have not been altered in a manner that substantially diminishes historic significance or integrity of the resource. Integrity, as used in this section, means the authenticity of a resource's historic identity, evidenced by the survival of physical characteristics that existed during the resource's historic or prehistoric period.

C. Determination and review procedure.

1. The Planning Director shall be responsible for determining whether a building or structure proposed for alteration, demolition, or relocation meets the criteria of Subsection 17.16.060.B.1.

2. Notwithstanding any other provision of this Title, any appeal of the Planning Director's determination under this Section shall be limited to determining whether or not the Director correctly identified the building or structure as qualifying under Subsection 17.16.060.B.1.

D. Mills Act applicability

Owners of designated landmarks and historic resources identified under Subsection 17.16.060.B.1 may apply to the County for a Mills Act contract pursuant to procedures adopted by resolution of the Board of Supervisors. Such owners may qualify for property tax relief if they pledge to maintain and/or rehabilitate the historical and architectural character of the property for a minimum ten-year period. ~~Owner-occupied single-family residences and income-producing commercial properties may qualify for the Mills Act.~~ Contracts are automatically renewed for one year each year and are transferred to new owners when the property is sold.

E. Local register of historical buildings and places.

1. The County, through adoption of this ordinance, ~~shall~~ hereby establishes a Register of Historic ~~Buildings~~ Resources that includes all buildings and structures that are:

    a. Listed on the National Register of Historic Places or the California Register of Historic ~~Places~~Resources, or

    b. Have been determined by the State Historical Resources Commission to be eligible for listing in the California Register of Historical Resources, or

    c. ~~Are a~~At least 75 years or age and have been determined by the County to be of historical significance pursuant to Subsection 17.16.060.B.1.c and that have been identified through the review process of Subsection E.

2. Buildings, structures, sites, and other cultural resources may be added to the Local Register of Historic Resources through the procedure established be Subsection 17.16.060.F or as may be identified through cultural resources analysis performed pursuant to the California Environmental Quality Act for discretionary project applications submitted to the County.

F. Additional review required for demolition or alteration of listed historical buildings; application of State Historical Building Code.

1. Prior to issuing a demolition permit or a building permit for an alteration of a structure, the Building Official shall request the Planning Director's determination of whether or not the parcel on which the demolition or alteration is proposed contains a listed building or structure as described in Subsection 17.16.060.B.1.

2. If the parcel contains a listed building or structure as described in Subsection 17.16.060.B.1, the Chief Building Official shall not issue a demolition permit or a permit for alteration until a conditional use permit as described in 17.16.060.E has first been approved by the Planning Commission concerning the proposed demolition or alteration activity.

3. If the parcel contains a listed building or structure as described in Subsection 17.16.060.B.1, the Chief Building Official shall apply the State Historic Building Code (California Health & Safety Code §18950 et. seq.) to its review of any demolition permit or permit for alteration pertaining to that building or structure.

G. Limited scope conditional use permit.

1. Unless the proposed demolition or alteration activity is part of a land use project that independently requires a discretionary land use approval by the County, review of the application for a conditional use permit under this Chapter shall be limited to a review of potentially significant impacts to the listed historical building or structure as described in Subsection 17.16.060.F.

2. If, upon the review described in Subsection 17.16.060.F, it is determined that carrying out the proposed demolition or alteration activity will result in one or more potentially significant impacts to the listed historical building or structure, conditions of approval may be required.

3. If, upon the review described in Subsection 17.16.060.F, it is determined that conditions of approval will not suffice to reduce the potential impacts to the listed historical building or structure to less than significant, the application may be denied.

4. Review under the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA) prior to approval of a conditional use permit under this Chapter shall, to the extent allowable by law, be limited in scope to reflect the limited scope of discretionary review authorized by this Chapter. CEQA and/or NEPA compliance shall be the responsibility of the Planning Director.

