



July 12, 2022

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Public Hearing Regarding the Proposed County-Initiated Repeal and Reenactment of Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, Beginning at Section 1360, Addressing Cultural Heritage; All Supervisorial Districts.

RECOMMENDED ACTIONS:

1. **RECEIVE** the Cultural Heritage Board's March 28, 2022 Resolution (Exhibit 3), which recommends that the Board of Supervisors approve the proposed ordinance repealing and reenacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing the regulation of the County's cultural heritage;
2. On July 12, 2022, introduce and receive public testimony on the proposed ordinance attached as Exhibit 5, to repeal and reenact Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing the regulation of the County's cultural heritage;
3. At a second hearing on July 26, 2022, adopt the proposed ordinance and find that the ordinance is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines sections 15061(b)(3) and 15308;
4. Direct County Counsel to prepare a summary of the proposed ordinance pursuant to Government Code section 25124 (b)(1); and
5. Direct the Clerk of the Board to publish and post the ordinance in accordance with Government Code section 25124.

FISCAL/MANDATES IMPACTS:

| | |
|------------------------------|--------------|
| Mandated: | No |
| Source of Funding: | General Fund |
| Funding Match Required: | None |
| Impact on Other Departments: | None |

County of Ventura
Board of Supervisors
PL21-0102
Exhibit 1 – Board of Supervisors Board Letter
and all exhibits thereto, dated July 12, 2022

A portion of this work effort was funded by a \$5,000 grant from the State Historic Preservation Office in FY2020-21 as well as Planning Division staff time in FY2021-22. The remaining recommended actions can be completed with existing staff and within the FY 2022-23 Planning Division budget allocations. Implementing the recommended actions is expected to take an additional 80 hours of staff time and is included in the Planning Division's adopted budget. This time will be used to complete post-adoption tasks such as codification of the approved ordinance, revising procedures and forms, and training of Planning Division staff.

| FY 2022-23 Budget Projection for Planning – Division 2910 | | | | |
|--|----------------|-----------------|------------------|-----------------------------|
| | Adopted Budget | Adjusted Budget | Projected Actual | Estimated Savings/(Deficit) |
| Appropriations | \$ 10,382,005 | \$ 10,382,005 | \$ 10,382,005 | \$ - |
| Revenue | \$ 5,195,406 | \$ 5,195,406 | \$ 5,195,406 | \$ - |
| Net Cost | \$ 5,186,599 | \$ 5,186,599 | \$ 5,186,599 | \$ - |

EXECUTIVE SUMMARY:

This Board letter includes background information on the County's Cultural Heritage Ordinance, a summary of the proposed ordinance amendments to regulate the County's cultural heritage resources, and recommendations received from the Cultural Heritage Board (CHB).

The proposed amendments to the Cultural Heritage Ordinance will modernize the existing ordinance, last updated in 2000. It will also clarify review procedures for ministerial projects proposed on County Cultural Heritage Sites to incorporate best practices. These amendments include minor revisions to restructure/reformat the ordinance, the addition of new definitions and terminology commonly used in the field of historic preservation, a list of preservation incentives available, and, finally, clarification of the County's process for reviewing land use projects at designated and eligible historic properties. Since the restructuring and reformatting affects many sections of the Ordinance and tracking changes would be difficult, the repeal and replace action in this Board letter was selected to provide clarity to the public and your Board. In addition, in response to your Board's previous direction, the proposed amendments revise the method of appointing the two At-Large members of the CHB.

Your Board is being asked to introduce the attached proposed ordinance to repeal and reenact Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing the regulation of the County's cultural heritage, read in title only and waive further reading, direct County Counsel to prepare a summary of the proposed ordinance, direct the Clerk of the Board to publish the ordinance, and to schedule the second reading of the ordinance for July 26, 2022.

BACKGROUND:

The County has a rich historical, cultural, and natural heritage. The Cultural Heritage Ordinance (Ordinance No. 2026) was originally adopted by the Board of Supervisors in 1968 to create regulations and procedures for designation and protection of “items of special historical or aesthetic character or interest” within Ventura County. This includes buildings, structures, sites, landscape features, and districts representing significant prehistoric and historic periods and themes of the County’s development. There are currently 56 designated County Landmarks in the unincorporated areas of the County. In addition, there are five Points of Interest and 523 Sites of Merit. There are an unknown number of potential Cultural Heritage Sites in the County that have not yet been identified or designated.

The current Cultural Heritage Ordinance No. 4225 (Ordinance), adopted in 2000, provides a framework for ministerial review of land use projects where there is potential for the project to impact a known or potential Cultural Heritage Site (e.g., County Landmarks, Sites of Merit, Points of Interest, or Historic Districts). All zoning clearances issued by the Planning Division and building permits issued by the Building & Safety Division require compliance with the Cultural Heritage Ordinance. In practice this means requested alterations to structures over 50 years old (e.g., demolition, additions, new windows, etc.) are flagged for review by Planning Division staff as potential Cultural Heritage Sites. For reference, approximately 44% of the unincorporated housing stock is more than 50 years old.

The cities of Fillmore, Oxnard, Port Hueneme, Simi Valley, and Thousand Oaks have contracted with the County of Ventura Planning Division to perform some cultural heritage-related services. The contracts differ by city, with some cities requesting CHB assistance with designation of landmarks only, others reaching out on an as-needed basis for assistance, and still others requesting County staff’s assistance with issuing authorizations for alterations to designated structures referred to the County by City staff. Each City Council has adopted its own Cultural Heritage Ordinance or resolution (some of which reference the County’s) and each City is responsible for enforcement of their own ordinance.

Two types of review are conducted by the County’s CHB and staff depending on the designation of the site and the scope of work proposed. The first is a Certificate of Appropriateness. The second is a Certificate of Review. Certificates of Appropriateness are generally required for modifications to designated Landmarks, Historic Districts, and for demolition of Sites of Merit or potential Cultural Heritage Sites. Certificates of Review are generally required for proposed modifications to Sites of Merit and potential Cultural Heritage Sites, where it does not result in demolition. Pursuant to the Ordinance and related resolutions, minor projects are reviewed and approved at the Planning Division staff level, whereas major projects are taken to the CHB for a decision. For some sites, a historic resource report will be requested by Planning Division staff or the CHB before an evaluation is made. Where a project is discretionary, any impacts to known or potential

historic resources are evaluated using the CEQA methodology adopted in the County's Initial Study Assessment Guidelines, which may require review by the CHB.

Certificates of Appropriateness and Certificates of Review issued by the CHB and staff do not function like other land use permits issued by the Planning Division in that denial does not prevent the applicant from moving forward with a proposed project. Rather, there is a longstanding emphasis on education and providing guidance to applicants on how to better preserve historic resources. In the case of a Certificate of Appropriateness, after denial, the Ordinance mandates a 180-day waiting period. The purpose of the waiting period is to allow time for collaboration between the CHB, community preservation advocates, and the applicant to explore whether other arrangements can be made to avoid loss of a historic resource. After the 180-day waiting period, the applicant may move forward even if doing so results in destruction of a designated cultural resource. In practice, applicants are often receptive to recommendations of the CHB and incorporate agreed-upon project modifications; thus the waiting period is usually not triggered because the Certificate of Appropriateness is not denied.

In the case of Certificates of Review, applicants for projects at Sites of Merit or potentially eligible Cultural Heritage Sites (except in the case of demolition) are provided recommendations in the form of a Certificate of Review that the applicant is encouraged to follow voluntarily. A 180-day waiting period is not mandated for these projects because there is no approval or denial. A more detailed summary of the County's cultural heritage review process is included in Section V of the CHB Staff Report (Exhibit 1).

On February 23, 2021, the Board of Supervisors approved the Planning Division's Work Plan, which identified an update to the County's Cultural Heritage Ordinance. Specifically, it stated that Planning Division staff would "study and consider potential ordinance revisions" to address four issue areas identified by the CHB in 2019. As summarized for clarity, the issue areas included the following:

- (1) Make the issuance of a Certificate of Appropriateness a discretionary action;
- (2) Remove the 180-day waiting period following Certificate of Appropriateness denial;
- (3) Create a new Discretionary Demolition and Substantial Alteration Permit for Cultural Heritage Sites; and,
- (4) Establish a Mechanism for Downgrading/Delisting of Cultural Heritage Sites.

DISCUSSION:

As noted above, the proposed ordinance revisions are consistent with the Board direction received for the project in the Planning Director's February 2021 Division Work Plan. A detailed overview of the history and background of the proposed ordinance revisions is included in Section IV of the CHB Staff Report (Exhibit 1).

Proposed Text Amendments

The proposed ordinance includes a full repeal and reenactment to incorporate amendments to the current Ordinance including the following: (1) alignment of definitions and terminology with those used in the professional field of historic preservation, including adding new definitions for widely used terms; (2) clarification of the County's review procedures, standards, and process for reviewing projects at designated and eligible historic properties; (3) alignment of the eligibility criteria for County Landmarks with the National Register of Historic Places and California Register of Historical Resources criteria; and, (4) identification of the County's existing preservation incentives for property owners of designated historic properties.

Further, based on direction from your Board in February 2022, staff included a revision that modifies how the two CHB At-Large Members are appointed. The CHB is currently comprised of five members selected by each of the five members of your Board and appointed by the Board of Supervisors. Two additional At-Large CHB members are appointed by the five Supervisorial-appointed CHB members. Following your Board's direction, the ordinance revision transfers the ability to appoint the two CHB At-Large Members from the five Supervisorial-appointed CHB members to the Board of Supervisors. This revision is intended to align the appointment process with the general practice of other County boards and commissions. If the ordinance is adopted, the CHB's bylaws will be updated to reflect this revision, expected in fall 2022.

The draft text amendments are summarized below. A full explanation is found beginning on page 4 in Section V of the CHB Staff Report (Exhibit 1).

- 1) Reorganization and Cleanup (throughout): Various Ordinance provisions are grouped and re-ordered logically (i.e., definitions are moved to the beginning of Ordinance); corrections are provided to grammar, syntax and wording; and all defined terms are italicized.
- 2) Section 1361: This section now links the Purpose and Findings of the Ordinance to the County's 2040 General Plan.
- 3) Section 1363 Definitions: Adds a number of new definitions for key terms used in the field of historic preservation in order to provide clarity and promote effective implementation of the Ordinance. In addition, some existing definitions were revised for additional clarity to align with the Secretary of Interior Standards used to evaluate the impact of alterations on a historic resource.

New definitions were added for the following terms:

Alteration

Board of Supervisors

Certificate of Review

Certified Local Government

Character-Defining Features

Demolition

District Contributor

District Non-Contributor

Downgrade
Historic Context
Integrity
Period of Significance
Relocation
Secretary of the Interior's Professional Qualification Standards

The following existing definitions were amended:

California Historical Building Code
Certificate of Appropriateness
District
Landmark
Potential Cultural Heritage Site
Preservation
Reconstruction
Rehabilitation
Restoration
Secretary of the Interior's Standards
Site of Merit

- 4) Section 1364-2: Changes the process for appointing the two CHB At-Large members.
- 5) Section 1365-9: Requires direct notification to all affected property owners prior to the acceptance of cultural resource surveys by the CHB.
- 6) Section 1365-11: Clarifies the Certificate of Review process (review and comment) at Sites of Merit and potentially eligible Cultural Heritage Sites to specify that it is only required in conjunction with another action requiring a permit from a County agency (see also: Section 1371-7 and Section 1372).
- 7) Section 1365-12: Clarifies that the CHB's role in the review of environmental documents is pursuant to the County's adopted Initial Study Assessment Guidelines.
- 8) Section 1366: Clarifies who may initiate designation of a Cultural Heritage Site.
- 9) Section 1367: Aligns the criteria for a Ventura County Landmark closely with the National and State Historic Registers by adding integrity as a required criterion.
- 10) Section 1368: Establishes a mechanism whereby the Cultural Heritage designation of a property may be downgraded by the CHB.
- 11) Section 1369: Adds a new category to the Ordinance that contains miscellaneous Cultural Heritage Program Requirements and Prohibitions.
- 12) Section 1369-1: Moves the requirement to maintain a list of potential Cultural Heritage Sites from one section of the Ordinance to another and requires the Planning Division permitting database to identify these sites.
- 13) Section 1369-3: Includes properties in the National Register of Historic Places and California Register of Historical Resources in the County's Local Register of Historic Places.

- 14) Section 1369-6: Requires the recordation of future designated Cultural Heritage Sites with the County Clerk and Recorder, consistent with State law and current Planning Division practice.
- 15) Section 1369-7: Identifies existing maintenance requirements for County property owners, including those of historic properties, as outlined in the International Property Maintenance Code (as adopted by the Board of Supervisors on November 5, 2019 and enforced by the Ventura County Code Compliance Division).
- 16) Section 1370: Identifies available incentives for owners of historic properties. Sec. 1370-1 clarifies the qualified properties for a Mills Act Contract.
- 17) Section 1371: Clarifies language and grammar in the Certificate of Appropriateness section, eliminates the findings for disapproval, and establishes acceptable evidence for review of a hardship waiver. Adds a requirement for a Certificate of Appropriateness at sites listed on the National Register of Historic Places or the State Register of Historical Resources for sites located under the purview of the County. Clarifies that the cultural heritage review process is limited to evaluating the exterior alterations of a structure, site, or object, with the exception of properties granted a Mills Act Contract.
- 18) Section 1373. Identifies the existing opportunities to appeal CHB or CHB staff actions, including the newly proposed downgrade mechanism.
- 19) Section 1379. Adds a new category to identify the existing Planning and Code Compliance Division enforcement mechanisms for violations of the Ordinance.

Four Ordinance Issue Areas to Explore

As noted above, there were four issue areas raised by the CHB in 2019 and then studied and considered by Planning Division staff while updating this Ordinance. Background research included extensively surveying similar ordinances in other jurisdictions, reviewing cultural heritage guidelines from the State Historic Preservation Office, evaluating case law, considering potential legal issues and enforceability, and evaluating the effectiveness of the existing Ordinance framework. The results of this research are described in the Comparative Matrix of Issues to Explore found in CHB Exhibit 5.

Proposed revisions to the Ordinance incorporate best practices and modernize the Ordinance without a departure from the longstanding “education, delay, and project partnership approach” described above, which has largely worked for the past 50+ years due to applicants’ receptiveness to recommendations of the CHB.¹ To fully address the first three issue areas would have required restructuring the current framework by creating new discretionary permit requirements and stricter enforcement mechanisms for alterations to known and potential historic resources. To do so would require the addition

¹ For perspective, since 2010, approximately 90 projects have been reviewed by the CHB. Of these, approximately six cases involved situations wherein CHB recommendations were not followed and approximately three consisted of cases wherein a designated or potentially eligible Cultural Heritage Site was demolished after an applicant waited out the 180-day waiting period.

of staff resources and would potentially subject all otherwise ministerial development proposed on structures more than 50 years old to a longer CEQA review and process. Ultimately, the Planning Director determined that amending the Ordinance to incorporate a new discretionary permit process for demolition of known and potential historic resources and alterations to designated historic resources would require further direction from your Board, as it would be a significant departure from existing policies and practice. Should your Board seek to amend the Ordinance further to incorporate this alternative regulatory approach, the next Planning Division Work Plan² for FY 2023-24 would be an opportunity for your Board's consideration and direction.

Cultural Heritage Board Recommendation

At its March 14, 2022 and March 28, 2022 hearings, the CHB reviewed and provided comments on a draft ordinance prepared by Planning Division staff intended to address desired revisions identified during the CHB's aforementioned study efforts. In addition, Planning Division staff presented the four ordinance issue areas, along with the challenges/implications and a comparison to other jurisdictions' practices. The CHB took no action on the four issue areas but requested that staff incorporate further revisions to the proposed text amendments. Based on the CHB's comments, Planning Division staff modified the Ordinance as follows:

- 1) Revised the definitions for certain terms in Section 1363 to align more closely with State of California (State) or federal definitions, including definitions for District, District Non-Contributor, Historic Context, and Landmark, add a definition for Period of Significance, and remove existing definitions for Historic Fabric and Site;
- 2) Clarified the procedure for nominating a property to be designated as a Cultural Heritage Site or downgraded/delisted (for current Cultural Heritage Sites) in Section 1366-1 and Section 1368, respectively, by specifying that each action would require a duly carried motion of the CHB to proceed;
- 3) Revised the criteria for designating a District in Section 1367 to be consistent with both the Ordinance definition section and the definition in the National Park Service glossary;
- 4) Referenced the National Register of Historic Places (National Register) and California Register of Historical Resources (State Register) in Section 1369-3 to include these properties in the County's Local Register of Historic Places;
- 5) Specified the eligibility for Historical Property Contracts (Mills Act Contracts) in Section 1370-1 to be limited to designated County Landmarks and District Contributors;
- 6) Added the California Historic Preservation Tax Credit in Section 1370 as an available preservation incentive;

² Planning Division staff is currently implementing a 2.5 Year Work Plan adopted by the Board in February 2021 which encompasses fiscal years 2020-21, 2021-22, and 2022-23. The next iteration of the Work Plan for Board consideration is expected in spring 2023.

- 7) Revised Section 1371-4 to move the existing part (c) standard to the hardship standards contained in part (e) for more logical grouping; and
- 8) Revised Section 1372 regarding the Process for Certificate of Review to replace the term “historic fabric” with “character-defining features and integrity.”
- 9) Added a requirement in Section 1371 for a Certificate of Appropriateness at sites listed on the National Register of Historic Places or the State Register of Historical Resources for sites located under the purview of the County (some federal and state sites do not fall under the County’s authority).

The CHB voted unanimously to adopt a resolution (Exhibit 3) recommending that your Board approve staff’s recommended actions and adopt the proposed ordinance with inclusion of the revisions identified above.

Post-Cultural Heritage Board Hearing Revisions

In addition to the CHB recommended revisions to the proposed ordinance, Planning Division staff subsequently incorporated revisions to clarify the extent of review through a Certificate of Appropriateness or Certificate of Review. Specifically, language was added to clarify that the cultural heritage review process is limited to evaluating the exterior alterations of a structure, site, or object. The one exception to this is homes that are granted a Mills Act Contract by your Board. The Mills Act Contract lowers the property taxes paid by the homeowner in exchange for preservation of the character-defining features on the site, some of which may be located on the interior of a structure. Thus, these sites are subject to a Certificate of Appropriateness for exterior and interior alterations. Furthermore, Planning Division staff met with staff from the State Office of Historic Preservation on June 22, 2022, to discuss their input. Per this meeting, revisions were made in two areas of the draft ordinance to address issues raised related to the treatment of Ventura County sites listed in the National Register of Historic Places and California Register of Historical Resources, as set forth in Exhibit 4 (Legislative Version of Proposed Ordinance with comments) and Exhibit 7 (Letter from State Office of Historic Preservation).

PUBLIC NOTICE:

The Planning Division provided public notice regarding this Board of Supervisors hearing. A one-eighth page notice of the hearing, along with a summary of the ordinance was published in English in the *Ventura County Star* on July 1, 2022 and in Spanish in the *Vida Newspaper* on June 30, 2022. Pursuant to the County’s requirements under the National Historic Preservation Act of 1966, as amended, staff forwarded the draft ordinance to the California Office of Historic Preservation for review; as noted above, comments from the Office of Historic Preservation are provided in Exhibit 7 which were largely supportive. As of July 5, 2022, no comment letters have been received.

This letter was reviewed by the County Executive Office, the Auditor-Controller’s Office, and County Counsel’s Office. If you have any questions regarding this item, please

contact me at (805) 654-2481, or Tricia Maier, Planning Programs Manager, at (805) 654-2464 or via email at Tricia.Maier@ventura.org or Dillan Murray, Project Planner, at (805) 654-5042 or via email at Dillan.Murray@ventura.org.



Dave Ward, AICP, Director
Ventura County Planning Division

ATTACHMENTS:

- Exhibit 1: Cultural Heritage Board Staff Report dated March 28, 2022, including all staff report exhibits (shown below with prefix "CHB")
- CHB Exhibit 1 – Cultural Heritage Ordinance No. 4225
 - CHB Exhibit 2 – Draft Cultural Heritage Ordinance Amendment (Legislative Version, with Staff Comments)
 - CHB Exhibit 3 – Draft Cultural Heritage Ordinance Amendment (Clean Version)
 - CHB Exhibit 4 – Draft CHB Resolution No. 2022-4 to the Board of Supervisors
 - CHB Exhibit 5 – Comparative Matrix of Ordinance Issue Areas to Explore
 - CHB Exhibit 6 – Previous CHB Meeting Minutes (September 26, 2016, February 11, 2019, and March 11, 2019)
- Exhibit 2: Cultural Heritage Board Meeting Minutes, dated March 14, 2022, and March 28, 2022
- Exhibit 3: Cultural Heritage Board Resolution No. 2022-4 dated March 29, 2022
- Exhibit 4: Legislative version of the proposed Ventura County Cultural Heritage Ordinance
- Exhibit 5: Clean version of the proposed Ventura County Cultural Heritage Ordinance
- Exhibit 6: Comparative Matrix of Ordinance Issue Areas to Explore
- Exhibit 7: Comment Letter from the California Office of Historic Preservation



Staff Report and Recommendations

Agenda of March 28, 2022, Item 9a

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • www.vcrma.org/divisions/planning

Subject: Public Hearing to Consider the Proposed County-Initiated Repeal and Reenactment of Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, Beginning at Section 1360, Addressing Cultural Heritage (PL21-0102, County of Ventura, Applicant).