5. If the proposed alteration or demolition activity is part of a land use project that independently requires a discretionary land use approval through the Planning Department, the Planning Commission, or other County department, the review required pursuant to this Chapter shall be added to the review required for this other discretionary land use approval and Subsection G.4 shall not apply. All discretionary use permit applications that trigger the application of this Chapter shall be processed as conditional use permits under Chapter 17.31 of the County Code, with review by the Planning Commission.

6. Except as otherwise stated in this Chapter, the application, review, and hearing procedures for permits issued under this Chapter shall be the same as those described in Chapter 17.27 of this Title.

H. Panel review of limited scope conditional use permit applications under this Chapter.

1. After an application for a limited scope conditional use permit under this Chapter has been submitted to the Planning Department and deemed complete, the application shall be reviewed and reported on within thirty (30) days by a panel consisting of the following:

a. The Planning Director or their designee.

b. The Chief Building Official or their designee.

c. A designee of the Calaveras County Historical Society.

d. The County Archivist.

2. The panel shall be charged with the following tasks, which shall culminate in a written report to the Planning Director:

a. Determine in writing whether the proposed demolition or structure alteration activity will result in one or more potentially significant impacts to the listed historical building or structure pursuant to Subsection 17.16.060.B.1. In making this determination, the panel shall utilize the significance criteria described in 14 Cal. Code Regs. Sections 15064.5(b)(1)-(3).

b. If potentially significant impacts are identified pursuant to Subsection 17.16.060.B.1, describe them in writing.

c. If potentially significant impacts are identified pursuant to Subsection 17.16.060.B.1, the panel shall describe in writing what, if any, requirements or conditions can be feasibly imposed as a condition of the County's approval of the proposed activity that will reduce impacts to the point of insignificance.

i. In developing these requirements and conditions, the panel shall consider the guidelines in the U.S. Secretary of the Interior's Standards for Treatment of Historic Properties (1992).

ii. The panel shall not impose conditions that exceed those necessary to reduce the identified impacts to the point of insignificance.

iii. If the panel identifies more than one potential condition that could feasibly be imposed to reduce an identified impact to the point of insignificance, the panel shall present these as options that the applicant may choose from.

iv. A requirement or condition that would result in a violation of this Title or of other local, state, or federal laws, ordinances, or regulations, including but not limited to the State Historical Building Code, cannot be feasibly imposed.

d. State in writing whether or not the imposition of the requirements or conditions described in Subsection 17.16.060.F.2.c will mitigate all identified impacts to the point of insignificance.

3. After receiving the panel's report, the Planning Director shall develop and submit their recommendations for CEQA compliance and permit issuance to the Planning Commission for review. The staff report developed for the Planning Commission hearing on the limited scope conditional use permit shall include the report of the panel described in Subsection 17.16.060.F.2.

I. Planning Commission review of limited scope conditional use permit.

1. The Planning Commission shall not approve the limited scope conditional use permit without:

a. A finding that CEQA has been complied with.

b. A finding that the approval of the permit is consistent with the General Plan and any applicable Community Plan.

c. A finding that the proposed activity involves a structure or building described in County Code Subsection 17.16.060.B.1.

d. A finding that the Commission has read and considered the report prepared by the review panel pursuant to Subsection 17.16.060.H.2.

e. An explanation of what conditions of approval, if any, will be imposed and why they are required to reduce potential impacts to the historical characteristics of the building or structure to the point of insignificance.

2. Conditions of project approval shall be limited to those measures or requirements that are necessary to reduce or eliminate the impacts to the historical characteristics of the building or structure as described in this Chapter. No conditions shall be imposed for which there is not a reasonable relationship between the condition and the direct effects of the project on the historical characteristics of the building or structure.

J. Maintenance and repair

1. The owner, lessee, or other person legally in possession or control of a listed historical building shall maintain the resource in good repair. Good repair is defined as that level of maintenance and repair of the exterior features, designated interior features, and the interior portion of the structure necessary to prevent deterioration of the exterior which furthers the continued availability

and integrity of the resource and prevents deterioration, dilapidation, decay or loss of economic use of the property.

2. Nothing in this section prohibits the ordinary maintenance and repair of any exterior feature of any building or structure on property listed in the local register; however, such maintenance or repair shall not involve a change in the design or result in the modification, demolition or removal of any architectural feature of the property.

3. The prohibitions of this section shall not apply to the demolition of a structure that has been damaged due to a natural disaster and the structure presents an imminent threat to the public or damage to adjacent property, as determined by Building Official; or when the State Office of Historic Preservation determines, pursuant to California Public Resources Code Section 5028 that the structure may be demolished, destroyed, or significantly altered.

SECTION 2: The following term is added to Section 17.43.130 ("M" Terms):

B. **Mills Act.** The historic property incentive program established pursuant to California Government Code Section 50280.1 et seq. and Revenue and Taxation Code Section 439 et. s~~S~~eq. to provide local property tax reductions for the maintenance rehabilitation and/or remodel of qualifying structures, buildings, objects, sites, or districts consistent with to Secretary of the Interior's standards and guidelines.

Existing Subsections 17.43.130.B and C are renumbered as C and D to maintain the alphabetic order of the "M" terms.

SECTION 3: FINDINGS

A. Calaveras County contains many historic structures that are integral to the history of the County, the central Sierra foothill region, and the State of California, including several buildings that are listed or eligible for listing on national and/or state lists of historic resources.

B. The Conservation and Open Space element of the Calaveras County General Plan adopted in 2019 includes goals, policies, and implementation measures calling for the preservation of the County's historic resources, including but not limited to Implementation Measures COS-8G & 8H.

C. General Plan Implementation Measure COS-8G requires the County to develop a cultural resources management ordinance that includes, among other requirements, the establishment of a County register of historic resources, utilization of the

California State Historical Building Code, and a cultural resource study prior to demolition of buildings 75 years or older.

D. General Plan Implementation Measure COS-8H requires the use of the Secretary of the Interior's Standards for Treatment of Historic Properties (1992) as a guide for evaluating development proposals involving cultural resources.

E. General Plan Policy LU 4.2 directs the County to "preserve and enhance existing buildings and other structures of historic and architectural importance…".

F. Government Code § 25373 authorizes counties to adopt ordinances to specially regulate "places, sites, buildings, structure, works of art and other objects having a special character or special historical or aesthetic interest or value."

~~F~~G. The Board of Supervisors finds that buildings and structures that are listed or eligible for listing on a state or federal historic resources inventory have "a special historical or aesthetic interest or value" within the meaning of government Code § 25373.

~~G~~H. The preservation of the County's historic structures is integral to the County's identity as a Gold Rush county and an early hub of California industry, transportation, and commerce.

~~H~~I. The County's comparative significance in California's history draws a tourist economy that relies in significant part on the County's historic structures and resources.

~~I~~J. The County's historic structures are heavily visited by local and regional schools to help educate schoolchildren about state and local history.

~~J~~K. Calaveras County contains several economically disadvantaged communities that depend in significant part on tourism, including visits to the communities' historic structures and buildings.

L. It is necessary to the public interest to protect listed historical resources against "demolition by neglect", whereby an owner of a property containing a historic resource deliberately allows the resource to decay to the point where its integrity as a historical resource is severely diminished. The purpose of imposing an affirmative maintenance obligation is to protect historical resources against this circumstance. The availability of hardship waivers and variance applications through existing state and local laws and regulations will provide an opportunity for an owner with a unique circumstance to review the application of this ordinance as it applies to their particular circumstances.

~~K~~ML~~L~~. For all of the reasons described above, the adoption of an ordinance imposing regulations on the demolition or alteration of historic buildings and structures is necessary to the public health, safety, and welfare.

SECTION 4: SEVERABILITY

If any clause, provision, sentence or paragraph of this chapter or the application thereof, is deemed to be invalid as to any person, entity, establishment, or circumstance, such invalidity shall not affect the other provisions of this chapter which shall remain in effect, and to this end, it is hereby declared that the provisions of this chapter are severable.