I. REQUEST:

Planning Division staff request that the Cultural Heritage Board (“CHB”) review this staff report and its attachments and take the following actions:

a) adopt a resolution (See Exhibit 4 for a draft resolution) recommending that the Board of Supervisors adopt the staff recommended actions stated in Section VII of this report, which include approval of the proposed text amendments repealing and re-enacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing cultural heritage (“Ordinance” or “CHO”). The draft text amendments are intended to provide needed clarity and promote effective implementation of the Ordinance; and

b) provide comments to the Board of Supervisors for other potential changes to the Ordinance.

II. LOCATION:

The proposed text amendments to the Ordinance would be applicable to all parcels located within the unincorporated Ventura County. In addition, the text amendments would be applicable to all parcels within any city under contract with the County for cultural heritage services that subsequently adopts the text by reference. Currently, the cities of Fillmore, Oxnard, Port Hueneme, Simi Valley, and Thousand Oaks are under contract with the County for cultural heritage services. Of these cities, only the City of Oxnard has adopted the County’s current Ordinance by reference; the other cities have adopted their own historic preservation ordinances.

III. REVIEW/DECISION-MAKING AUTHORITY:

These amendments to the CHO are proposed in accordance with the Ventura County Cultural Heritage Ordinance No. 4225, enacted by the Board of Supervisors in 2000. Pursuant to Ordinance Section 1364-9, the CHB is to provide recommendations to the Board of Supervisors regarding amendments to the Ordinance. Under the CHO, the CHB is requested to review, conduct a public hearing on, consider, and make recommendations to the Board of Supervisors regarding the proposed text amendments. The Board of Supervisors, at a subsequent public hearing, will consider the Cultural Heritage Board’s recommendations and decide whether to adopt, not

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Exhibit 1 – Cultural Heritage Board Staff
Report dated March 28, 2022, including all
staff report exhibits

adopt, or adopt with modifications the proposed Ordinance amendments. The CHB may also make comments to the Board of Supervisors regarding possible additional Ordinance amendments.

IV. HISTORY AND BACKGROUND:

The Cultural Heritage Ordinance (CHO) was originally adopted by the Board of Supervisors in 1968 (Ordinance No. 2026) to create procedures for designation and protection of “items of special historical or aesthetic character or interest” within Ventura County. Since adoption, the CHO has been amended several times. Most recently, the CHO was amended in December 2000 after the County adopted a Historic Preservation Plan. The CHO, as adopted, emphasizes education of the public as to the importance of designated and potentially eligible cultural resources and contains delay provisions to allow potential partnership and collaboration between the CHB, community stakeholders, County representatives, and project applicants to preserve important resources or implement project modifications (Refer to Exhibit 1 – Cultural Heritage Ordinance No. 4225).

Over time, it has become apparent to the CHB and to CHB staff that the CHO needs to be updated to reflect changes in historic preservation. Thus, in January 2016, the CHB requested a study session be held to discuss potential revisions to the CHO. On September 26, 2016, the CHB held the first study session aimed at addressing a number of issues, including but not limited to, aligning CHO definitions and terminology with California Environmental Quality Act (CEQA) definitions and terminology, clarifying the County’s procedures and standards for issuance of Certificates of Appropriateness, aligning the CHO eligibility criteria for County Landmarks with the National Register of Historic Places (National Register) and California Register of Historical Resources (State Register) criteria by requiring integrity as a criterion, clarifying the process of CHB review for proposed demolitions and alterations, and adding information regarding the County’s existing preservation incentives to property owners of designated historic properties (refer to Exhibit 6 – Previous CHB Meeting Minutes).

At the September 2016 study session, the CHB identified desired revisions and established an Ad Hoc Committee consisting of two CHB members to assist CHB staff in identifying issues, receiving feedback, and reporting back to the full CHB with their recommendations. On August 7, 2017, a second study session was held with the Ad Hoc Committee, Assistant County Counsel, and CHB staff. The committee members provided direction regarding new and revised procedures and language. In addition, the Ad Hoc Committee proposed a number of policy changes, including a maintenance obligation on certain cultural heritage sites, strengthening the Ordinance’s enforcement and penalties provisions, and creating a permanent preservation requirement for certain cultural heritage sites.

On May 29, 2018, a third study session was held with the Ad Hoc Committee to discuss potential CHO revisions in keeping with the current education, delay, and collaboration approach of the Ordinance, the purpose of the CHO and how to achieve its goals without the burden of excessive regulation, and the need to outline the interplay between CHO and CEQA with respect to discretionary project reviews.

On January 28, 2019, a fourth and final study session was held whereupon the Ad Hoc Committee identified issue areas associated with the CHO. Following the study session, at the February 11, 2019 hearing of the CHB, CHB staff presented a summary of the following Ad Hoc Committee's four issue areas to the full CHB: 1) the need to eliminate the 180-day delay provision outlined in CHO Section 1366-8 to prevent the loss of cultural resources due to alteration or demolition activities that are inconsistent with recommended treatment; 2) the need to strengthen the CHO's enforcement provisions by enabling the CHB to adopt enforceable conditions on proposed projects as opposed to recommendations; 3) the need to strengthen and clarify provisions of the CHB review process for proposed demolition, substantial alterations, and additions to cultural heritage sites and potentially eligible cultural heritage sites; and 4) the need to establish a mechanism for the downgrading/delisting of cultural heritage sites when there are instances, such as fires, when a site is destroyed and is no longer eligible for listing. At the February 11, 2019 hearing, the CHB concurred with exploring these four areas and directed CHB staff to schedule a work session with representatives of the contract cities that receive cultural heritage services from the County in order to receive their feedback on proposed amendments. At the March 11, 2019 hearing, the CHB conducted an outreach meeting and discussed the identified issue areas with representatives from the cities of Oxnard, Simi Valley, and Santa Paula.

Due to changes in Planning Division and CHB staff and competing work assignments and priorities, no further action on this effort occurred until 2021. In February 2021, the Board of Supervisors approved the Planning Division's Work Plan, which included studying and considering amendments to the CHO. The Planning Director's February 2021 Division Work Plan reference was intended to make the Board of Supervisors aware of the Ordinance update. The Work Plan specifically establishes that Planning Division staff shall "study and consider" potential Ordinance revisions to address the identified issue areas in anticipation of further direction from the Board of Supervisors.

Beginning in June 2021, staff began studying and considering potential ordinance changes to address the aforementioned issue areas. Prior to this, in late 2020, the County had received grant funding from the State Office of Historic Preservation (OHP) to further historic preservation efforts in the County as part of our designation as a Certified Local Government pursuant to the National Historic Preservation Act of 1966 (54 U.S.C, § 300101 et seq.). A portion of the staff work to conduct the Ordinance update during 2021 was thus funded by this grant provided by OHP. As part of this effort, Planning Division staff reviewed the CHB's prior study efforts, proposed revisions, and previously-identified issue areas. In light of this information, CHB staff

researched both model historic preservation ordinances and those adopted by jurisdictions across the State of California. In addition, CHB staff considered guidance offered in the California Office of Historic Preservation’s Technical Assistance Series, #14, entitled “Drafting Effective Historic Preservation Ordinances” and applicable National Park Service “National Register Bulletins,” and received review and feedback from the Planning Division management team and County Counsel’s Office regarding potential revisions.

Following this effort, CHB staff prepared draft text amendments to the Ordinance that are intended to address the CHB’s proposed revisions to the extent feasible without a departure from the long-standing “education, delay, and project partnership approach” policy direction of the current Ordinance, provide needed clarity, and promote effective implementation of the Ordinance. The draft Ordinance before the CHB today was revised to the extent such revisions did not effectuate significant policy and structural changes to the Ordinance that would first require initiation from the Board of Supervisors. If the CHB would like the Board of Supervisors to consider additional proposed revisions that would result in significant policy or structural changes to the Ordinance, the CHB may propose such changes at your meeting. These proposed revisions would be provided in the staff report to the Board of Supervisors for further consideration.

At the March 14, 2022 meeting of the CHB, your Board reviewed and provided direction on desired changes to the proposed text amendments. The CHB took no action on the proposed text amendments but directed Staff to review identified sections of the ordinance and return with revisions to the proposed text amendments. Requested revisions which have been evaluated but not included in the proposed text amendments are described in Section V of this report, below.

V. DISCUSSION:

Proposed Text Amendments

The current Cultural Heritage Ordinance No. 4225 is shown in Exhibit 1. The proposed text amendments to the CHO are illustrated in legislative format with staff comments in Exhibit 2. Within Exhibit 2, staff proposed text amendments are shown in red font color and CHB-proposed text amendments following the March 14, 2022 hearing are shown in blue font color. The clean version of the proposed CHO text amendments is contained in Exhibit 3. Section numbers referenced in this section correspond to the draft revised Ordinance in legislative and clean formats, unless stated otherwise. The draft text amendments are summarized as follows:

1. Reorganization and Cleanup (throughout): Various Ordinance provisions are grouped and ordered logically (i.e., definitions are moved to the beginning of Ordinance); miscellaneous corrections are provided in terms of grammar, syntax and wording; and all defined terms are italicized.

2. Section 1361: This section now links Purpose and Findings of the Ordinance to the County's 2040 General Plan.
3. Section 1363: Adds a number of new definitions for key terms used in the field of historic preservation in order to provide clarity and promote effective implementation of the Ordinance. In addition, some existing definitions are revised for additional clarity. New definitions consist of the following:
 - a) Alteration. Language was adapted from researching of other jurisdictions, with further input provided by the Planning Division management team. This language is intended to capture both exterior changes at designated and potentially eligible Cultural Heritage Sites and interior changes to character-defining features of properties subject to a Mills Act contract. This revision was requested at the September 26, 2016 CHB hearing.
 - b) Board of Supervisors. Added for clarity.
 - c) Certificate of Review. Added for clarity.
 - d) Certified Local Government. Added for clarity.
 - e) Character-Defining Features. Language was adapted from research of other jurisdictions and added for clarity based on input provided by Planning Division management team.
 - f) Demolition. Language was adapted from research of other jurisdictions and added for clarity based on input provided by Planning Division management team. The definition will assist Planning Division staff in determining when a Certificate of Appropriateness is required (current CHO Section 1366). This revision was requested at the September 26, 2016 CHB hearing.
 - g) District Contributor. Added for clarity.
 - h) District Non-Contributor. Added for clarity.
 - i) Downgrade. A mechanism for the Downgrade of a Cultural Heritage Site and a definition for this term was requested at the September 26, 2016 and March 11, 2019 CHB hearings.
 - j) Historical Context. Added for clarity.
 - k) Integrity. This revision was requested at the September 26, 2016 CHB hearing.
 - l) Period of Significance. This revision was requested at the March 14, 2022 CHB hearing.
 - m) Preservation. Language was aligned with the latest Secretary of the Interior's Standards.
 - n) Reconstruction. Language was aligned with the latest Secretary of the Interior's Standards.
 - o) Rehabilitation. Language was aligned with the latest Secretary of the Interior's Standards.
 - p) Relocation. This revision was requested at the September 26, 2016 CHB hearing.

- q) Restoration. Language was aligned with the latest Secretary of the Interior's Standards.
 - r) Secretary of the Interior's Professional Qualification Standards. Added for clarity.
4. Section 1364-2: Changes the process for how the two CHB At-Large Members are appointed. At their February 1, 2022 hearing regarding Receival and Filing of a Report on Various Boards, Commissions, and Committees, and Provision of Further Direction to Staff Regarding Additional Analysis or Follow-Up, the Board of Supervisors directed Planning Division staff to include this revision in the Draft Ordinance. This revision transfers the ability to appoint the two CHB At-Large Members from the five Supervisorial-appointed CHB members to the Board of Supervisors. This revision is intended to align the appointment process with the general practice of other County boards and commissions. Upon adoption of the revised Ordinance, the CHB's Bylaws shall be updated to reflect this revision.
 5. Section 1365-11: Clarifies that notification is required to all affected property owners prior to the acceptance of cultural resource surveys by the CHB.
 6. Section 1365-13: Clarifies the Certificate of Review (COR) process (review and comment) at Sites of Merit and potentially eligible Cultural Heritage Sites to specify that a COR is only required in conjunction with another action requiring a permit from a County agency. This clarification is intended to address the concern of many property owners who are unaware of their property's historic status.
 7. Section 1365-14: Clarifies the CHB's role in the review of environmental documents is pursuant to the County's adopted Initial Study Assessment Guidelines.
 8. Section 1366: Clarifies who may initiate designation of a Cultural Heritage Site.
 9. Section 1367: Aligns the criteria for a Ventura County Landmarks closely with the National and State Registers and establishes integrity as a required criterion. In addition, this section provides clarification for Site of Merit, Point of Interest, and District eligibility criteria. This revision was requested at the September 26, 2016 CHB hearing.
 10. Section 1368: Establishes a mechanism whereby the designation status of a property as a Cultural Heritage Site may be downgraded by the CHB. For example, a Ventura County Landmark may be downgraded to a Site of Merit if the property has been defaced, added to, altered, moved, or damaged by natural disaster. This revision was requested at the September 26, 2016 and March 11, 2019 CHB hearings.

11. Section 1369: Adds a new category to the Ordinance that contains miscellaneous Cultural Heritage Program Requirements and Prohibitions.
12. Section 1369-1: Aligns the local register provision with current Planning Division practice regarding the maintenance of a local register of designated and potential Cultural Heritage Sites.
13. Section 1369-6: Requires the recordation of Cultural Heritage Sites with the County Clerk and Recorder, consistent with State law and current Planning Division practice. This revision was requested at the September 26, 2016 CHB hearing.
14. Section 1369-7: Identifies existing maintenance requirements for owners of historic properties as outlined in the International Property Maintenance Code (as adopted by the Board of Supervisors on November 5, 2019 and enforced by the Ventura County Code Compliance Division). Among other provisions, the International Property Maintenance Code identifies the necessary requirements in maintaining the exterior of a structure in good repair. The creation of a Cultural Heritage Site maintenance requirement was requested at the September 26, 2016 CHB hearing.
15. Section 1370: Creates new overall category identifying available incentives for owners of historic properties. This revision was requested at the September 26, 2016 CHB hearing.
16. Section 1371: Clarifies the Certificate of Appropriateness (COA) process by establishing standards for approval and eliminating findings for disapproval. In addition, establishes acceptable evidence of a hardship waiver. This revision was requested at a CHB hearing. Moreover, this revision adds the requirement for a COA for projects within Districts and removes the requirement for a COA at Point of Interest (as these sites are no longer extant by definition). Lastly, this revision adds a standard for approval concerning projects for which the request for a Certificate of Appropriateness is pre-empted by State or federal law.
17. Section 1371-7 and Section 1372: Clarifies the Certificate of Review (COR) process (review and comment) at Sites of Merit and potentially eligible Cultural Heritage Sites to specify that a COR is only required in conjunction with another action requiring a permit from a County agency. This clarification is intended to address the concern of many property owners who are unaware of their property's historic status.
18. Section 1373. Adds a new category identifying the existing opportunities to appeal CHB or CHB staff actions, in addition to an appeal opportunity for the newly proposed downgrade mechanism.

19. Section 1379. Adds a new category identifying the existing enforcement mechanisms for violations of the Ordinance. This revision was requested at the September 26, 2016 CHB hearing.

At the March 14, 2022 meeting of the CHB, your Board reviewed and provided direction on desired changes to the proposed text amendments. Requested revisions which have not been included in the proposed text amendments are described as follows:

1. Section 1365-7. The CHB requested that this section reference the specific relevant provisions of the Non-Coastal Zoning Ordinance. This requested revision has not been included in the proposed text amendments so as to avoid inconsistencies should the Non-Coastal Zoning Ordinance be amended at a future date.
2. Section 1370-2. The CHB requested that this section clarify the definition of a “qualified” structure for purposes of limiting the application of the California Historical Building Code to certain historic structures. Unlike the Government Code for the Mills Act, where local jurisdictions are given the flexibility to shape their own rules, including defining what qualifies as a “historic property,” the 2019 California Historical Building Code contains a definition for “qualified historical building or structure” from the Health and Safety Code section 18952 that only allows deviations by a local jurisdiction where findings are made to support these revisions. The 2019 California Historical Building Code was adopted without changes by the Board of Supervisors as part of the 2019 Ventura County Building Code.

The requested revision has not been included in the proposed text amendments so as to avoid inconsistency with the 2019 Ventura County Building Code. Should a majority of the CHB desire to weigh in on the eligibility of properties for purposes of applying the California Historical Building Code, an appropriate opportunity to do so would be during the update of the Ventura County Building Code, which is expected to occur this year and be effective January 1, 2023.

3. Section 1371-1. The CHB requested that this section add a requirement for a Certificate of Appropriateness for projects located at sites listed on the National or State Register, but not designated as a Ventura County Cultural Heritage Site. This requested revision has not been included in the proposed text amendments due to the fact that should the property owner of such a property require a permit from the Resource Management Agency, the project would already be screened and forwarded to CHB Staff for review as a “potentially eligible Cultural Heritage Site”. Depending on the scope of work, a Certificate of Review or Certificate of Appropriateness would be required for alterations to a potentially eligible site. Planning Staff included language to incorporate the National and State Register

sites on a Local Register of Historic Places. There are less than a dozen of these sites that are not already designated Ventura County Landmarks. These sites will be flagged in the Planning Division Accela permitting database if not already flagged, so that they are reviewed for impacts on cultural heritage resources.

It's worth noting that sites listed on the State or National Register that are federally or state owned do not require County permits. Therefore, the County does not have the authority to require a Certificate of Appropriateness or Certificate of Review. Naval Base Ventura is a good example of a site with historic structures that is federally owned, but where County building and zoning permits are not required. In practice, however, NEPA clearance for proposed projects has often resulted in review and comment on proposed alterations by your Board as the CLG.

Four Ordinance Issue Areas to Explore

The following four issue areas to be explored with the update to the CHO were identified in the February 2021 Planning Division Work Plan to the Board of Supervisors:

- (1) elimination of the 180-day delay provision outlined in CHO Section 1366-8 to prevent the loss of cultural resources due to alteration or demolition activities that are inconsistent with recommended treatment;
- (2) strengthening of the CHO's enforcement provisions by enabling the CHB to adopt enforceable conditions on proposed projects as opposed to recommendations;
- (3) strengthening and clarification of the CHB review process for proposed demolition, substantial alterations, and additions to Cultural Heritage Sites and potentially eligible Cultural Heritage Sites; and
- (4) establishing a mechanism for the downgrading/delisting of Cultural Heritage Sites when there are instances, such as fires, when a site is destroyed and is no longer eligible for listing.

These Ordinance issue areas are described in detail in Exhibit 5 – Comparative Matrix of Ordinance Issue Areas to Explore. It's worth noting that the first three of these issue areas would require restructuring the current framework used by the Planning Division and the CHB to review and permit alterations to historic resources. Amending the Ordinance to incorporate this restructuring would require further direction from the Board of Supervisors as it would be a significant departure from existing policies and practice. As a result, the draft Ordinance does not integrate revisions to address the first three issue areas. The fourth issue area, to allow downgrading of Cultural Heritage Sites, has been incorporated into the proposed text amendments.

Currently, any impacts to known or potential historic resources are reviewed using the County's Initial Study Assessment Guidelines when the project is discretionary. A historic resource report may be requested and project conditions and mitigation pursuant to CEQA are required and applied. In contrast, projects that come in through the Building & Safety Division or the Planning Division for a ministerial over-the-counter permit are evaluated through a different lens, because they are exempt from CEQA review. This includes projects as diverse as demolition of a structure, window replacement, re-roof permit requests, new fencing or accessory structures on the site, new additions, or other alterations, where there is potential for the project to impact a known or potential Cultural Heritage Site.

County staff first assesses whether the site is a designated Landmark or a Site of Merit (the Cultural Heritage Ordinance establishes criteria for the following types of Cultural Heritage Sites in Ventura County: Landmarks, Sites of Merit, Points of Interest, and Districts). If not, County staff evaluates whether there are any structures over 50 years old on the site that may be impacted in a potentially significant way. If the structure is not already designated, other sources are consulted as needed to determine whether the property appears potentially eligible as a Cultural Heritage Site, including whether a master builder or architect may have designed or constructed the structure in question. Sometimes a historic resource report is requested from the applicant to provide further information. For projects at designated Cultural Heritage Sites or those determined eligible for designation, a Certificate of Appropriateness (COA) or Certificate of Review (COR) is required, depending on the type of property and the project scope of work. Ultimately, some of these projects will be approved by Planning Division staff administratively if it can be determined that the scope of work is consistent with the administrative approval or exemption authority granted by the CHB to staff per CHB Resolution 2017-2.1, adopted July 24, 2017. Pursuant to the Ordinance, others will rise to the level of needing review by the CHB.

When this occurs, a CHB hearing is scheduled and a staff report and presentation prepared that evaluates the proposed project based on the Secretary of the Interior's Standards for the Treatment of Historic Properties ("Secretary of Interior's Standards"). The applicant is invited to the hearing and a dialogue opens between Planning Division staff, the CHB, and the applicant and his/her representatives. Most often this engagement with the applicant results in a project with voluntary recommendations that more closely follows the Secretary of Interior's Standards. The existing Ordinance is structured on the model of educating the applicant on the importance of the historic structure, providing potential alternatives that may be more in keeping with the period of significance, and emphasizing the value of maintaining character defining features. In addition, the Ordinance requires a 180-day delay to issuance of a zoning clearance for the proposed project if the applicant chooses not to follow CHB recommendations and the COA is denied. Since 2010, approximately 90 projects have been reviewed by the CHB. Of these, approximately six cases involved situations wherein CHB recommendations were not followed and

approximately three consisted of cases wherein a designated or potentially eligible Cultural Heritage Site was demolished after an applicant waited out the 180-day delay period. This delay is a motivator, but it does not have the same “teeth” as a permit with conditions or denial would. In addition, pursuant to the Ordinance, applicants for projects at Sites of Merit or potentially eligible Cultural Heritage Sites (except in the case of demolition) are provided as voluntary recommendations through the COR process.

It is within this context that the four issue areas were raised by the CHB in 2019 and then studied and considered by Planning Division staff while modernizing the Ordinance.

- (1) Make the issuance of a COA a discretionary action;
- (2) Remove the 180-day delay following COA denial;
- (3) Create a Discretionary Demolition and Substantial Alteration Permit for Cultural Heritage Sites; and
- (4) Create a Downgrading/Delisting Mechanism for Cultural Heritage Sites.

VI. CEQA COMPLIANCE AND EXEMPTION DETERMINATION:

Pursuant to the requirements of the California Environmental Quality Act (Public Resources Code, Division 13 §21000-21178, “CEQA”), and State CEQA Guidelines (Title 14, California Code of Regulations, §15000-15387), the proposed ordinance amendment was evaluated for compliance with CEQA.

Planning Division staff has determined, and recommends that the CHB find, that the adoption of the proposed Ordinance (Exhibit 3) is exempt from CEQA review pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility the Ordinance amendment will cause a significant effect on the environment, and CEQA Guidelines section 15308 (Actions by Regulatory Agencies for the Protection of the Environment) as an action taken by a regulatory agency to ensure the “maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.” Actions are proposed to provide needed clarity and promote more effective implementation of the Ordinance. Planning Division staff has also determined and recommends that the CHB finds that no substantial evidence exists precluding the use of the above categorical exemptions based on the presence of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2.

VII. RECOMMENDED ACTIONS:

Based upon the analysis and information provided above, CHB staff recommends that the Cultural Heritage Board take the following actions. In addition, your Board may have comments on the ordinance issue areas identified previously or other potential changes to the Ordinance. CHB staff will forward any additional comments to the Board of Supervisors for their review and consideration.

1. **CONDUCT** public hearing, **RECEIVE** oral and written testimony, and **CONSIDER** the Planning Division staff report and all exhibits and attachments hereto;
2. **CERTIFY** that the Cultural Heritage Board has reviewed and considered this staff report and all exhibits hereto, and has considered all comments received during the public comment process;
3. **ADOPT** a Resolution (Exhibit 4) recommending that the Board of Supervisors take the following actions regarding the proposed amendments to the Ventura County Cultural Heritage Ordinance:
 - a. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, the Cultural Heritage Board staff report and all exhibits thereto and has considered all comments received during the public comment process;
 - b. **FIND** on the basis of the entire record and as set forth in Section VI of this Cultural Heritage Board staff report that the adoption of the proposed Ordinance (Exhibit 3) repealing and reenacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing cultural heritage, is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the project may cause a significant effect on the environment, and CEQA Guidelines section 15308 because the Ordinance amendment consists of regulations intended to benefit the environment, and find that no substantial evidence exists precluding the use of the categorical exemption based on the presence of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2;
 - c. **ADOPT** the proposed Ordinance repealing and reenacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing cultural heritage (Exhibit 3); and
 - d. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

Prepared by:



Dillan Murray, Assistant Planner
Ventura County Planning Division
(805) 654-5042

Reviewed by:



Tricia Maier, Manager
Planning Programs Section
(805) 654-2685

Exhibits:

- Exhibit 1 – Cultural Heritage Ordinance No. 4225
- Exhibit 2 – Draft CHO Amendment (Legislative Version, with Staff Comments)
- Exhibit 3 – Draft CHO Amendment (Clean Version)
- Exhibit 4 – Draft CHB Resolution No. 2022-4 to the Board of Supervisors
- Exhibit 5 – Comparative Matrix of Ordinance Issue Areas to Explore
- Exhibit 6 – Previous CHB Meeting Minutes (September 26, 2016, February 11, 2019, and March 11, 2019)

ORDINANCE NO. 4225
AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS
AMENDING DIVISION 1, CHAPTER 3, ARTICLE 5 OF
THE VENTURA COUNTY ORDINANCE CODE,
BEGINNING AT SECTION 1360,
DEALING WITH CULTURAL HERITAGE

Sec. 1360. TITLE. This Article shall be known as and may be cited as the "Cultural Heritage Ordinance".

Sec. 1361. PURPOSE AND FINDINGS The purpose of this Ordinance is to promote the economic and general welfare of the County of Ventura by preserving and protecting public and private historic, cultural and natural resources which are of special historical or aesthetic character or interest, or relocating or recreating such resources where necessary for their preservation and for their use, education, and view by the general public. All such efforts are taken to make the citizens of this County, and visitors and tourists mindful of the rich historical, cultural, and natural heritage of the County.

The Board of Supervisors finds that the County's cultural heritage is constantly being impacted by the removal, demolition, earthquakes and other alterations of sites and structures as documented in the Ventura County Historic Preservation Plan. To offset this adverse impact on our cultural environment, the Board finds that strengthening efforts to preserve and protect this heritage combined with incentives for those willing to participate in this effort are necessary. This strengthening will also benefit economic and general welfare of this County and, therefore, the Board finds that the changes as developed and recommended in the Ventura County Historic Preservation Plan are necessary.

Sec. 1362. APPLICABILITY OF ORDINANCE. The Cultural Heritage Ordinance shall have force and effect only in the unincorporated areas of the County. However, any designated Districts, Landmarks, Sites of Merit, or Points of Interest (hereafter referred to as designated Cultural Heritage Sites) existing as of the effective date of this Ordinance, regardless of their location in the County, shall retain their declared status.

At any time in the future, if the territory upon which a Designated Cultural Heritage Site is annexed to any city, it shall also retain its designated status.

Sec. 1363. CULTURAL HERITAGE BOARD. The Cultural Heritage Board is hereby established, the membership and term of appointment of which shall be as follows:

Sec. 1363-1. Supervisory Appointees. One person who has demonstrated interest in and knowledge of historic preservation and the cultural resources of the County shall be selected by each of the five members of the Board of

Supervisors, and confirmed by a majority of the Board of Supervisors thus providing representation from each Supervisorial District.

Where feasible, Board members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology 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; or persons who have demonstrated special interest, competence, experience or knowledge in historic preservation, American studies, cultural anthropology, cultural geography or other historic preservation-related disciplines.

Sec. 1363-2. Cultural Heritage Board Appointment of Members At Large. Two additional County residents who have demonstrated special interest, competence, experience or knowledge in historic preservation, American studies, cultural anthropology, cultural geography or other historic preservation-related disciplines shall be selected by the five Supervisorial appointed members.

Sec. 1363-3. Term of Appointment. The term of appointment of the Supervisorial appointees shall be for four years corresponding to the established dates of regular Supervisorial terms of office.

If for any reason an incumbent Supervisor's term of office is interrupted, the appointed Cultural Heritage Board member from that District shall remain in service on the Board until the new Supervisor from that area appoints a replacement member.

The term of appointment of Cultural Heritage Board appointees shall be four years, commencing from the date of appointment.

Sec. 1364. FUNCTIONS AND POWERS. The functions and powers of the Cultural Heritage Board shall be:

Sec. 1364-1. Establishment and Evaluation of Potentially Eligible Cultural Heritage Sites. The Cultural Heritage Board shall establish, update and maintain a list of buildings, structures, objects, and sites (including natural features) of historical, architectural, community or aesthetic merit which are considered potentially eligible for Cultural Heritage designation. Said list may include, but not be limited to, those officially designated by agencies of the state or federal government and found in surveys approved by the Cultural Heritage Board. A list of potentially eligible designated Cultural Heritage Sites shall be made available to the County Resource Management Agency and the fact of inclusion on the list shall be made known to each owner of such sites. Said list shall contain a statement indicating, where appropriate, that sites are private

and not open to the public. If owners protest inclusion, the information will be kept confidential and unpublished.

Sec. 1364-2. Hold Public Hearings. Hold public hearings for the purposes of identifying and designating Cultural Heritage Sites, and removing such designations.

Sec. 1364-3. Forward Recommendations. The Cultural Heritage Board shall make recommendations to policy makers and related staff members on issues related to the preservation and enhancement of cultural, historic and natural features in the County.

Sec. 1364-4. Maintain Local Register of Historic Places. Maintain a current list of all designated Federal, State, County and City cultural heritage sites. This information shall be made available to the public. A list of designated Cultural Heritage Sites shall be made available to the County Resource Management Agency and the fact of inclusion on the list shall be made known to each owner of such site.

Sec. 1364-5: Recommend Placement in the California Register of Historical Resources. Recommend to the Board of Supervisors that the County apply to the appropriate state agency to have County designated Cultural Heritage Sites be included in the State Registration of Historical Resources, "State Point of Interest" or sites which have historical significance, which meet state registration criteria, and where the registration would assist in preservation.

Sec. 1364-6. Establish Markers. Determine which designated Cultural Heritage Sites shall be marked with uniform and distinctive markers, the text and design of which shall be approved by the Board.

Sec. 1364-7. Recommend Zoning. Recommend to the Board of Supervisors that a specific property or area be designated a historic or scenic zone.

Sec. 1364-8. Establish Bylaws. Adopt such Bylaws as are necessary to carry out the purpose and intent of this Article.

Sec. 1364-9. Recommend Amendments. Recommend to the Board of Supervisors amendments to this Ordinance when circumstances indicate.

Sec. 1364-10. Designation of Cultural Heritage Sites. Take steps necessary to preserve Cultural Heritage sites when not in conflict with the public health, safety, and general welfare. Such steps may include the creation of civic and citizens' committees; the establishment of a private fund for the acquisition or restoration of such sites; recommendations that such sites be acquired by a governmental agency where private acquisition is not feasible; and recommendations regarding applications for, and administration of, historical property contracts pursuant to Government Code section 50280 et seq.

Sec. 1364-11. Conduct Surveys. Establish criteria and conduct or cause to be conducted comprehensive surveys in conformance with Federal and State survey standards and guidelines for cultural heritage resources within the boundaries of the County which the Board, on the basis of information available or presented to it, has reason to believe may be eligible for designation. Publicize and periodically update the surveys' results. Said surveys will include all Federal and State designated Cultural Heritage sites. Said list shall contain a statement indicating, where appropriate, that sites are private and not open to the public. If owners protest inclusion, the information will be kept confidential and unpublished.

Sec. 1364-12. Conduct Reviews. Adopt standards for reviewing applications for permits to construct, change, alter, modify, remodel, remove or significantly affect any Designated Cultural Heritage Sites or those potentially eligible for such designation. This Section applies only to sites not requiring a Certificate of Appropriateness.

- a. Review and comment upon the conduct of land use, housing and redevelopment, and other types of planning and programs undertaken by any agency as they relate to designated potential or eligible Cultural Heritage Sites.
- b. Prior to issuance of zoning clearances, building permits, or approval of subdivisions, review all applications for permits, environmental assessments, environmental impact reports, environmental impact statements, and other similar documents as set forth in this Ordinance, pertaining to designated and potentially eligible Cultural Heritage Sites. The County Resource Management Agency shall forward all such documents to the Cultural Heritage Board for action at their next scheduled meeting, or designated staff for such minor proposals as designated by resolution of the Cultural Heritage Board for review and comment, prior to approval by that Agency; and
- c. Review the actions and proposed actions, and advise all public agencies concerning the effects of their actions, programs, capital improvements or activities on designated and/or potentially eligible Cultural Heritage Sites.

Sec. 1365. DESIGNATION OF CULTURAL HERITAGE SITES.

Sec. 1365-1. The Cultural Heritage Board shall have the authority to designate Cultural Heritage Sites where the property owner has no objection to a site's designation.

From the time the Cultural Heritage Board adopts its recommendation until the time the Board of Supervisors either declares or determines not to declare the cultural heritage site, the time period involved not to exceed 90 days, the

property owner shall be prohibited from defacing, demolishing, adding to, altering or removing the landmark.

Where the property owner objects to said designation prior to final action by the Cultural Heritage Board, the action of the Cultural Heritage Board shall become a recommendation to the Board of Supervisors which has the final authority. Any aggrieved party may appeal a decision of the Cultural Heritage Board to the Board of Supervisors by filing an appeal with the Planning Director within 10 days of the subject decision.

Sec. 1365-2. After a public hearing, preceded by a 15 day notice to property owners, the Cultural Heritage Board may designate sites as: Districts, Landmarks, Sites of Merit, including all County approved surveyed sites with a National Register status code of 5 or above; or Points of Interest if the applicable standards of Sections 1365 and 1366 are met.

Sec. 1365-3. The Cultural Heritage Board may designate a site on an interim basis for no more than 60 days after said decision while it conducts and assesses evaluations/surveys of the site to determine if it should receive a formal designation as a Cultural Heritage Site. Such designation shall be preceded by a 15 day notice to property owners.

Sec. 1365-4. Removal of Designation. Removal shall be preceded by a 15-day notice to the property owner. If a Designated Cultural Heritage Site is defaced, demolished, added to, altered or moved, and the Cultural Heritage Board determines that the site's integrity has been significantly impacted, the Cultural Heritage Board may remove its designation. Said decision may be appealed to the Board of Supervisors within 15 days.

Sec. 1365-5. DEFINITION AND DESIGNATION CRITERIA FOR CULTURAL HERITAGE SITES. For purposes of this Ordinance, an improvement, natural feature or site may become a designated Cultural Heritage Site if it meets the following applicable criteria:

a. Landmarks -Satisfy one of the following criteria:

- (1) It exemplifies or reflects special elements of the County's social, aesthetic, engineering, architectural or natural history;
- (2) It is associated with events that have made a significant contribution to the broad patterns of Ventura County or its cities, regional history, or the cultural heritage of California or the United States;
- (3) It is associated with the lives of persons important to Ventura County or its cities, California, or national history;

- (4) It has yielded, or has the potential to yield, information important to the prehistory or history of Ventura County or its cities, California or the nation.
 - (5) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values;
 - (6) Integrity: Establish the authenticity of the resource's physical identity by evidence of lack of deterioration and significant survival of the characteristics that existed during its period of importance. This shall be evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling and association.
- b. Sites of Merit - Satisfy the following criteria:
- (1) Sites of historical, architectural, community or aesthetic merit which have not been designated as landmarks or points of interest, but which are deserving of special recognition; and
 - (2) County approved surveyed sites with a National Register status code of 5 or above.
- c. Points of Interest - Satisfy any one of the following criteria.
- (1) That is the site of a building, structure or object that no longer exists, but was associated with historic events, important persons or embodied a distinctive character or architectural style; or
 - (2) That it has historical significance, but has been altered to the extent that the integrity of the original workmanship, materials or style has been substantially compromised; or
 - (3) That the site of a historic event which has no distinguishable characteristics other than that a historic event occurred at that site, and the site is not of sufficient historical significance to justify the establishment of a landmark.
- d. District - Meets the criteria below:
- (1) Possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.
 - (2) Has precisely mapped and defined exterior boundaries, which requires a description of what lies immediately on the edge of the district to allow rational exclusion of adjoining areas.

- (3) Has at least one of the criteria for significance of Section 1365-5.a. 1-8
- (4) Complies with the criteria for integrity contained in Section 1365-5.a.6.

Sec. 1365-6. ADDITIONAL DESIGNATION STANDARDS. In addition to meeting the criteria in Sec. 1365-5 et seq, all the following standards must be met before a site becomes a designated Cultural Heritage Site:

- a. It shall have historic, aesthetic or special character or interest for the general public, and not be limited in interest to a special group of persons;
- b. Its designation shall not require the expenditure by the County of Ventura of any amount of money not commensurate with the value of the object to be preserved; and
- c. Its designation shall not infringe upon the rights of a private owner thereof to make any and all reasonable uses thereof which are not in conflict with the purposes of this Article.

Sec. 1366. Certificate of Appropriateness (COA): Certificates of Appropriateness shall be required for the following categories of sites only: 1. Landmark 2. Points of Interest 3. Demolition of Sites of Merit 4. Demolition of potential sites 5. Designated Cultural Heritage Sites seeking a Planned Development Permit pursuant to Section 8107-37 of the Ventura County Zoning Ordinance. Certificates of Appropriateness (and as they may be conditioned) are authorizations issued by the Cultural Heritage Board, or support staff in accordance with criteria adopted by the Board, which indicate that the proposed maintenance, alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, relocation, or subdivision of a designated Cultural Heritage Site will not adversely affect its cultural heritage values; or unduly compromise the eligibility of a potential site to become a designated Cultural Heritage Site.

Sec. 1366-1. Prior to commencement of or receipt of necessary permits for maintenance, alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, subdivision or relocation, of designated Cultural Heritage Sites or sites potentially eligible for such designation, the land owner shall have:

- a. obtained a Certificate of Appropriateness from the Cultural Heritage Board or staff, as the Board may delegate such authority, or
- b. filed for a COA and waited the time specified in Section 1366-5 without any action being taken on his request for a COA; or
- c. filed for a Certificate of Appropriateness and the relevant time specified in Section 1366-8 has expired;

Sec. 1366-2. The County Resource Management Agency and other applicable County agencies shall report any application for a permit to work on a designated Cultural Heritage Site or potentially eligible site to the Cultural Heritage Board and its staff as soon as the application has been received;

Sec. 1366-3. In evaluating requests for Certificates of Appropriateness, the Cultural Heritage Board and staff shall consider the existing architectural style, design, arrangement, texture, materials, and any other factors with regard to the site's original distinguishing characteristics. Using the Secretary of the Interior's Standards for Historic Preservation Projects as a guide, the Cultural Heritage Board or its staff, as delegated, shall approve a Certificate of Appropriateness, for any proposed work site if, and only if, one of the following findings can be made:

- a. The proposed work will neither adversely affect the significant architectural features nor adversely affect the character of historical, architectural or aesthetic interest or value of the site.
- b. In the case of construction of a new improvement, addition, building or structure upon the site, the use and exterior of such construction will not adversely affect, and will be compatible with the use and, or exterior of the site.
- c. The denial of a Certificate of Appropriateness will deprive the owner of the property of all reasonable use of or economic return on the property.
- d. If the applicant presents facts and clear evidence demonstrating that failure to approve the request for a Certificate of Appropriateness will cause a hardship because of conditions peculiar to the structure or other feature involved, or damage to the property owner is unreasonable in comparison to the benefit conferred to the community, the Board may conditionally approve such Certificate, even though it does not meet the standards set forth herein.
- e. If the request for a COA involves a non-designated site and the proposed work would not compromise the potential future designation of the site.

Sec. 1366-4. Requests for Certificates of Appropriateness shall be signed by the land owner or their designated agent and filed with the County's Resource Management Agency for processing. Requests shall include plans and specifications, and the relationship of the proposed work to the surrounding environs. The request shall be accompanied by any other information the Cultural Heritage Board determines is required to make an informed judgment of the proposed work according to the standards of review pursuant to Section 1364-12.

Sec. 1366-5. If the Cultural Heritage Board or staff, as applicable, fails to act on a request for a Certificate of Appropriateness within ninety (90) days of submission of a complete COA application, a Certificate of Appropriateness shall not be required; proposed projects on undesignated and designated Cultural Heritage Sites may proceed without an approved COA, provided an action is not pending on the designation of the site, and all other necessary permits have been obtained.

Sec. 1366-6. If no building, planning or other permit is required to pursue work on a designated Cultural Heritage Site or potentially eligible site, where the owner has been notified of the site's eligible status; whoever is responsible for the work, whether it is the tenant, resident or property owner, shall apply to the Cultural Heritage Board staff directly for the appropriate authorization pursuant to Sec. 1364-12 or Sec. 1366.;

Sec. 1366-7. The Cultural Heritage Board or staff may disapprove the issuance of said Certificate or Certificates for any proposed work if, and only if, it makes one of the following applicable findings:

- a. The proposed project is to remove or demolish a designated Cultural Heritage site that is determined by the Cultural Heritage Board to be significant and important to the history of the County.
- b. The proposed project would adversely affect the historical significance of the site or would not be compatible with the use and/or exterior of the designated Cultural Heritage site.
- c. The proposed project would adversely affect the eligibility of a potential site to become a designated Cultural Heritage Site.

A decision of staff may be appealed to the Cultural Heritage Board and a Board decision may be appealed to the Board of Supervisors within 15 days of notification of the decision.

Sec. 1366-8. If the request for a Certificate of Appropriateness for a specific project proposal is denied by the Cultural Heritage Board or staff, the property owner of a designated Cultural Heritage Site shall be prohibited from taking action for 180 days from the date of the disapproval. Notwithstanding the provisions of section 1366-7 or any other provision of the Cultural Heritage Ordinance, following the date of denial of a complete Certificate of Appropriateness application by the Ventura County Cultural Heritage Board or by staff, a Certificate of Appropriateness shall not be required as follows: (a) in the case of a designated or interim basis Cultural Historical Site, one hundred eighty (180) days beyond; and (b) in the case of an undesignated site, immediately following such denial. Said decisions may be appealed to the Board of Supervisors within 15 days or decisions by staff may be appealed to

the Cultural Heritage Board within 15 days. There is no waiting period following the denial of a COA for projects on sites not designated an interim or formal Cultural Heritage Site.

Sec. 1366-9. Non-Action After Certificate of Appropriateness. If the property owner has not acted on the Certificate of Appropriateness within one year and 180 days from the date the Cultural Heritage Board or staff approved such action, the Certificate of Appropriateness shall be void.

Sec. 1367. ACQUISITION OF DESIGNATED CULTURAL HERITAGE SITES. If the decision is made that the historical significance of any designated site justifies the expenditure of public funds, acquisition proceedings may be initiated. If the Board of Supervisors finds a site to be of historical significance and public funds are not available, private funds may be used for acquisition or other arrangements may be made that are satisfactory to the property owner.

Sec. 1368. MUNICIPAL CULTURAL HERITAGE. The Cultural Heritage Board, at the request of a city, may serve as the city's Cultural Heritage Board. However, the provisions of this Ordinance, unless adopted by the City Council, shall have force and effect only in the unincorporated area of the County.

Sec. 1369. FUNDS. The Cultural Heritage Board, or other interested persons, may petition the Board of Supervisors for funds necessary to carry out the purposes of this Article. The Board of Supervisors may expend all reasonable amounts of money needed to carry out the purposes of this Article or to acquire fee title or such lessor ownership rights or rights of possession or negative easements as it deems necessary or expedient to carry out the purposes of this Article.

Sec. 1370. COOPERATION. The Cultural Heritage Board shall cooperate with all County departments and officers when requested, and shall recommend for their consideration matters covered by this Ordinance. All Boards, Commissions, Departments, and Officers of the County shall cooperate with the said Cultural Heritage Board in carrying out the spirit and intent of this Ordinance and shall:

Sec. 1370-1. Notify the Cultural Heritage Board of the discovery of items of historical significance, such as burial grounds, prehistoric artifacts or historical foundations;

Sec. 1370-2. Inform the Board of proposed alteration, demolition or relocation of Designated Cultural Heritage Sites or sites eligible for such designation;

Sec. 1370-3. Inform the Board of proposed changes of all road and geographical names; and

Sec. 1370-4. Inform the Board of all County records of historical significance which are to be disposed of or destroyed.

Sec. 1371. EXPENSES. The necessary and reasonable expenses to the operation of the Cultural Heritage Board, as outlined in Section 1364, shall be the responsibility of the County.

Sec. 1372. STATE HISTORIC BUILDING CODE. The California State Historic Building Code (SHBC) provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as cultural resources. The SHBC shall be used for any designated site in the County's building permit procedure.

Sec. 1373. DEFINITIONS. Application of Definitions: Unless the provision or context otherwise requires, the definitions of words and terms as follows shall govern the construction of this Chapter.

"Board" or Cultural Heritage Board". The Ventura County Cultural Heritage Board established by this Ordinance.

"Certificate of Appropriateness". Ventura County Cultural Heritage Board or staff issued authorizations which indicate that the proposed subdivision, rezoning, maintenance, acquisition, stabilization, preservation, reconstruction, protection, alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, relocation, change, remodeling or other project affecting a potential or designated Cultural Heritage Site will not adversely affect its cultural heritage values; or unduly compromise the eligibility of a potential site to become a designated one.

"Cultural Heritage". Pertaining to the sum total of traditions, body of knowledge, etc. inherited as possessions, characteristics, or conditions expressing a traditional way of life subject to gradual, but continuous modifications by succeeding generations.

"Cultural Heritage Site". An improvement, natural feature, site or district that has completed the legally required procedures stipulated in this Ordinance to have it designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors as a District, Landmark, Site of Merit or Point of Interest.

"District". An area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. Historic districts are defined by precise geographic boundaries. Therefore, those with unusual boundaries require a description of what lies immediately adjacent in order to define the edge of the district and to explain the exclusion of adjoining areas.

"Historic fabric". (1) With regard to an historic building, "historic fabric" means the particular materials, ornamentation, and architectural features which are consistent with the historic character of the building. (2) With regard to an historic district, "historic fabric" means all sites, buildings, structures, features, objects, landscaping, street elements, and related design components of the district which are consistent with

the historic character of the district. (3) With regard to an archaeological district, "historic fabric" means sites, standing structures or buildings, historic landscape (land disturbance such as grading or construction), features (remnants of walls), and objects (artifacts) which are consistent with the historic character of the district.

"Landmark". An improvement, natural feature or site of historical, architectural, community or aesthetic merit which meets the criteria specified in this Ordinance and has been so designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors according to the provisions of this Ordinance.

"Owner". Those individuals, partnerships, corporations, or public agencies holding fee simple title to a resource. The term does not include individuals, partnerships, corporations or public agencies holding easements or less than fee simple interests, including leaseholds

"Point of Interest". The location of, or site of, a former improvement or natural feature or of an event possessing historical or cultural characteristics which satisfy the provisions of this Ordinance.

"Potential Cultural Heritage Site". An improvement, natural feature or site of historical, architectural, community or aesthetic merit which may meet the criteria specified in this Ordinance and has not yet been officially designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors as a District, Landmark, Site of Merit or Point of Interest.

"Preservation" (treatment). The act or process of applying measures to sustain the existing form, integrity, or historic fabric of an historical building or structure, or the form or vegetative cover of an historic site. It may include stabilization work, as well as ongoing maintenance of the historic fabric.

"Protection" (treatment). The act or process of applying measures to affect the physical condition of an historical resource by guarding it from deterioration, loss, or attack by natural causes, or to cover or shield it from threat of danger or harm. In the case of buildings or structures, these measures are usually temporary; however, with regard to archaeological resources, protective measures may be temporary or permanent.

"Reconstruction" (treatment). The act or process of reproducing through construction the exact form and detail of a vanished building, structure, or object, or any part thereof, as it appeared at a specified period of time.

"Rehabilitation" (treatment). The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

"Restoration" (treatment). The act or process of reproducing the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

"Secretary of the Interior's Standards". The United States Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, or as most currently promulgated.

"Site". Any parcel or portion of real property, or location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure.

"Site of Merit". Sites of historical, cultural, architectural or aesthetic merit which have not been officially otherwise designated and have been surveyed according to Federal standards as required by Ventura County's Certified Local Government agreement. Said sites shall also be listed in a County approved survey with a National Register status code of 5 or above and have been so designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors according to the provisions of this Ordinance.

"Stabilization" (treatment). The act or process of applying measures designed to establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property, or one which has the potential to deteriorate or to become unsafe, while maintaining the essential form as it exists at present.

"State Historic Building Code". The State Historical Building Code is contained in Part 8 of Title 24 (State Building Standards Code) and applies to all qualified historical structures, districts, and sites designated under federal, state, or local authority. It provides alternatives to the Uniform Building Code in cases consistent with building regulations for the rehabilitation, preservation, restoration or relocation of qualified historic structures designated as historic buildings.

Passed and adopted this 12th day of December, 2000,
by the following vote:

AYES: Supervisors:

Lacey, Schillo, Flynn
and Long.

NOES: Supervisor Mikels.

ABSENT: None.

Larry J. Long
CHAIR, BOARD OF SUPERVISORS

ATTEST:

RICHARD D. DEAN, County
Clerk, County of Ventura,
State of California, and
ex-officio Clerk of the
Board of Supervisors thereof

By Roberta Rodriguez
Deputy Clerk



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ORDINANCE NO. _____ 4225
AN ORDINANCE OF THE VENTURA COUNTY BOARD OF
SUPERVISORS REPEALING AND AMENDING REENACTING
DIVISION 1, CHAPTER 3, ARTICLE 5 OF CHAPTER 3 OF DIVISION 1
OF
THE VENTURA COUNTY ORDINANCE
CODE, BEGINNING AT SECTION 1360,
DEALING WITH ADDRESSING CULTURAL HERITAGE

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

Section 1. Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, is hereby repealed and the subject matter therein is reenacted to read as follows:

Article 5 – Cultural Heritage

Sec. 1360. TITLE. This Article shall be known as and may be cited as the "Ventura County Cultural Heritage Ordinance".

Sec. 1361. PURPOSE AND FINDINGS. The purpose of this Ordinance Article is to promote the economic and general welfare of the County of Ventura by preserving and protecting public and private historic, cultural and natural resources which are of special historical, archaeological, or aesthetic character or interest, or relocating or recreating such resources where necessary for their preservation and for their use, education, and view by the general public. This Article is intended to allow for the identification, inventory, preservation, and protection of cultural, historical, paleontological, and archaeological resources in Ventura County, including Native American resources, for their scientific, educational, and cultural value, consistent with the Ventura County General Plan. All such efforts are taken to make the citizens of this County, and visitors, and tourists mindful of the rich historical, cultural, and natural heritage of the County.

The Board of Supervisors finds that the Ventura County's *cultural heritage* is constantly being impacted by the removal, *demolition*, earthquakes, and other *alterations* of sites and structures as documented in the 2000 Ventura County Historic Preservation Plan. To offset this adverse impact on our cultural environment, the Board of Supervisors finds that strengthening efforts to preserve and protect this heritage, combined with incentives for those willing to participate in this effort, are necessary. This strengthening will also benefit the economic and general welfare of this Ventura County and, therefore, the Board of Supervisors finds that the changes as developed and recommended in the Ventura County Historic Preservation Plan are necessary.

Sec. 1362. APPLICABILITY OF ORDINANCE. The Cultural Heritage Ordinance shall have force and effect only in the unincorporated areas of the Ventura County. However, any designated *Districts, Landmarks, Sites of Merit, or Points of Interest* (hereafter referred to as designated *Cultural Heritage Sites*) existing as of the effective date of this Ordinance Article, regardless of their location in the County,

shall retain their declared status. At any time in the future, if the territory upon which a ~~D~~esignated *Cultural Heritage Site* is annexed to any city, ~~it~~ the site shall also retain its designated status.

Sec. 1363. DEFINITIONS. Application of Definitions: Unless the provision or context otherwise requires, the definitions of words and terms as follows shall govern the construction of this Chapter.

"Alteration": Any change affecting the exterior character-defining features of a potential or designated *Cultural Heritage Site*, including actions that affect the integrity of the resource. For a *Cultural Heritage Site* subject to a Mills Act contract, alteration shall include any change affecting the interior character-defining features thereof.

"Board" or Cultural Heritage Board". The Ventura County Cultural Heritage Board established by this Ordinance.

"Board of Supervisors": The County of Ventura Board of Supervisors.

"State California Historical Building Code": The State California Historical Building Code is a set of regulations contained in Part 8 of Title 24 (State Building Standards Code) of the California Code of Regulations (and authorized by statute under Health and Safety Code sections 18950 et seq.) that and applies to all qualified historical structures, ~~d~~Districts, and sites designated under federal, state, or local authority. It provides alternatives to the Uniform Building Code in cases consistent with building regulations for the rehabilitation, preservation, restoration, or relocation of qualified historic structures designated as historic buildings, Districts, and sites.

"Certificate of Appropriateness": An authorization issued by the Ventura County Cultural Heritage Board or staff its designee issued authorizations—which generally indicates that the proposed subdivision, rezoning, maintenance, acquisition, stabilization, preservation, reconstruction, protection, alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, relocation, change, remodeling or other project affecting a potential or designated *Cultural Heritage Site* will not adversely affect reduce its cultural heritage values; or unduly compromise prevent the eligibility of a potential site Potential Cultural Heritage Site to become a designated one Cultural Heritage Site.

"Certificate of Review": An action by the Cultural Heritage Board or its designee documenting its consideration of, and recommendations, regarding the effects, including environmental effects to historic resources, of permit actions on a potential or designated *Cultural Heritage Site*, where a Certificate of Appropriateness is not required.

"Certified Local Government": The program authorized by the National Historic Preservation Act of 1966 (16 U.S.C. section 470 et seq.) and the subsequent participatory agreement between the County and the State of California Office of Historic Preservation.

"Character-Defining Features": The physical aspects of a site's design and form

which identify it as belonging to a specific time and place. Design, materials, workmanship, form, and style of decorative and structural features and spaces, and spacial relationships both interior, exterior, and environmental. A building, for example, may have character-defining features that include, but are not limited to, the overall shape, massing and form of the building, its roof and roof structures, openings, projections, trim, materials, craftsmanship, decorative details, as well as the various aspects of its site, landscape, and environment.

"Cultural Heritage": Pertaining to the sum total of traditions, ~~and~~ body of knowledge, ~~etc.~~ that are inherited as possessions, characteristics, or conditions expressing a traditional way of life subject to gradual but continuous modifications by succeeding generations.

~~"Board" or~~ Cultural Heritage Board": The ~~Ventura County~~ County of Ventura Cultural Heritage Board established by this Ordinance Article.

"Cultural Heritage Site": An improvement, natural feature, site, or ~~d~~District that has completed the legally required procedures stipulated in this Ordinance Article to have it designated by the ~~Ventura County~~ Cultural Heritage Board or the ~~Ventura County~~ Board of Supervisors as a District, Landmark, Site of Merit, or Point of Interest.

"Demolition": The complete destruction or removal of a structure, tree, landscaping, or natural feature identified as a character-defining feature; the cumulative removal of more than 50 percent of the perimeter walls, roof, or floor area of a structure; or the removal of a substantial portion of a street-facing façade visible from the public right-of-way.

~~"District": An area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically, archaeologically, or aesthetically by plan or physical development. Historic districts are and defined by precise geographic boundaries. Therefore, those with unusual boundaries require a description of what lies immediately adjacent in order to define the edge of the district and to explain the exclusion of adjoining areas. A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, landscapes, structures, or objects, united by past events or aesthetically by plan or physical developments. A district may also be composed of individual elements separated geographically but linked by association or history.~~

"District Contributor": A building, structure, site, feature, or object within a District that embodies the significant physical characteristics and features thereof, or adds to the historical associations, historic architectural qualities, or archaeological values identified for the District, and was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period.

"District Non-Contributor": A building, structure, site, feature, or object within a defined District that is not associated with the significance of the District or was not

present during the period of significance, or has been altered to the extent that it no longer retains integrity. A District Non-Contributor shall not be precluded from being individually eligible as a Site of Merit or Landmark under different significance criteria.

"Downgrade": A reduction in the status of a designated Cultural Heritage Site, such as a re-designation of a Landmark to a Site of Merit or Point of Interest.

"Historic Context": A broad pattern of historical development in a community or its region, which may be represented by historic or prehistoric resources.

"Historic Fabric": (1) With regard to an historic building, "historic fabric" means the particular materials, ornamentation, and architectural features which are consistent with the historic character of the building. (2) With regard to an historic dDistrict, "historic fabric" means all sites, buildings, structures, features, objects, landscaping, street elements, and related design components of the dDistrict which are consistent with the historic character of the dDistrict. (3) With regard to an archaeological dDistrict, "historic fabric" means sites, standing structures, or buildings, historic landscape (land disturbance such as grading or construction), features (remnants of walls), and objects (artifacts) which are consistent with the historic and archaeological character of the dDistrict.

"Integrity": Ability of a property to convey its historical significance, or the authenticity of a property's historic identity, evidenced by the survival of physical characteristics and materials that existed during the property's historic or pre-historic period of significance. A property would typically possess several (although not necessarily all) of the following seven aspects of integrity, as defined in National Register Bulletin 15, to convey its significance: Location, Design, Setting, Materials, Workmanship, Feeling, and Association.

"Landmark": An improvement, natural feature, or site of historical, prehistorical, architectural, community, or aesthetic merit which meets the criteria specified in this Ordinance Article and has been so designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors according to the provisions of this Ordinance Article.

"Owner": Those individuals, partnerships, corporations, or public agencies holding fee simple title to a resource. The term does not include individuals, partnerships, corporations, or public agencies holding easements or less than fee simple interests, including leaseholds, in a resource property.

"Period of Significance": The span of time in which a property attained the significance for which it meets the designation criteria.

"Point of Interest": The location of, or site of, a former improvement or natural feature, or of an event possessing historical or cultural characteristics which satisfy the provisions of this Ordinance Article.

"Potential Cultural Heritage Site": An improvement, natural feature, or site of

historical, architectural, community, or aesthetic merit which may meet the criteria specified in this ~~Ordinance Article~~ and has not yet been officially designated by the ~~Ventura County Cultural Heritage Board~~ or the ~~Ventura County Board of Supervisors~~ as a *District, Landmark, Site of Merit, or Point of Interest*. A *Potential Cultural Heritage Site* may consist of a property listed in the National Register of Historic Places or California Register of Historical Resources that has not completed the legally required procedures for designation as a *Cultural Heritage Site* stipulated in this Article.

"Preservation" (treatment) ~~:- The act or process of applying measures to sustain the existing form, integrity, or historic fabric of an historical building or structure, or the form or vegetative cover of an historic site. It may include stabilization work, as well as ongoing maintenance of the historic fabric. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.~~

"Protection" (treatment) ~~:- The act or process of applying measures to affect the physical condition of an historical resource by guarding it from deterioration, loss, or attack by natural causes, or to cover of shield it from threat of danger or harm. In the case of buildings or structures, these measures are usually temporary; however, with regard to archaeological resources, protective measures may be temporary or permanent.~~

"Reconstruction" (treatment) ~~:- The act or process of reproducing through construction the exact form and detail of a vanished building, structure, or object, or any part thereof, as it appeared at a specified period of time. The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.~~

"Rehabilitation" (treatment) ~~:- The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.~~

"Relocation" ~~:- The removal of a potential or designated *Cultural Heritage Site* from its original location and placement at a new location.~~

"Restoration" (treatment) ~~:- The act or process of reproducing the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time. The act or process of accurately depicting the form, features,~~

and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

"Secretary of the Interior's Professional Qualification Standards": The minimum education and experience required to perform identification, evaluation, registration, and treatment activities (36 Code of Federal Regulations Part 61, as may be amended).

"Secretary of the Interior's Standards": The United States Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, or as most currently promulgated. (U.S. Dept. of Interior, National Park Service Technical Preservation Series, 2017 ed., as may be amended).

"Site": Any parcel or portion of real property, or location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure.

"Site of Merit": Sites A site of historical, cultural, architectural, or aesthetic merit which have has not been officially otherwise designated and have has been surveyed according to Federal standards as required by ~~Ventura County's~~ the County of Ventura's Certified Local Government agreement. Said sites shall also be are listed in a County Board of Supervisors approved survey with a National Register status code of 1 through 5 or above and have been so designated by the ~~Ventura County~~ Cultural Heritage Board or the ~~Ventura County~~ Board of Supervisors according to the provisions of this Ordinance Article.

"Stabilization" (treatment): The act or process of applying measures designed to establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property, or one which a has the potential to deteriorate or to become unsafe, while maintaining the essential form as it exists at present.

[Staff Explanation. As part of a general reorganization and cleanup, definitions shown above were transferred from the current Section 1373. DEFINITIONS. Where indicated in Section 1363, a number of new definitions for key terms are proposed and some existing definitions are revised for additional clarity]

Sec. 13634. CULTURAL HERITAGE BOARD. The Cultural Heritage Board is hereby established, the membership and term of appointment of which shall be as follows:

Sec. 13634-1. Supervisorial Appointees. One person who has demonstrated interest in and knowledge of historic preservation and the cultural resources of the County shall be selected by each of the five members of the Board of

Supervisors, and confirmed by a majority of the *Board of Supervisors* thus providing representation from each Supervisorial District.

Where feasible, Board members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology, 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; or persons who have demonstrated special interest, competence, experience, or knowledge in historic preservation, American studies, cultural anthropology, cultural geography, or other historic preservation-related disciplines.

Sec. 136~~34~~-2. Cultural Heritage Board Appointment of Members At Large. Two additional Ventura County residents who have demonstrated special interest, competence, experience, or knowledge in historic preservation, American studies, cultural anthropology, cultural geography, or other historic preservation-related disciplines shall be selected and confirmed by a majority of the five Supervisorial appointed members Board of Supervisors.

Sec. 136~~34~~-3. Term of Appointment. The term of appointment of the Supervisorial appointees shall be for four years corresponding to the established dates of regular Supervisorial terms of office.

If for any reason an incumbent Supervisor's term of office is interrupted ends prematurely, the appointed *Cultural Heritage Board* member from that District shall remain in service on the Cultural Heritage Board until the new Supervisor from that area Supervisorial District appoints a replacement member.

The term of appointment of *Cultural Heritage Board* at-large appointees shall be four years, commencing from the date of appointment.

Sec. 136~~45~~. FUNCTIONS AND POWERS. The functions and powers of the *Cultural Heritage Board* shall be:

Sec. 136~~45~~-1. Establishment and Evaluation of a List of Potentially Eligible Potential Cultural Heritage Sites. The *Cultural Heritage Board* shall establish, update, and maintain a list of buildings, structures, objects, and sites (including natural features) of historical, architectural, community, or aesthetic merit which are considered potentially eligible for pPotential Cultural Heritage Sites designation. Said list may include, but is not be limited to, those officially designated by agencies of the state or federal government and found in surveys approved by the *Cultural Heritage Board*. A list of potentially eligible designated Cultural Heritage Sites shall be made available to the County Resource Management Agency and the fact of inclusion on the list shall be made known to each owner of such sites. Said list shall contain a statement indicating, where appropriate, that sites are private and not open to the public. If owners protest inclusion, the information will be kept confidential and unpublished.

[Staff Explanation. As part of a general reorganization and cleanup, the text removed in Section 1365-1 was modified and moved to a new category containing miscellaneous Cultural Heritage Program Requirements and Prohibitions in Section 1369-1.]

Sec. 136~~45~~-2. ~~Hold Public Hearings. Designation and Removal of Designation of Cultural Heritage Sites. Upon providing notice to the property owner and conducting a public hearing, the Cultural Heritage Board shall: (a) identify and designate Cultural Heritage Sites, and (b) when justified, remove such designations. Hold public hearings for the purposes of identifying and designating Cultural Heritage Sites, and removing such designations.~~

Sec. 136~~45~~-3. ~~Forward Recommendations. The Cultural Heritage Board shall make recommendations to policy makers and related staff members on issues related to the preservation and enhancement of cultural, historic, and natural features in the unincorporated Ventura County as well as its cities, pursuant to any adopted contract for cultural heritage services with the County.~~

Sec. 136~~45~~-4. ~~Maintain Local Register of Historic Places. The Cultural Heritage Board shall maintain a current list register of all designated Federal, State, County, and City cultural heritage sites. This information shall be made available to the public. A list of designated Cultural Heritage Sites shall be made available to the County Resource Management Agency and the fact of inclusion on the list shall be made known to each owner of such site.~~

[Staff Explanation. As part of a general reorganization and cleanup, the text removed from Section 1365-4 was adapted and added to a new category containing miscellaneous Cultural Heritage Program Requirements and Prohibitions in Section 1369.]

Sec. 136~~45~~-~~54~~: ~~Recommend Placement in the California National Register of Historical Resources Historic Places or California Register of Historical Resources. The Cultural Heritage Board shall Recommend to the Board of Supervisors that the County apply nominate to the appropriate state agency to have County designated Cultural Heritage Sites be included in the State Registration of Historical Resources, "State Point of Interest" or sites which have historical significance, to be listed in the National Register of Historic Places or California Register of Historical Resources which have historical significance, which meet state registration National or State Register criteria, and where the registration would assist in preservation.~~

Sec. 136~~45~~-~~65~~. ~~Establish Markers. The Cultural Heritage Board shall Determine which designated Cultural Heritage Sites shall be marked with uniform and distinctive markers, the text and design of which shall be approved by the Cultural Heritage Board.~~

Sec. 136~~45~~-~~76~~. ~~Recommend Zoning. The Cultural Heritage Board shall Recommend to the Board of Supervisors that a specific property or area be designated a historic or scenic zone, as set forth in the County's zoning ordinances.~~

Sec. 136~~45-87~~. Establish Bylaws. The Cultural Heritage Board shall Aadopt such Bylaws as are necessary to carry out the purpose and intent of this Article.

Sec. 136~~45-98~~. Recommend Amendments. The Cultural Heritage Board may Rrecommend to the Board of Supervisors amendments to this Ordinance Article when circumstances indicate as needed.

Sec. 136~~45-109~~. Designation of Cultural Heritage Sites. The Cultural Heritage Board may Ttake steps necessary to preserve Cultural Heritage sSites when not in conflict with the public health, safety, and general welfare. Such steps may include the designation of Cultural Heritage Sites; the creation of civic and citizens' committees; the establishment of a private fund for the acquisition or *restoration* of such sites; recommendations that such sites be acquired by a governmental agency where private acquisition is not feasible; and recommendations regarding applications for, and administration of, historical property contracts (Mills Act contracts) pursuant to Government Code section 50280 et seq.

Sec. 136~~45-110~~. Conduct Surveys. The Cultural Heritage Board or its designee may Eestablish criteria for and conduct or cause to be conducted comprehensive surveys in conformance with Federal and State survey standards and guidelines for cultural heritage resources within the boundaries of the County which the Cultural Heritage Board, on the basis of information available or presented to it, has reason to believe may be eligible for designation. Said surveys shall include notification to all affected property owners prior to acceptance of the surveys by the Cultural Heritage Board. The Cultural Heritage Board may Ppublicize and periodically update the surveys' results. Said surveys will include all Federal and State designated Ccultural Heritage sites. Said list shall contain a statement indicating, where appropriate, that sites are private and not open to the public. If owners protest inclusion, the information will be kept confidential and unpublished.

[Staff Explanation. As part of a general reorganization and cleanup, the text removed from Section 1365-11 was modified and added to a new category containing miscellaneous Cultural Heritage Program Requirements and Prohibitions in Section 1369.]

Sec. 136~~45-1211~~. Issue Certificates of Appropriateness. The Cultural Heritage Board or its designee shall issue Certificates of Appropriateness for proposals to construct, change, alter, modify, remodel, remove, or significantly affect any potential or designated Cultural Heritage Site which require a Certificate of Appropriateness as provided in this Article.

Sec. 1365-~~43~~12. Conduct Reviews. The Cultural Heritage Board or its designee shall by Certificate of Review Adopt standards for reviewing review applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any potential or Ddesignated Cultural Heritage Sites ~~or those potentially eligible for such designation~~. This Ssection applies only to sites not requiring a Certificate of Appropriateness and shall not apply in the case of demolition.

- ~~a. Review and comment upon the conduct of land use, housing and redevelopment, and other types of planning and programs undertaken by any agency as they relate to designated potential or eligible Cultural Heritage Sites.~~
- ~~b. Prior to issuance of zoning clearances, building permits, or approval of subdivisions, review all applications for permits, environmental assessments, environmental impact reports, environmental impact statements, and other similar documents as set forth in this Ordinance, pertaining to designated and potentially eligible Cultural Heritage Sites. The County Resource Management Agency shall forward all such documents to the Cultural Heritage Board for action at their next scheduled meeting, or designated staff for such minor proposals as designated by resolution of the Cultural Heritage Board for review and comment, prior to approval by that Agency; and~~
- ~~c. Review the actions and proposed actions, and advise all public agencies concerning the effects of their actions, programs, capital improvements or activities on designated and/or potentially eligible Cultural Heritage Sites.~~

[Staff Explanation. The Certificate of Review (COR) process outlined in Section 1365-13 and below in Section 1372 was adapted and modified from the existing Section 1364-12 of the current Ordinance. This proposed revision clarifies the COR process (review and comment) at Sites of Merit and potentially eligible Cultural Heritage Sites to specify that a COR is only required in conjunction with another action requiring a permit from a County agency. This clarification is intended to address the concern of many property owners who are unaware of their property's historic status.]

Sec. 1365-4413. Conduct Environmental Reviews. The Cultural Heritage Board or its designee shall review all applications for discretionary permits pursuant to the County's adopted Initial Study Assessment Guidelines.

Sec. 13656. DESIGNATION OF CULTURAL HERITAGE SITES.

Sec. 13656-1. The Cultural Heritage Board shall have the authority to designate Cultural Heritage Sites where the property owner has no objection to a site's designation.

~~From the time the Cultural Heritage Board adopts its recommendation until the time the Board of Supervisors either declares or determines not to declare the cultural heritage site, the time period involved not to exceed 90 days, the property owner shall be prohibited from defacing, demolishing, adding to, altering or removing the landmark.~~

[Staff Explanation. As part of a general reorganization and cleanup, the text removed from Section 1366-1 was modified and added to a new category containing miscellaneous Cultural Heritage Program Requirements and Prohibitions in Section

1369.]

Where the property owner objects to said designation prior to final action by the *Cultural Heritage Board*, the action of the *Cultural Heritage Board* shall become a recommendation to the *Board of Supervisors* which has the final authority for the designation. ~~Any aggrieved party may appeal a decision of the Cultural Heritage Board to the Board of Supervisors by filing an appeal with the Planning Director within 10 days of the subject decision.~~

[Staff Explanation. The text removed from Section 1366-1 was modified and added to a new category identifying the opportunities to appeal CHB or CHB staff actions in Section 1373.]

~~An application nomination for the designation of a Cultural Heritage Site may be filed by the property owner of the site or the County Resource Management Agency. A nomination for consideration of the designation of a Cultural Heritage Site, upon a presentation by staff at a future hearing. Designations may also be initiated directly by a member of the Cultural Heritage Board if approved by a properly carried motion.~~

Sec. 136~~56~~-2. After a public hearing, preceded by a 15 day notice to the property owner~~(s)~~, the *Cultural Heritage Board* may designate a sites as the following: ~~Districts, Landmarks, Sites of Merit, including all County approved surveyed sites with a National Register (currently referred to as California Register of Historic Resources) status code of 1 through 5;~~ or ~~Points of Interest~~, if the applicable standards criteria of Sections 136~~57~~ and 136~~67-1~~ are met.

Sec. 136~~56~~-3. The *Cultural Heritage Board* may designate a site on an interim basis for no more than 60 days after said decision while it conducts and assesses evaluations/surveys of the site to determine if it should receive a formal designation as a *Cultural Heritage Site*. Such designation shall be preceded by a 15 day notice to property owner~~(s)~~.

~~Sec. 1365-4. Removal of Designation. Removal shall be preceded by a 15-day notice to the property owner. If a Designated Cultural Heritage Site is defaced, demolished, added to, altered or moved, and the Cultural Heritage Board determines that the site's integrity has been significantly impacted, the Cultural Heritage Board may remove its designation. Said decision may be appealed to the Board of Supervisors within 15 days.~~

[Staff Explanation. The text removed from Section 1365-4 was modified and added to a new category identifying the provisions for removal or downgrade of Cultural Heritage Site designations in Section 1368.]

Sec. 136~~5-57~~. DEFINITION AND DESIGNATION CRITERIA FOR DESIGNATION OF CULTURAL HERITAGE SITES.

For purposes of this Ordinance Article, an improvement, natural feature, or site site

may be ~~come a~~ designated a Cultural Heritage Site by the Cultural Heritage Board or Board of Supervisors, as provided in this Article, if it meets the following applicable criteria below:-

a. Landmarks - Satisfy one or more of the following below criteria of significance; in addition to retaining sufficient integrity. In evaluating integrity, the authenticity of the resource's physical identity shall be established by evidence of lack of deterioration and significant survival of the characteristics that existed during its period of significance. This shall be evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association, consistent with applicable National Register of Historic Places Bulletins for evaluating historic properties.

(1) It is associated with events that have made a significant contribution to the broad patterns of Ventura County history;

(2) It is associated with the lives of significant persons in Ventura County's past;

(3) It embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction;

(4) It has yielded, or may be likely to yield, information important in history or prehistory.

~~(1) It exemplifies or reflects special elements of the County's social, aesthetic, engineering, architectural or natural history;~~

~~(2) It is associated with events that have made a significant contribution to the broad patterns of Ventura County or its cities, regional history, or the cultural heritage of California or the United States;~~

~~(3) It is associated with the lives of persons important to Ventura County or its cities, California, or national history;~~

~~(4) It has yielded, or has the potential to yield, information important to the prehistory or history of Ventura County or its cities, California or the nation.~~

~~(5) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values;~~

~~(6) Integrity: Establish the authenticity of the resource's physical identity by evidence of lack of deterioration and significant survival~~

~~of the characteristics that existed during its period of importance. This shall be evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling and association.~~

b. Sites of Merit - Satisfy all of the following criteria:

- (1) Sites of historical, architectural, community, or aesthetic merit which have not been designated as ~~Landmarks~~ or ~~Points of Interest~~, but which are deserving of special recognition; ~~and~~
- (2) County Board of Supervisors approved surveyed sites with a National Register status code of ~~5 or above~~ 1 through 5; ~~and~~
- (3) Retain sufficient integrity as described in Sec. 1367(a).

c. Points of Interest - Satisfy ~~any~~ one of the following criteria:

- (1) ~~That is-~~ The site of a building, structure or object that no longer exists, but was associated with historic events, important persons, or embodied a distinctive character or architectural style; or
- (2) ~~That is-~~ A site that has historical significance, but has been altered to the extent that the *integrity* of the original workmanship, materials, or style has been substantially compromised; or
- (3) ~~That is-~~ The site of a historic event which has no distinguishable characteristics other than that a historic event occurred at that site, and the site is not of sufficient historical significance to justify the establishment of a ~~Landmark~~.

d. Districts - ~~Meets the criteria below~~ Satisfy all of the following criteria:

- (1) Possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development;
- (2) Has precisely mapped and defined exterior boundaries, ~~which requires a description of what lies immediately on the edge of the district to allow rational exclusion of adjoining areas based upon a shared relationship among the properties constituting the District;~~
- (3) Has at least one of the criteria for significance of ~~Section 1365-5.a. 1-8~~ Sec. 1367(a); and
- (4) ~~Complies with the criteria for integrity contained in Section 1365-5.a.6.~~ Retains sufficient integrity as described in Sec. 1367(a).

Sec. 136~~57-61~~. Additional Designation Standards. In addition to meeting the criteria in Sec. ~~1365-5 et. seq.~~ 1367, all the ~~following~~ standards below must

be met before a site becomes a designated *Cultural Heritage Site*. This section shall not apply in the determination of whether a site is eligible for Cultural Heritage Site designation.

- a. It shall have historic, aesthetic or special character or interest for the general public, and not be limited in interest to a special group of persons;
- b. Its designation shall not require the expenditure by the County of Ventura of any amount of money not commensurate with the value of the object to be preserved; and
- c. Its designation shall not infringe upon the rights of a private owner thereof to make ~~any and all~~ reasonable uses thereof which are not in conflict with the purposes of this Article.

Sec. 1368. REMOVAL OR DOWNGRADE OF DESIGNATIONS. An application for the removal or downgrade of the designation of a Cultural Heritage Site may be filed by its property owner, by the County Resource Management Agency, or directly by a member of the Cultural Heritage Board or a member of the Cultural Heritage Board if approved by a properly carried motion. If a designated Cultural Heritage Site is defaced, demolished, added to, altered, or moved, or damaged by natural disaster, including but not limited to, earthquake, fire, or flood, and the Cultural Heritage Board determines that the site's integrity has been impacted, through no fault or neglect of the property owner, to the extent that it no longer meets the criteria for a Cultural Heritage Site, the Cultural Heritage Board shall remove or downgrade its designation. Removal or downgrade actions shall take place following a public hearing preceded by a 15-day notice to the property owner. Private property applicant requests for removal or downgrade of designations shall, as determined necessary by the Planning Director, provide a historic resource report prepared by a professional architectural historian meeting the Secretary of the Interior's Professional Qualification Standards demonstrating the loss of integrity to the Cultural Heritage Site, or, in the instance of a natural disaster, a report demonstrating the loss of integrity due to natural disaster.

Sec. 1369. CULTURAL HERITAGE PROGRAM REQUIREMENTS AND PROHIBITIONS.

Sec. 1369-1. List of Properties Potentially Eligible for Cultural Heritage Site Designation. The County Resource Management Agency shall maintain record of known ~~P~~Potential Cultural Heritage Sites within its applicable land use permitting system.

[Staff Explanation. As part of a general reorganization and cleanup, Section 1369 was added as a new category to the Ordinance containing miscellaneous Cultural Heritage Program Requirements and Prohibitions. Section 1369-1 was adapted from the existing Section 1364-1 of the current Ordinance.]

Sec. 1369-2. Survey Results. Any list of Cultural Heritage resources which may

be eligible for designation as Cultural Heritage Sites resulting from a historic survey shall contain a statement indicating, where appropriate, that sites are private and not open to the public.

[Staff Explanation. As part of a general reorganization and cleanup, Section 1369 was added as a new category to the Ordinance containing miscellaneous Cultural Heritage Program Requirements and Prohibitions. Section 1369-2 was adapted from the existing Section 1364-11 of the current Ordinance.]

Sec. 1369-3. Local Register of Historic Places. The County Resource Management Agency shall maintain a register of designated Cultural Heritage Sites and the fact of inclusion on the register shall be made known to each owner of such site. Said register shall also include Ventura County sites listed in the National Register of Historic Places and California Register of Historical Resources.

[Staff Explanation. As part of a general reorganization and cleanup, Section 1369 was added as a new category to the Ordinance containing miscellaneous Cultural Heritage Program Requirements and Prohibitions. Section 1369-3 was adapted from the existing Section 1364-4 of the current Ordinance and existing noticing requirements for designation of Cultural Heritage Sites are stipulated in Section 1366.]

Sec. 1369-4. Pending Designations. For Cultural Heritage Sites pending designation by the Board of Supervisors, from the time the Cultural Heritage Board adopts its recommendation until the time the Board of Supervisors either declares or determines not to declare the Cultural Heritage Site, the property owner is prohibited from defacing, demolishing, adding to, altering, or removing any feature of the Cultural Heritage Site. This time period is not to exceed 90 days. This section shall not apply to designation of Points of Interest.

[Staff Explanation. As part of a general reorganization and cleanup, Section 1369 was added as a new category to the Ordinance containing miscellaneous Cultural Heritage Program Requirements and Prohibitions. Section 1369-4 was adapted from the existing Section 1365-1 of the current Ordinance.]

Sec. 1369-5. Potential and Designated Cultural Heritage Sites. For those properties that are potentially eligible for Cultural Heritage Site designation and for those properties that have previously been designated Cultural Heritage Sites, the property owner is prohibited from defacing, demolishing, adding to, altering, or removing the potential or designated Cultural Heritage Site until a Certificate of Review or Certificate of Appropriateness, as required, has been processed pursuant to Sections 1371 or 1372, respectively.

Sec. 1369-6. Recordation of Cultural Heritage Site Designation. All designations of Cultural Heritage Sites by the Cultural Heritage Board or Board of Supervisors shall be submitted to the County Clerk and Recorder by means of a certified resolution establishing the designation, which shall be recorded by the County

Clerk and Recorder. When the designation of a Cultural Heritage Site is modified, downgraded, or removed, a certified resolution establishing the modification, downgrade, or removal of the designation, shall be submitted to the County Clerk and Recorder, which shall be recorded by the County Clerk and Recorder.

Sec. 1369-7. Maintenance. The owner, lessee, or other person with actual possession, care, or control of a designated Landmark or District Contributor shall perform maintenance and repairs as needed to prevent the deterioration, decay, or degradation of the property in accordance with the International Property Maintenance Code, as adopted by the Board of Supervisors on November 5, 2019 and as may be amended. Additionally, it is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of a designated Landmark or District Contributor and the interior portions thereof when such maintenance is necessary to prevent deterioration, decay, or degradation of the exterior.

Sec. 1370. INCENTIVES FOR PRESERVING HISTORIC RESOURCES. The following incentives are available where specified to encourage the preservation, maintenance, and appropriate rehabilitation of historic resources, to encourage investment in historic properties, and to aid property owners with potential financial burdens.

Sec. 1370-1. Historical Property Contracts (Mills Act Contracts). The purpose of this section is to implement State of California law (Government Code sections 50280 et seq., or any successor statutes), allowing the approval of Historical Property Contracts by establishing a uniform procedure for the owners of qualified historic properties within unincorporated Ventura County to enter into contracts with the County for purposes of reducing property taxes. For the purposes of Sec. 1370-1, a qualified property shall be a Landmark or District Contributor designated pursuant to the legally required procedures stipulated in this Article. The required provisions of a Historical Property Contract shall be those required by State of California law, including the following specifications:

- a. The contract term shall be 10 years minimum, with automatic renewal yearly on the anniversary of the contract date;
- b. The contract agreement is to assist the preservation of the historic resource; therefore, restoration, and rehabilitation of the property shall conform to the rules and regulations of the State of California Office of Historic Preservation, the Secretary of the Interior's Standards, and the California Historical Building Code;
- c. The owner agrees to permit periodic examination of the interior and exterior of the premises by the County Assessor, the Department of Parks and Recreation, the State Board of Equalization, and the County, as may be necessary to verify the owner's compliance with the contract agreement, and to provide any information requested to ensure

compliance with the contract agreement;

- d. The contract shall be binding on all successors-in-interest of the owner to the benefits and burdens of the contract; and
- e. The procedure for notice of non-renewal by the owner or the County, shall be as identified in State law (Government Code sections 50280 et seq., or any successor statutes).

In addition, the contract shall state that the County may cancel the contract if it determines that the owner has breached any of the conditions of the contract or has allowed the property to deteriorate to the point that it no longer meets the significance criteria under which it was designated. In addition, the contract shall state that if the County cancels the contract for any of these reasons the owner shall pay a cancellation fee of twelve and one-half percent of the full value of the property at the time of cancellation, as determined by the County Assessor without regard to any restriction on the property imposed by the Historical Property Contract. The Planning Director, or designee, shall issue administrative guidelines for implementation of the Historical Property Contract process.

Sec. 1370-2. California Historical Building Code. The California Historical Building Code provides alternative building regulations for permitting repairs, alterations, and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use, or continued use of a qualified historical building or structure, as defined by Health and Safety Code sections 18950 et seq., or any successor statutes the Ventura County Building Code. Any qualified historical building or structure may, upon request of the applicant for a permit, be subject to the provisions of the California Historical Building Code if the work is required to comply with the Secretary of the Interior's Standards.

Sec. 1370-3. Cultural Heritage Sites Deviations. Section 8107-37 of the Ventura County Non-Coastal Zoning Ordinance establishes a mechanism whereby appropriate deviations from the regulations of that Chapter can be granted to promote the enhancement, preservation, rehabilitation, restoration, reconstruction, and maintenance of sites and structures of historical or cultural heritage value through the imposition of design and development standards specific to the site.

Sec. 1370-4. Boarding Houses and Bed-And-Breakfast Inns. A Boarding House and Bed-And-Breakfast Inn land use may be allowed in the Open Space and Agricultural Exclusive zoning districts if the proposed use will occur in an existing structure designated a Cultural Heritage Site and all other required findings can be met, as provided in Section 8107-40 of the Ventura County Non-Coastal Zoning Ordinance.

Sec. 1370-5. Interpretive Centers. An Interpretive Center land use may be

allowed at designated Cultural Heritage Sites in certain zoning districts in compliance with Section 8107-38 of the Ventura County Non-Coastal Zoning Ordinance. The Interpretive Center land use allows for the display of materials with a direct connection to the site and is intended to give the public an opportunity to experience and understand Ventura County's past by exploring sites, structures, and improvements that have played an important role in the cultural and social history and prehistory of Ventura County.

Sec. 1370-6. Historic Repositories. A Historic Repository land use may be allowed at designated Cultural Heritage Sites in certain zoning districts in compliance with Section 8107-39 of the Ventura County Non-Coastal Zoning Ordinance. The Historic Repositories land use allows for the collection and display of structures, facilities, equipment, and the like which are associated with the historic or cultural development of Ventura County.

Sec. 1370-7. Conservation Subdivisions. Section 8211-0 of the Ventura County Subdivision Ordinance authorizes the creation of parcels for conservation purposes, including for the preservation of a historically important land area or a certified historic structure, as defined in Section 8202-0 of the Ventura County Subdivision Ordinance.

Sec. 1370-8. Federal Historic Preservation Tax Certification. The National Park Service (NPS) administers the Federal Historic Preservation Tax Incentives program with the Internal Revenue Service (IRS) and in partnership with State Historic Preservation Offices. The tax incentives promote the rehabilitation of income-producing historic structures of every period, size, style, and type.

Sec. 1370-9. State Historic Rehabilitation Tax Credit. The State of California Office of Historic Preservation and the California Tax Credit Allocation Committee administer the State Historic Rehabilitation Tax Credit. The tax credit provides an incentive for investment in local economies and the rehabilitation of historic buildings that reflect the character of communities.

Sec. 136671. PROCESS FOR CERTIFICATE OF APPROPRIATENESS (COA):.

Sec. 1371-1. Certificates of Appropriateness shall be required for the following categories of sites only: 1. Landmarks; 2. Points of Interest; 2. Districts Contributors; 3. Demolition of Sites of Merit; 4. Demolition of Potential sites Cultural Heritage Sites; and 5. Designated Cultural Heritage Sites seeking where a Planned Development Permit is being sought for the property pursuant to Section 8107-37 (Cultural Heritage Sites Deviations) of the Ventura County Zoning Ordinance. A Certificates of Appropriateness (and as they may be conditioned) are is an authorizations issued by the Cultural Heritage Board, or support staff or its designee in accordance with criteria adopted by the Board in Sec. 1371-4 which indicate that the proposed maintenance, alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, relocation, or subdivision of a designated Cultural Heritage Site will not adversely

~~affect its cultural heritage values; or unduly compromise the eligibility of a potential site to become a designated Cultural Heritage Site. A Certificate of Appropriateness may be approved for a project as proposed, or approved with applicant modifications, or denied by the Cultural Heritage Board.~~

Sec. 13~~6671-42~~. Prior to commencement ~~of~~ or receipt of necessary permits for maintenance, *alteration, restoration, rehabilitation*, remodeling, addition, change of use, *demolition*, subdivision, or *relocation*, of potential or designated Cultural Heritage Sites ~~or sites potentially eligible for such designation, as set forth in Sec. 1371-1~~, the land property owner shall have:

- a. obtained a Certificate of Appropriateness from the Cultural Heritage Board or staff its designee, as the Cultural Heritage Board may delegate such authority, or
- b. filed for a COA Certificate of Appropriateness and waited the time specified in ~~Section 1366-5~~ 1371-6 without any action being taken on ~~his~~ the request for a COA Certificate of Appropriateness; or
- c. filed for a Certificate of Appropriateness and the relevant time specified in ~~Section 1366-8~~ 1371-8 has expired;

Sec. 13~~6671-23~~. The County Resource Management Agency and other applicable County agencies shall report any application for a permit to work on a potential or designated Cultural Heritage Site ~~or potentially eligible site~~ to the Cultural Heritage Board and its staff as soon as the application has been received.

Sec. 13~~6671-34~~. In evaluating a requests for a ~~Certificate~~s of Appropriateness, the Cultural Heritage Board or its designee shall consider the existing architectural style, design, arrangement, texture, materials, and any other factors with regard to the site's ~~original distinguishing characteristics~~ character-defining features. The Cultural Heritage Board or its designee may consider modifications to the proposed scope of work as may be offered by the applicant during the evaluation. Using the ~~Secretary of the Interior's Standards for Historic Preservation Projects~~ Secretary of the Interior's Standards as a guide, the Cultural Heritage Board or its ~~staff designee, as delegated~~, shall approve a Certificate of Appropriateness for any proposed work on the site if, ~~and only if~~, one of the following findings standards can be ~~made~~ met:

- a. The proposed work will neither ~~adversely affect~~ reduce the significant architectural features nor ~~adversely affect~~ reduce the character of historical, architectural, or aesthetic interest or value of the site.
- b. In the case of construction of a new improvement, addition, building, or structure, or object upon the site, the use and exterior of such construction will not ~~adversely affect, and will be compatible with, the use and, or exterior~~ reduce the integrity of the site.

- e. ~~The denial of a Certificate of Appropriateness will deprive the owner of the property of all reasonable use of or economic return on the property.~~
- d. If the request for a ~~COA~~ Certificate of Appropriateness involves a non-designated site and the proposed work would not ~~compromise~~ prevent the potential future designation of the site.
- e. If the applicant presents facts and clear evidence, as described below, demonstrating that failure to approve the request for a *Certificate of Appropriateness* will cause a hardship because of conditions peculiar to the structure or other feature involved, or damage to the property owner is unreasonable in comparison to the benefit conferred to the community, the Cultural Heritage Board may ~~conditionally~~ approve such the Certificate of Appropriateness, even though it does not meet the standards set forth herein. The Cultural Heritage Board is authorized to request that the applicant furnish additional information, documentation, and expert testimony, the cost of which shall be paid by the applicant, to be considered by the Cultural Heritage Board as it may require for its related findings. In determining whether a hardship exists, the Cultural Heritage Board shall consider evidence that demonstrates any of the following:
1. Denial of the application will deprive the owner of the property of all reasonable use of or economic return on the property;
 2. Denial of the application will diminish the value of the subject property so as to leave substantially no value;
 3. Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in this zone;
 4. An adaptive reuse study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical;
 5. Denial of the application would damage the owner of the property unreasonably in comparison to the benefit conferred on the community; or
 6. All means involving County-sponsored incentives have been explored to relieve possible economic disincentives.
- f. In the event that issuance of a Certificate of Appropriateness is required by State or federal law.

Sec. 13~~6671~~-45. A Requests request for a Certificate of Appropriateness shall be signed by the land property owner or their designated agent and filed with the County's Resource Management Agency for processing. The Requests request shall include plans and specifications, and the relationship of the proposed work to the surrounding environs environment. The request shall be accompanied by any other all necessary information the Cultural Heritage Board determines is required needs to make an informed judgment of the proposed work according

to the standards ~~set forth in of review pursuant to~~ Section. 1364-12 1371-4.

Sec. 13~~6671~~-56. If the *Cultural Heritage Board* or its designee, as applicable, fails to act on a request for a *Certificate of Appropriateness* within ~~ninety (90)~~ 90 days of submission of a complete ~~GOA-Certificate of Appropriateness~~ application, a *Certificate of Appropriateness* shall not be required; Upon such a failure to act, a proposed projects on ~~undesigned and designated~~ a potential or designated ~~or potentially eligible~~ *Cultural Heritage Sites* may proceed without an approved ~~GOA-Certificate of Appropriateness~~, provided an action is not pending on the designation of the site, and all other necessary County permits have been obtained.

Sec. 13~~6671~~-67. If no building, planning zoning, land use, or other permit is required to pursue work on a designated Ventura County Landmark Cultural Heritage Site or potentially eligible site, where the owner has been notified of the site's eligible status; then whoever is responsible for the work, whether it is the tenant, resident, or property owner, shall apply to the *Cultural Heritage Board* staff directly for the appropriate authorization pursuant to Sec. ~~1364-12 1371 or~~ Sec. 1366;

~~Sec. 1366-7. The Cultural Heritage Board or staff may disapprove the issuance of said Certificate or Certificates for any proposed work if, and only if, it makes one of the following applicable findings:~~

- ~~a. The proposed project is to remove or demolish a designated Cultural Heritage site that is determined by the Cultural Heritage Board to be significant and important to the history of the County.~~
- ~~b. The proposed project would adversely affect the historical significance of the site or would not be compatible with the use and/or exterior of the designated Cultural Heritage site.~~
- ~~c. The proposed project would adversely affect the eligibility of a potential site to become a designated Cultural Heritage Site.~~

~~A decision of staff may be appealed to the Cultural Heritage Board and a Board decision may be appealed to the Board of Supervisors within 15 days of notification of the decision.~~

Sec. 13~~6671~~-8. If the request for a *Certificate of Appropriateness* for a specific project proposal is denied by the *Cultural Heritage Board* or staff its designee, the property owner of a designated *Cultural Heritage Site* shall be prohibited from taking action for 180 days from the date of the disapproval. Notwithstanding the provisions of ~~sSection. 1366-7 1371-4~~ or any other provision of ~~the Cultural Heritage Ordinance this Article,~~ following the date denial of a complete *Certificate of Appropriateness* application by the ~~Ventura County Cultural Heritage Board or by staff its designee, or the Board of Supervisors on appeal,~~ a *Certificate of Appropriateness* shall ~~not be required~~

~~as follows no longer be necessary for a permit application to proceed according to the following: (a) in the case of a designated Cultural Heritage Site or designated interim basis Cultural Historical Heritage Site, one hundred eighty (180) days beyond; and (b) in the case of an undesignated site, immediately following such denial. Said decisions may be appealed to the Board of Supervisors within 15 days or decisions by staff may be appealed to the Cultural Heritage Board within 15 days. There is no waiting period following the denial of a COA for projects on sites not designated an interim or formal Cultural Heritage Site.~~

Sec. 136671-9. Non-Action After Certificate of Appropriateness. If the property owner has not acted on the Certificate of Appropriateness within one year and 180 days from the date the Cultural Heritage Board or staff its designee approved such action, the Certificate of Appropriateness shall be void. Upon request of the property owner, CHB staff may extend a certificate for an additional period of one year. CHB staff may approve, approve with conditions, or deny any request for extension.

Sec. 1372. PROCESS FOR CERTIFICATE OF REVIEW. This section applies only to Sites of Merit or pPotential Cultural Heritage Sites for which a permit application is received to construct, change, alter, modify, or remodel in a manner that affects the historic fabric character-defining features or integrity of the site. This section applies only to sites not requiring a Certificate of Appropriateness and shall not apply to permit applications for demolition.

Sec. 1372-1. A request for a Certificate of Review shall be signed by the property owner or their designated agent and filed with the County's Resource Management Agency for processing. The request shall include plans and specifications and shall be accompanied by all necessary information the Cultural Heritage Board needs to provide an evaluation of the proposed work according to Sec. 1372-2.

Sec. 1372-2. Prior to issuance of a permit, the County Resource Management Agency shall forward the application materials described in Sec. 1372-1 to the Cultural Heritage Board for action at its next scheduled meeting, or its designee for such minor proposals as designated by resolution of the Cultural Heritage Board for review and comment. For such sites and applications, the Cultural Heritage Board, or its designee, shall:

- a. Using the Secretary of the Interior's Standards as a guide, review and comment upon the permit application as it relates to potential or designated Cultural Heritage Sites; and
- b. Review the permit application, and advise the applicant and/or all public agencies concerning the effects of the proposed action(s) on potential and/or designated Cultural Heritage Sites.

[Staff Explanation. The Certificate of Review (COR) process outlined in Section 1372

was adapted and modified from the existing Section 1364-12 of the current Ordinance. This proposed revision clarifies the COR process (review and comment) at Sites of Merit and potentially eligible Cultural Heritage Sites to specify that a COR is only required in conjunction with another action requiring a permit from a County agency. This clarification is intended to address the concern of many property owners who are unaware of their property's historic status.]

Sec. 1373. APPEALS. An aggrieved party may appeal to the Board of Supervisors any of the following decisions of the Cultural Heritage Board (or in the case of a decision of a designee of the Cultural Heritage Board, such appeal shall first be heard by the Cultural Heritage Board) by filing an appeal application with the Planning Director within ten calendar days (or the following work day if the tenth day falls on a weekend or holiday) of such decision:

- a. Designations of Cultural Heritage Sites;
- b. Removals, modifications, or downgrades of designation of Cultural Heritage Sites; and
- c. Certificates of Appropriateness.

Sec. 1373-1. The application for the appeal shall state the grounds for the appeal and any alleged decision-making error by the Cultural Heritage Board, or its designee. Appeals constitute a de novo hearing of the decision appealed and the Board of Supervisors may, following notice to the property owner and a public hearing, make its own determination on the matter.

[Staff Explanation. Section 1373 is a new proposed category identifying the existing opportunities to appeal CHB or CHB staff actions, in addition to an appeal opportunity for the newly proposed downgrade mechanism.]

Sec. 136774. ACQUISITION OF DESIGNATED CULTURAL HERITAGE SITES. If the decision is made that the historical significance of any designated ~~site~~ Cultural Heritage Site justifies the expenditure of public funds, acquisition proceedings may be initiated. If the Board of Supervisors finds a site to be of historical significance and public funds are not available, private funds may be used for acquisition or other arrangements may be made that are satisfactory to the property owner.

Sec. 136875. MUNICIPAL CULTURAL HERITAGE. The Cultural Heritage Board, at the request of a city, may serve as the city's Cultural Heritage Board. However, the provisions of this Ordinance Article, unless adopted by the City Council, shall have force and effect only in the unincorporated area of the County.

Sec. 136976. FUNDS. The Cultural Heritage Board, or other interested persons, may petition the Board of Supervisors for funds necessary to carry out the purposes of this Article. The Board of Supervisors may expend all reasonable amounts of money needed to carry out the purposes of this Article or to acquire fee title or such lessor ownership rights or rights of possession or negative easements as it deems necessary or expedient to carry out the purposes of this Article.

Sec. 13707. COOPERATION. The *Cultural Heritage Board* shall cooperate with all County departments and officers when requested, and shall recommend for their consideration matters covered by this Ordinance Article. All Boards, Commissions, Departments, and Officers of the County shall cooperate with the said Cultural Heritage Board in carrying out the spirit and intent of this Ordinance Article and shall:

Sec. 13707-1. Notify the *Cultural Heritage Board* of the discovery of items of historical significance, such as burial grounds, prehistoric artifacts, or historical foundations;

Sec. 13707-2. Inform the Cultural Heritage Board of the proposed *alteration, demolition, or relocation* of potential or ~~Designated Cultural Heritage Sites or sites eligible for such designation~~;

Sec. 13707-3. Inform the Cultural Heritage Board of proposed changes of all road and geographical names; and

Sec. 13707-4. Inform the Cultural Heritage Board of all County records of historical significance which are to be disposed of or destroyed.

Sec. 13748. EXPENSES. The necessary and reasonable expenses to the operation of the *Cultural Heritage Board*, as outlined set forth in Section, 1364 1365, shall be the responsibility of the County.

~~Sec. 1372. STATE HISTORIC BUILDING CODE. The California State Historic Building Code (SHBC) provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as cultural resources. The SHBC shall be used for any designated site in the County's building permit procedure.~~

~~Sec. 1379. VIOLATIONS AND ENFORCEMENT. Violations of the provisions of this Article 5 are misdemeanor/ infractions under Sections 13 and 13.1 of the Ventura County Ordinance Code. Violations of the provisions of this Article 5 are also hereby enforceable and subject to civil penalties under the procedures set forth in Article 14 of Chapter 1 of Division 8 of the Ventura County Ordinance Code commencing at Section 8114 et seq. Violations are enforceable by the Planning Director or Code Compliance Director of the Ventura County Resource Management Agency.~~

~~Sec. 1373. DEFINITIONS. Application of Definitions: Unless the provision or context otherwise requires, the definitions of words and terms as follows shall govern the construction of this Chapter.~~

~~"Board" or Cultural Heritage Board". The Ventura County Cultural Heritage Board established by this Ordinance.~~

~~"Certificate of Appropriateness". Ventura County Cultural Heritage Board or staff issued authorizations which indicate that the proposed subdivision, rezoning, maintenance, acquisition, stabilization, preservation, reconstruction, protection,~~

~~alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, relocation, change, remodeling or other project affecting a potential or designated Cultural Heritage Site will not adversely affect its cultural heritage values; or unduly compromise the eligibility of a potential site to become a designated one.~~

~~"Cultural Heritage". Pertaining to the sum total of traditions, body of knowledge, etc. inherited as possessions, characteristics, or conditions expressing a traditional way of life subject to gradual, but continuous modifications by succeeding generations.~~

~~"Cultural Heritage Site". An improvement, natural feature, site or district that has completed the legally required procedures stipulated in this Ordinance to have it designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors as a District, Landmark, Site of Merit or Point of Interest.~~

~~"District". An area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. Historic districts are defined by precise geographic boundaries. Therefore, those with unusual boundaries require a description of what lies immediately adjacent in order to define the edge of the district and to explain the exclusion of adjoining areas.~~

~~"Historic fabric". (1) With regard to an historic building, "historic fabric" means the particular materials, ornamentation, and architectural features which are consistent with the historic character of the building. (2) With regard to an historic district, "historic fabric" means all sites, buildings, structures, features, objects, landscaping, street elements, and related design components of the district which are consistent with the historic character of the district. (3) With regard to an archaeological district, "historic fabric" means sites, standing structures or buildings, historic landscape (land disturbance such as grading or construction), features (remnants of walls), and objects (artifacts) which are consistent with the historic character of the district.~~

~~"Landmark". An improvement, natural feature or site of historical, architectural, community or aesthetic merit which meets the criteria specified in this Ordinance and has been so designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors according to the provisions of this Ordinance.~~

~~"Owner". Those individuals, partnerships, corporations, or public agencies holding fee simple title to a resource. The term does not include individuals, partnerships, corporations or public agencies holding easements or less than fee simple interests, including leaseholds~~

~~"Point of Interest". The location of, or site of, a former improvement or natural feature or of an event possessing historical or cultural characteristics which satisfy the provisions of this Ordinance.~~

~~"Potential Cultural Heritage Site". An improvement, natural feature or site of historical, architectural, community or aesthetic merit which may meet the criteria specified in this Ordinance and has not yet been officially designated by the Ventura~~

~~County Cultural Heritage Board or the Ventura County Board of Supervisors as a District, Landmark, Site of Merit or Point of Interest.~~

~~"Preservation" (treatment). The act or process of applying measures to sustain the existing form, integrity, or historic fabric of an historical building or structure, or the form or vegetative cover of an historic site. It may include stabilization work, as well as ongoing maintenance of the historic fabric.~~

~~"Protection" (treatment). The act or process of applying measures to affect the physical condition of an historical resource by guarding it from deterioration, loss, or attack by natural causes, or to cover or shield it from threat of danger or harm. In the case of buildings or structures, these measures are usually temporary; however, with regard to archaeological resources, protective measures may be temporary or permanent.~~

~~"Reconstruction" (treatment). The act or process of reproducing through construction the exact form and detail of a vanished building, structure, or object, or any part thereof, as it appeared at a specified period of time.~~

~~"Rehabilitation" (treatment). The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.~~

~~"Restoration" (treatment). The act or process of reproducing the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.~~

~~"Secretary of the Interior's Standards". The United States Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, or as most currently promulgated.~~

~~"Site". Any parcel or portion of real property, or location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure.~~

~~"Site of Merit". Sites of historical, cultural, architectural or aesthetic merit which have not been officially otherwise designated and have been surveyed according to Federal standards as required by Ventura County's Certified Local Government agreement. Said sites shall also be listed in a County approved survey with a National Register status code of 5 or above and have been so designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors according to the provisions of this Ordinance.~~

~~"Stabilization" (treatment). The act or process of applying measures designed~~

~~to establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property, or one which has the potential to deteriorate or to become unsafe, while maintaining the essential form as it exists at present.~~

~~"State Historic Building Code". The State Historical Building Code is contained in Part 8 of Title 24 (State Building Standards Code) and applies to all qualified historical structures, districts, and sites designated under federal, state, or local authority. It provides alternatives to the Uniform Building Code in cases consistent with building regulations for the rehabilitation, preservation, restoration or relocation of qualified historic structures designated as historic buildings.~~

[Staff Explanation. As part of a general reorganization and cleanup, definitions shown above were transferred to Sec. 1363. DEFINITIONS. Where indicated in Sec. 1363, a number of new definitions for key terms are proposed and some existing definitions are revised for additional clarity]

Section 2. Severability. This Article's provisions are severable. If any portion of this Article or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Article's remaining portions and the Article's application to other persons and circumstances. The Board of Supervisors declares that it would have passed the remainder of this Article without the invalid or unconstitutional provision.

Section 3. This Ordinance shall be effective and operative 30 days following its final passage.

Passed and adopted this _____ day of _____ 2022, by the following vote:

AYES: Supervisors _____

NOES: _____

ABSENT: _____

ATTEST: _____

CHAIR, BOARD OF SUPERVISORS

DR. SEVET JOHNSON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: _____
Deputy Clerk of the Board

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ORDINANCE NO. _____
AN ORDINANCE OF THE VENTURA COUNTY BOARD OF
SUPERVISORS REPEALING AND REENACTING
ARTICLE 5 OF CHAPTER 3 OF DIVISION 1 OF
THE VENTURA COUNTY ORDINANCE
CODE, BEGINNING AT SECTION 1360,
ADDRESSING CULTURAL HERITAGE

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

Section 1. Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, is hereby repealed and the subject matter therein is reenacted to read as follows:

Article 5 – Cultural Heritage

Sec. 1360. TITLE. This Article shall be known as and may be cited as the "Ventura County Cultural Heritage Ordinance".

Sec. 1361. PURPOSE AND FINDINGS. The purpose of this Article is to promote the economic and general welfare of the County of Ventura by preserving and protecting public and private historic, cultural and natural resources which are of special historical, archaeological, or aesthetic character or interest, or relocating or recreating such resources where necessary for their preservation and for their use, education, and view by the general public. This Article is intended to allow for the identification, inventory, *preservation*, and *protection* of cultural, historical, paleontological, and archaeological resources in Ventura County, including Native American resources, for their scientific, educational, and cultural value, consistent with the Ventura County General Plan. All such efforts are taken to make the citizens of this county, visitors, and tourists mindful of the rich historical, cultural, and natural heritage of the county.

The Board of Supervisors finds that Ventura County's *cultural heritage* is constantly being impacted by removal, *demolition*, earthquakes, and other *alterations* of sites and structures as documented in the 2000 Ventura County Historic Preservation Plan. To offset this adverse impact on our cultural environment, the Board of Supervisors finds that strengthening efforts to preserve and protect this heritage, combined with incentives for those willing to participate in this effort, are necessary. This strengthening will also benefit the economic and general welfare of Ventura County and, therefore, the Board of Supervisors finds that the changes as developed and recommended in the Ventura County Historic Preservation Plan are necessary.

Sec. 1362. APPLICABILITY OF ORDINANCE. The Cultural Heritage Ordinance shall have force and effect only in the unincorporated areas of Ventura County. However, any designated *Districts*, *Landmarks*, *Sites of Merit*, or *Points of Interest* (hereafter referred to as designated *Cultural Heritage Sites*) existing as of the effective date of this Article, regardless of their location in the county, shall retain their declared status. At any time in the future, if the territory upon which a designated *Cultural*

Heritage Site is annexed to any city, the site shall also retain its designated status.

Sec. 1363. DEFINITIONS. Application of Definitions: Unless the provision or context otherwise requires, the definitions of words and terms as follows shall govern the construction of this Chapter.

"Alteration": Any change affecting the exterior *character-defining features* of a potential or designated *Cultural Heritage Site*, including actions that affect the *integrity* of the resource. For a *Cultural Heritage Site* subject to a Mills Act contract, *alteration* shall include any change affecting the interior *character-defining features* thereof.

"Board of Supervisors": The County of Ventura *Board of Supervisors*.

"California Historical Building Code": The *California Historical Building Code* is a set of regulations contained in Part 8 of Title 24 (State Building Standards Code) of the California Code of Regulations (and authorized by statute under Health and Safety Code sections 18950 et seq.) that applies to all qualified historical structures, *Districts*, and sites designated under federal, state, or local authority. It provides alternatives to the Uniform Building Code for the *rehabilitation, preservation, restoration, or relocation* of qualified historic structures, *Districts*, and sites.

"Certificate of Appropriateness": An authorization issued by the *Cultural Heritage Board* or its designee which generally indicates that the proposed subdivision, rezoning, maintenance, acquisition, *stabilization, preservation, reconstruction, protection, alteration, restoration, rehabilitation*, remodeling, addition, change of use, *demolition, relocation*, change, remodeling or other project affecting a potential or designated *Cultural Heritage Site* will not reduce its *cultural heritage* values, or prevent the eligibility of a *Potential Cultural Heritage Site* to become a designated *Cultural Heritage Site*.

"Certificate of Review": An action by the *Cultural Heritage Board* or its designee documenting its consideration of, and recommendations, regarding the effects, including environmental effects to historic resources, of permit actions on a potential or designated *Cultural Heritage Site*, where a *Certificate of Appropriateness* is not required.

"Certified Local Government": The program authorized by the National Historic Preservation Act of 1966 (16 U.S.C. section 470 et seq.) and the subsequent participatory agreement between the County and the State of California Office of Historic Preservation.

"Character-Defining Features": The physical aspects of a site's design and form which identify it as belonging to a specific time and place. Design, materials, workmanship, form, and style of decorative and structural features and spaces, and spacial relationships both interior, exterior, and environmental. A building, for example, may have *character-defining features* that include, but are not limited to, the overall shape, massing and form of the building, its roof and roof structures, openings, projections, trim, materials, craftsmanship, decorative details, as well as the various aspects of its site, landscape, and environment.

"Cultural Heritage": Pertaining to the sum total of traditions and body of knowledge that are inherited as possessions, characteristics, or conditions expressing a traditional way of life subject to gradual but continuous modifications by succeeding generations.

"Cultural Heritage Board": The County of Ventura Cultural Heritage Board established by this Article.

"Cultural Heritage Site": An improvement, natural feature, site, or *District* that has completed the legally required procedures stipulated in this Article to have it designated by the *Cultural Heritage Board* or the *Board of Supervisors* as a *District*, *Landmark*, *Site of Merit*, or *Point of Interest*.

"Demolition": The complete destruction or removal of a structure, tree, landscaping, or natural feature identified as a *character-defining feature*; the cumulative removal of more than 50 percent of the perimeter walls, roof, or floor area of a structure; or the removal of a substantial portion of a street-facing façade visible from the public right-of-way.

"District": A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, landscapes, structures, or objects, united by past events or aesthetically by plan or physical developments. A district may also be composed of individual elements separated geographically but linked by association or history.

"District Contributor": A building, structure, site, feature, or object within a *District* that embodies the significant physical characteristics and features thereof, or adds to the historical associations, historic architectural qualities, or archaeological values identified for the *District*, and was present during the *period of significance*, relates to the documented significance of the property, and possesses historic *integrity* or is capable of yielding important information about the period.

"District Non-Contributor": A building, structure, site, feature, or object within a defined *District* that is not associated with the significance of the *District* or was not present during the *period of significance*, or has been altered to the extent that it no longer retains *integrity*. A *District Non-Contributor* shall not be precluded from being individually eligible as a *Site of Merit* or *Landmark* under different significance criteria.

"Downgrade": A reduction in the status of a designated *Cultural Heritage Site*, such as a re-designation of a *Landmark* to a *Site of Merit* or *Point of Interest*.

"Historic Context": A broad pattern of historical development in a community or its region, which may be represented by historic or prehistoric resources.

"Integrity": Ability of a property to convey its historical significance, or the authenticity of a property's historic identity, evidenced by the survival of physical

characteristics and materials that existed during the property's historic or pre-historic *period of significance*. A property would typically possess several (although not necessarily all) of the following seven aspects of *integrity*, as defined in National Register Bulletin 15, to convey its significance: Location, Design, Setting, Materials, Workmanship, Feeling, and Association.

"Landmark": An improvement, natural feature, or site of historical, prehistorical, architectural, community, or aesthetic merit which meets the criteria specified in this Article and has been so designated by the *Cultural Heritage Board* or the *Board of Supervisors* according to the provisions of this Article.

"Owner": Those individuals, partnerships, corporations, or public agencies holding fee simple title to a resource. The term does not include individuals, partnerships, corporations, or public agencies holding easements or less than fee simple interests, including leaseholds, in a resource property.

"Period of Significance": The span of time in which a property attained the significance for which it meets the designation criteria.

"Point of Interest": The location of, or site of, a former improvement or natural feature, or event possessing historical or cultural characteristics which satisfy the provisions of this Article.

"Potential Cultural Heritage Site": An improvement, natural feature, or site of historical, architectural, community, or aesthetic merit which may meet the criteria specified in this Article and has not yet been officially designated by the *Cultural Heritage Board* or the *Board of Supervisors* as a *District*, *Landmark*, *Site of Merit*, or *Point of Interest*. A *Potential Cultural Heritage Site* may consist of a property listed in the National Register of Historic Places or California Register of Historical Resources that has not completed the legally required procedures for designation as a *Cultural Heritage Site* stipulated in this Article.

"Preservation" (treatment): The act or process of applying measures necessary to sustain the existing form, *integrity*, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a *preservation* project.

"Protection" (treatment): The act or process of applying measures to affect the physical condition of a historical resource by guarding it from deterioration, loss, or attack by natural causes, or to cover or shield it from threat of danger or harm. In the case of buildings or structures, these measures are usually temporary; however, with regard to archaeological resources, protective measures may be temporary or permanent.

"Reconstruction" (treatment): The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

"Rehabilitation" (treatment): The act or process of making possible a compatible use for a property through repair, *alterations*, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

"Relocation": The removal of a potential or designated *Cultural Heritage Site* from its original location and placement at a new location.

"Restoration" (treatment): The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and *reconstruction* of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a *restoration* project.

"Secretary of the Interior's Professional Qualification Standards": The minimum education and experience required to perform identification, evaluation, registration, and treatment activities (36 Code of Federal Regulations Part 61, as may be amended).

"Secretary of the Interior's Standards": The United States *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, or the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (U.S. Dept. of Interior, National Park Service Technical Preservation Series, 2017 ed., as may be amended).

"Site of Merit": A site of historical, cultural, architectural, or aesthetic merit which has not been officially otherwise designated and has been surveyed according to Federal standards as required by the County of Ventura's *Certified Local Government* agreement. Said sites are listed in a *Board of Supervisors* approved survey with a National Register status code of 1 through 5 and have been designated by the *Cultural Heritage Board* or the *Board of Supervisors* according to the provisions of this Article.

"Stabilization" (treatment): The act or process of applying measures designed to establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property, or one which has the potential to deteriorate or to become unsafe, while maintaining the essential form as it exists at present.

Sec. 1364. CULTURAL HERITAGE BOARD. The *Cultural Heritage Board* is hereby established, the membership and term of appointment of which shall be as follows:

Sec. 1364-1. Supervisory Appointees. One person who has demonstrated interest in and knowledge of historic preservation and the cultural resources of the County shall be selected by each of the five members of the *Board of*

Supervisors, and confirmed by a majority of the *Board of Supervisors* thus providing representation from each Supervisorial District.

Where feasible, Board members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology, 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; or persons who have demonstrated special interest, competence, experience, or knowledge in historic preservation, American studies, cultural anthropology, cultural geography, or other historic preservation-related disciplines.

Sec. 1364-2. Cultural Heritage Board Appointment of Members At Large. Two additional Ventura County residents who have demonstrated special interest, competence, experience, or knowledge in historic preservation, American studies, cultural anthropology, cultural geography, or other historic preservation-related disciplines shall be selected and confirmed by a majority of the *Board of Supervisors*.

Sec. 1364-3. Term of Appointment. The term of appointment of the Supervisorial appointees shall be for four years corresponding to the established dates of regular Supervisorial terms of office.

If for any reason an incumbent Supervisor's term of office ends prematurely, the appointed *Cultural Heritage Board* member from that District shall remain in service on the *Cultural Heritage Board* until the new Supervisor from that Supervisorial District appoints a replacement member.

The term of appointment of *Cultural Heritage Board* at-large appointees shall be four years, commencing from the date of appointment.

Sec. 1365. FUNCTIONS AND POWERS. The functions and powers of the *Cultural Heritage Board* shall be:

Sec. 1365-1. Establish a List of Potential Cultural Heritage Sites. The *Cultural Heritage Board* shall establish, update, and maintain a list of buildings, structures, objects, and sites (including natural features) of historical, architectural, community, or aesthetic merit which are considered *Potential Cultural Heritage Sites*. Said list may include, but is not limited to, those officially designated by agencies of the state or federal government and found in surveys approved by the *Cultural Heritage Board*.

Sec. 1365-2. Designation and Removal of Designation of Cultural Heritage Sites. Upon providing notice to the property *owner* and conducting a public hearing, the *Cultural Heritage Board* shall: (a) identify and designate *Cultural Heritage Sites*, and (b) when justified, remove such designations.

Sec. 1365-3. Forward Recommendations. The *Cultural Heritage Board* shall

make recommendations to policy makers and related staff members on issues related to the preservation and enhancement of cultural, historic, and natural features in unincorporated Ventura County as well as its cities, pursuant to any adopted contract for cultural heritage services with the County.

Sec. 1365-4: Recommend Placement in the National Register of Historic Places or California Register of Historical Resources. The *Cultural Heritage Board* shall recommend to the *Board of Supervisors* that the County nominate to the appropriate agency County designated *Cultural Heritage Sites* to be listed in the National Register of Historic Places or California Register of Historical Resources which have historical significance, which meet National or State Register criteria, and where the registration would assist in preservation.

Sec. 1365-5. Establish Markers. The *Cultural Heritage Board* shall determine which designated *Cultural Heritage Sites* shall be marked with uniform and distinctive markers, the text and design of which shall be approved by the *Cultural Heritage Board*.

Sec. 1365-6. Recommend Zoning. The *Cultural Heritage Board* shall recommend to the *Board of Supervisors* that a specific property or area be designated a historic or scenic zone, as set forth in the County's zoning ordinances.

Sec. 1365-7. Establish Bylaws. The *Cultural Heritage Board* shall adopt such Bylaws as are necessary to carry out the purpose and intent of this Article.

Sec. 1365-8. Recommend Amendments. The *Cultural Heritage Board* may recommend to the *Board of Supervisors* amendments to this Article as needed.

Sec. 1365-9. Designation of Cultural Heritage Sites. The *Cultural Heritage Board* may take steps necessary to preserve *Cultural Heritage Sites* when not in conflict with the public health, safety, and general welfare. Such steps may include the designation of *Cultural Heritage Sites*; the creation of civic and citizens' committees; the establishment of a private fund for the acquisition or *restoration* of such sites; recommendations that such sites be acquired by a governmental agency where private acquisition is not feasible; and recommendations regarding applications for, and administration of, historical property contracts (Mills Act contracts) pursuant to Government Code section 50280 et seq.

Sec. 1365-10. Conduct Surveys. The *Cultural Heritage Board* or its designee may establish criteria for and conduct or cause to be conducted comprehensive surveys in conformance with Federal and State survey standards and guidelines for cultural heritage resources within the boundaries of the County which the *Cultural Heritage Board*, on the basis of information available or presented to it, has reason to believe may be eligible for designation. Said surveys shall include notification to all affected property owners prior to acceptance of the surveys by the *Cultural Heritage Board*. The *Cultural Heritage Board* may publicize and periodically update the surveys' results. Said surveys will include all Federal and

State designated cultural heritage sites.

Sec. 1365-11. Issue Certificates of Appropriateness. The *Cultural Heritage Board* or its designee shall issue *Certificates of Appropriateness* for proposals to construct, change, alter, modify, remodel, remove, or significantly affect any potential or designated *Cultural Heritage Site* which require a *Certificate of Appropriateness* as provided in this Article.

Sec. 1365-12. Conduct Reviews. The *Cultural Heritage Board* or its designee shall by *Certificate of Review* review applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any potential or designated *Cultural Heritage Site*. This section applies only to sites not requiring a *Certificate of Appropriateness* and shall not apply in the case of *demolition*.

Sec. 1365-13. Conduct Environmental Reviews. The *Cultural Heritage Board* or its designee shall review all applications for discretionary permits pursuant to the County's adopted Initial Study Assessment Guidelines.

Sec. 1366. DESIGNATION OF CULTURAL HERITAGE SITES.

Sec. 1366-1. The *Cultural Heritage Board* shall have the authority to designate *Cultural Heritage Sites* where the property owner has no objection to a site's designation.

Where the property owner objects to said designation prior to final action by the *Cultural Heritage Board*, the action of the *Cultural Heritage Board* shall become a recommendation to the *Board of Supervisors* which has the final authority for the designation.

A nomination for the designation of a *Cultural Heritage Site* may be filed by the property owner of the site or the County Resource Management Agency. A nomination for consideration of the designation of a *Cultural Heritage Site*, upon a presentation by staff at a future hearing, may also be initiated directly by a member of the *Cultural Heritage Board* if approved by a properly carried motion.

Sec. 1366-2. After a public hearing, preceded by a 15 day notice to the property owner(s), the *Cultural Heritage Board* may designate a site as the following: *District*, *Landmark*, *Site of Merit*, or *Point of Interest*, if the applicable criteria of Sections 1367 and 1367-1 are met.

Sec. 1366-3. The *Cultural Heritage Board* may designate a site on an interim basis for no more than 60 days after said decision while it conducts and assesses evaluations/surveys of the site to determine if it should receive a formal designation as a *Cultural Heritage Site*. Such designation shall be preceded by a 15 day notice to property owner(s).

Sec. 1367. CRITERIA FOR DESIGNATION OF CULTURAL HERITAGE SITES.

For purposes of this Article, a site may be designated a *Cultural Heritage Site* by the *Cultural Heritage Board* or *Board of Supervisors*, as provided in this Article, if it meets the applicable criteria below.

- a. Landmarks - Satisfy one or more of the below criteria of significance, in addition to retaining sufficient *integrity*. In evaluating *integrity*, the authenticity of the resource's physical identity shall be established by evidence of lack of deterioration and significant survival of the characteristics that existed during its *period of significance*. This shall be evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association, consistent with applicable National Register of Historic Places Bulletins for evaluating historic properties.
 - (1) It is associated with events that have made a significant contribution to the broad patterns of Ventura County history;
 - (2) It is associated with the lives of significant persons in Ventura County's past;
 - (3) It embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction;
 - (4) It has yielded, or may be likely to yield, information important in history or prehistory.
- b. Sites of Merit - Satisfy all of the following criteria:
 - (1) Sites of historical, architectural, community, or aesthetic merit which have not been designated as *Landmarks* or *Points of Interest*, but which are deserving of special recognition;
 - (2) *Board of Supervisors* approved surveyed sites with a National Register status code of 1 through 5; and
 - (3) Retain sufficient *integrity* as described in Sec. 1367(a).
- c. Points of Interest - Satisfy one of the following criteria:
 - (1) The site of a building, structure or object that no longer exists, but was associated with historic events, important persons, or embodied a distinctive character or architectural style; or
 - (2) A site that has historical significance, but has been altered to the extent that the *integrity* of the original workmanship, materials, or style has been substantially compromised; or
 - (3) The site of a historic event which has no distinguishable

characteristics other than that a historic event occurred at that site, and the site is not of sufficient historical significance to justify the establishment of a *Landmark*.

d. Districts - Satisfy all of the following criteria:

- (1) Possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development;
- (2) Has precisely mapped and defined boundaries based upon a shared relationship among the properties constituting the *District*;
- (3) Has at least one of the criteria for significance of Sec. 1367(a); and
- (4) Retains sufficient *integrity* as described in Sec. 1367(a).

Sec. 1367-1. Additional Designation Standards. In addition to meeting the criteria in Sec. 1367, all the standards below must be met before a site becomes a designated *Cultural Heritage Site*. This section shall not apply in the determination of whether a site is eligible for *Cultural Heritage Site* designation.

- a. It shall have historic, aesthetic or special character or interest for the general public, and not be limited in interest to a special group of persons;
- b. Its designation shall not require the expenditure by the County of Ventura of any amount of money not commensurate with the value of the object to be preserved; and
- c. Its designation shall not infringe upon the rights of a private *owner* thereof to make reasonable uses thereof which are not in conflict with the purposes of this Article.

Sec. 1368. REMOVAL OR DOWNGRADE OF DESIGNATIONS. An application for the removal or downgrade of the designation of a *Cultural Heritage Site* may be filed by its property *owner*, by the County Resource Management Agency, or directly by the *Cultural Heritage Board* or a member of the *Cultural Heritage Board* if approved by a properly carried motion. If a designated *Cultural Heritage Site* is defaced, demolished, added to, altered, or moved, or damaged by natural disaster, including but not limited to, earthquake, fire, or flood, and the *Cultural Heritage Board* determines that the site's *integrity* has been impacted, through no fault or neglect of the property *owner*, to the extent that it no longer meets the criteria for a *Cultural Heritage Site*, the *Cultural Heritage Board* shall remove or downgrade its designation. Removal or downgrade actions shall take place following a public hearing preceded by a 15-day notice to the property *owner*. Private property applicant requests for removal or downgrade of designations shall, as determined necessary by the Planning Director, provide a historic resource report prepared by a professional architectural historian meeting the *Secretary*

of the Interior's Professional Qualification Standards demonstrating the loss of *integrity* to the *Cultural Heritage Site*, or, in the instance of a natural disaster, a report demonstrating the loss of *integrity* due to natural disaster.

Sec. 1369. CULTURAL HERITAGE PROGRAM REQUIREMENTS AND PROHIBITIONS.

Sec. 1369-1. List of Properties Potentially Eligible for Cultural Heritage Site Designation. The County Resource Management Agency shall maintain record of known *Potential Cultural Heritage Sites* within its applicable land use permitting system.

Sec. 1369-2. Survey Results. Any list of *Cultural Heritage* resources which may be eligible for designation as *Cultural Heritage Sites* resulting from a historic survey shall contain a statement indicating, where appropriate, that sites are private and not open to the public.

Sec. 1369-3. Local Register of Historic Places. The County Resource Management Agency shall maintain a register of designated *Cultural Heritage Sites*. Said register shall also include Ventura County sites listed in the National Register of Historic Places and California Register of Historical Resources.

Sec. 1369-4. Pending Designations. For *Cultural Heritage Sites* pending designation by the *Board of Supervisors*, from the time the *Cultural Heritage Board* adopts its recommendation until the time the *Board of Supervisors* either declares or determines not to declare the *Cultural Heritage Site*, the property owner is prohibited from defacing, demolishing, adding to, altering, or removing any feature of the *Cultural Heritage Site*. This time period is not to exceed 90 days. This section shall not apply to designation of *Points of Interest*.

Sec. 1369-5. Potential and Designated Cultural Heritage Sites. For those properties that are potentially eligible for *Cultural Heritage Site* designation and for those properties that have previously been designated *Cultural Heritage Sites*, the property owner is prohibited from defacing, demolishing, adding to, altering, or removing the potential or designated *Cultural Heritage Site* until a *Certificate of Review* or *Certificate of Appropriateness*, as required, has been processed pursuant to Sections 1371 or 1372, respectively.

Sec. 1369-6. Recordation of Cultural Heritage Site Designation. All designations of *Cultural Heritage Sites* by the *Cultural Heritage Board* or *Board of Supervisors* shall be submitted to the County Clerk and Recorder by means of a certified resolution establishing the designation, which shall be recorded by the County Clerk and Recorder. When the designation of a *Cultural Heritage Site* is modified, downgraded, or removed, a certified resolution establishing the modification, downgrade, or removal of the designation, shall be submitted to the County Clerk and Recorder, which shall be recorded by the County Clerk and Recorder.

Sec. 1369-7. Maintenance. The *owner*, lessee, or other person with actual possession, care, or control of a designated *Landmark* or *District Contributor* shall perform maintenance and repairs as needed to prevent the deterioration, decay, or degradation of the property in accordance with the International Property Maintenance Code, as adopted by the *Board of Supervisors* on November 5, 2019 and as may be amended. Additionally, it is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of a designated *Landmark* or *District Contributor* and the interior portions thereof when such maintenance is necessary to prevent deterioration, decay, or degradation of the exterior.

Sec. 1370. INCENTIVES FOR PRESERVING HISTORIC RESOURCES. The following incentives are available where specified to encourage the *preservation*, maintenance, and appropriate *rehabilitation* of historic resources, to encourage investment in historic properties, and to aid property *owners* with potential financial burdens.

Sec. 1370-1. Historical Property Contracts (Mills Act Contracts). The purpose of this section is to implement State of California law (Government Code sections 50280 et seq., or any successor statutes), allowing the approval of Historical Property Contracts by establishing a uniform procedure for the *owners* of qualified historic properties within unincorporated Ventura County to enter into contracts with the County for purposes of reducing property taxes. For the purposes of Sec. 1370-1, a qualified property shall be a *Landmark* or *District Contributor* designated pursuant to the legally required procedures stipulated in this Article. The required provisions of a Historical Property Contract shall be those required by State of California law, including the following specifications:

- a. The contract term shall be 10 years minimum, with automatic renewal yearly on the anniversary of the contract date;
- b. The contract agreement is to assist the *preservation* of the historic resource; therefore, *restoration*, and *rehabilitation* of the property shall conform to the rules and regulations of the State of California Office of Historic Preservation, the *Secretary of the Interior's Standards*, and the *California Historical Building Code*;
- c. The *owner* agrees to permit periodic examination of the interior and exterior of the premises by the County Assessor, the Department of Parks and Recreation, the State Board of Equalization, and the County, as may be necessary to verify the *owner's* compliance with the contract agreement, and to provide any information requested to ensure compliance with the contract agreement;
- d. The contract shall be binding on all successors-in-interest of the *owner* to the benefits and burdens of the contract; and
- e. The procedure for notice of non-renewal by the *owner* or the County, shall

be as identified in State law (Government Code sections 50280 et seq., or any successor statutes).

In addition, the contract shall state that the County may cancel the contract if it determines that the *owner* has breached any of the conditions of the contract or has allowed the property to deteriorate to the point that it no longer meets the significance criteria under which it was designated. In addition, the contract shall state that if the County cancels the contract for any of these reasons the *owner* shall pay a cancellation fee of twelve and one-half percent of the full value of the property at the time of cancellation, as determined by the County Assessor without regard to any restriction on the property imposed by the Historical Property Contract. The Planning Director, or designee, shall issue administrative guidelines for implementation of the Historical Property Contract process.

Sec. 1370-2. California Historical Building Code. The *California Historical Building Code* provides alternative building regulations for permitting repairs, *alterations*, and additions necessary for the *preservation, rehabilitation, relocation*, related construction, change of use, or continued use of a qualified historical building or structure, as defined by the Ventura County Building Code. Any qualified historical building or structure may, upon request of the applicant for a permit, be subject to the provisions of the *California Historical Building Code* if the work is required to comply with the *Secretary of the Interior's Standards*.

Sec. 1370-3. Cultural Heritage Sites Deviations. Section 8107-37 of the Ventura County Non-Coastal Zoning Ordinance establishes a mechanism whereby appropriate deviations from the regulations of that Chapter can be granted to promote the enhancement, *preservation, rehabilitation, restoration, reconstruction*, and maintenance of sites and structures of historical or *cultural heritage* value through the imposition of design and development standards specific to the site.

Sec. 1370-4. Boarding Houses and Bed-And-Breakfast Inns. A Boarding House and Bed-And-Breakfast Inn land use may be allowed in the Open Space and Agricultural Exclusive zoning districts if the proposed use will occur in an existing structure designated a *Cultural Heritage Site* and all other required findings can be met, as provided in Section 8107-40 of the Ventura County Non-Coastal Zoning Ordinance.

Sec. 1370-5. Interpretive Centers. An Interpretive Center land use may be allowed at designated *Cultural Heritage Sites* in certain zoning districts in compliance with Section 8107-38 of the Ventura County Non-Coastal Zoning Ordinance. The Interpretive Center land use allows for the display of materials with a direct connection to the site and is intended to give the public an opportunity to experience and understand Ventura County's past by exploring sites, structures, and improvements that have played an important role in the cultural and social history and prehistory of Ventura County.

Sec. 1370-6. Historic Repositories. A Historic Repository land use may be allowed at designated *Cultural Heritage Sites* in certain zoning districts in compliance with Section 8107-39 of the Ventura County Non-Coastal Zoning Ordinance. The Historic Repositories land use allows for the collection and display of structures, facilities, equipment, and the like which are associated with the historic or cultural development of Ventura County.

Sec. 1370-7. Conservation Subdivisions. Section 8211-0 of the Ventura County Subdivision Ordinance authorizes the creation of parcels for conservation purposes, including for the preservation of a historically important land area or a certified historic structure, as defined in Section 8202-0 of the Ventura County Subdivision Ordinance.

Sec. 1370-8. Federal Historic Preservation Tax Certification. The National Park Service (NPS) administers the Federal Historic Preservation Tax Incentives program with the Internal Revenue Service (IRS) and in partnership with State Historic Preservation Offices. The tax incentives promote the *rehabilitation* of income-producing historic structures of every period, size, style, and type.

Sec. 1370-9. State Historic Rehabilitation Tax Credit. The State of California Office of Historic Preservation and the California Tax Credit Allocation Committee administer the State Historic Rehabilitation Tax Credit. The tax credit provides an incentive for investment in local economies and the *rehabilitation* of historic buildings that reflect the character of communities.

Sec. 1371. PROCESS FOR CERTIFICATE OF APPROPRIATENESS.

Sec. 1371-1. *Certificates of Appropriateness* shall be required for the following categories of sites only: 1. *Landmarks*; 2. *Districts*; 3. *Demolition of Sites of Merit*; 4. *Demolition of Potential Cultural Heritage Sites*; and 5. Designated *Cultural Heritage Sites* where a Planned Development Permit is being sought for the property pursuant to Section 8107-37 (Cultural Heritage Sites Deviations) of the Ventura County Zoning Ordinance. A *Certificate of Appropriateness* is an authorization issued by the *Cultural Heritage Board* or its designee in accordance with criteria in Sec. 1371-4. A *Certificate of Appropriateness* may be approved for a project as proposed, or approved with applicant modifications, or denied by the *Cultural Heritage Board*.

Sec. 1371-2. Prior to commencement or receipt of necessary permits for maintenance, *alteration*, *restoration*, *rehabilitation*, remodeling, addition, change of use, *demolition*, subdivision, or *relocation* of potential or designated *Cultural Heritage Sites*, as set forth in Sec. 1371-1, the property owner shall have:

- a. obtained a *Certificate of Appropriateness* from the *Cultural Heritage Board* or its designee, as the *Cultural Heritage Board* may delegate such authority, or

- b. filed for a *Certificate of Appropriateness* and waited the time specified in Sec. 1371-6 without any action being taken on the request for a *Certificate of Appropriateness*; or
- c. filed for a *Certificate of Appropriateness* and the relevant time specified in Sec. 1371-8 has expired.

Sec. 1371-3. The County Resource Management Agency and other applicable County agencies shall report any application for a permit to work on a potential or designated *Cultural Heritage Site* to the *Cultural Heritage Board* and its staff as soon as the application has been received.

Sec. 1371-4. In evaluating a request for a *Certificate of Appropriateness*, the *Cultural Heritage Board* or its designee shall consider the existing architectural style, design, arrangement, texture, materials, and any other factors with regard to the site's *character-defining features*. The *Cultural Heritage Board* or its designee may consider modifications to the proposed scope of work as may be offered by the applicant during the evaluation. Using the *Secretary of the Interior's Standards* as a guide, the *Cultural Heritage Board* or its designee shall approve a *Certificate of Appropriateness* for any proposed work on the site if one of the following standards can be met:

- a. The proposed work will neither reduce the significant architectural features nor reduce the character of historical, architectural, or aesthetic interest or value of the site.
- b. In the case of construction of a new improvement, addition, building, or structure, or object upon the site, the use and exterior of such construction will not reduce the *integrity* of the site.
- c. If the request for a *Certificate of Appropriateness* involves a non-designated site and the proposed work would not prevent the potential future designation of the site.
- d. If the applicant presents facts and clear evidence, as described below, demonstrating that failure to approve the request for a *Certificate of Appropriateness* will cause a hardship because of conditions peculiar to the structure or other feature involved, or damage to the property owner is unreasonable in comparison to the benefit conferred to the community, the *Cultural Heritage Board* may approve the *Certificate of Appropriateness*. The *Cultural Heritage Board* is authorized to request that the applicant furnish additional information, documentation, and expert testimony, the cost of which shall be paid by the applicant, to be considered by the *Cultural Heritage Board* as it may require for its related findings. In determining whether a hardship exists, the *Cultural Heritage Board* shall consider evidence that demonstrates any of the following:

1. Denial of the application will deprive the *owner* of the property of all reasonable use of or economic return on the property;
 2. Denial of the application will diminish the value of the subject property so as to leave substantially no value;
 3. Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in this zone;
 4. An adaptive reuse study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical;
 5. Denial of the application would damage the *owner* of the property unreasonably in comparison to the benefit conferred on the community; or
 6. All means involving County-sponsored incentives have been explored to relieve possible economic disincentives.
- e. In the event that issuance of a *Certificate of Appropriateness* is required by State or federal law.

Sec. 1371-5. A request for a *Certificate of Appropriateness* shall be signed by the property *owner* or their designated agent and filed with the County's Resource Management Agency for processing. The request shall include plans and specifications, and the relationship of the proposed work to the surrounding environment. The request shall be accompanied by all necessary information the *Cultural Heritage Board* needs to make an informed judgment of the proposed work according to the standards set forth in Sec. 1371-4.

Sec. 1371-6. If the *Cultural Heritage Board* or its designee, as applicable, fails to act on a request for a *Certificate of Appropriateness* within 90 days of submission of a complete *Certificate of Appropriateness* application, a *Certificate of Appropriateness* shall not be required. Upon such a failure to act, a proposed project on a potential or designated *Cultural Heritage Site* may proceed without an approved *Certificate of Appropriateness*, provided an action is not pending on the designation of the site, and all other necessary County permits have been obtained.

Sec. 1371-7. If no building, zoning, land use, or other permit is required to pursue work on a designated Ventura County *Landmark*, then whoever is responsible for the work, whether it is the tenant, resident, or property *owner*, shall apply to the *Cultural Heritage Board* staff directly for the appropriate authorization pursuant to Sec. 1371.

Sec. 1371-8. If the request for a *Certificate of Appropriateness* for a specific project proposal is denied by the *Cultural Heritage Board* or its designee, the property *owner* of a designated *Cultural Heritage Site* shall be prohibited from taking action for 180 days from the date of the disapproval. Notwithstanding the provisions of Sec. 1371-4 or any other provision of this Article, following the denial of a complete *Certificate of Appropriateness*

application by the *Cultural Heritage Board* or its designee, or the *Board of Supervisors* on appeal, a *Certificate of Appropriateness* shall no longer be necessary for a permit application to proceed according to the following: (a) in the case of a designated *Cultural Heritage Site* or designated interim basis *Cultural Heritage Site*, one hundred eighty (180) days beyond; and (b) in the case of an undesignated site, immediately following such denial.

Sec. 1371-9. Non-Action After Certificate of Appropriateness. If the property owner has not acted on the *Certificate of Appropriateness* within one year and 180 days from the date the *Cultural Heritage Board* or its designee approved such action, the *Certificate of Appropriateness* shall be void.

Sec. 1372. PROCESS FOR CERTIFICATE OF REVIEW. This section applies only to *Sites of Merit* or *Potential Cultural Heritage Sites* for which a permit application is received to construct, change, alter, modify, or remodel in a manner that affects the *character-defining features* or *integrity* of the site. This section applies only to sites not requiring a *Certificate of Appropriateness* and shall not apply to permit applications for *demolition*.

Sec. 1372-1. A request for a *Certificate of Review* shall be signed by the property owner or their designated agent and filed with the County's Resource Management Agency for processing. The request shall include plans and specifications and shall be accompanied by all necessary information the *Cultural Heritage Board* needs to provide an evaluation of the proposed work according to Sec. 1372-2.

Sec. 1372-2. Prior to issuance of a permit, the County Resource Management Agency shall forward the application materials described in Sec. 1372-1 to the *Cultural Heritage Board* for action at its next scheduled meeting, or its designee for such minor proposals as designated by resolution of the *Cultural Heritage Board* for review and comment. For such sites and applications, the *Cultural Heritage Board*, or its designee, shall:

- a. Using the *Secretary of the Interior's Standards* as a guide, review and comment upon the permit application as it relates to potential or designated *Cultural Heritage Sites*; and
- b. Review the permit application, and advise the applicant and/or all public agencies concerning the effects of the proposed action(s) on potential and/or designated *Cultural Heritage Sites*.

Sec. 1373. APPEALS. An aggrieved party may appeal to the *Board of Supervisors* any of the following decisions of the *Cultural Heritage Board* (or in the case of a decision of a designee of the *Cultural Heritage Board*, such appeal shall first be heard by the *Cultural Heritage Board*) by filing an appeal application with the Planning Director within ten calendar days (or the following work day if the tenth day falls on a weekend or holiday) of such decision:

- a. Designations of *Cultural Heritage Sites*;
- b. Removals, modifications, or downgrades of designation of *Cultural Heritage Sites*; and
- c. *Certificates of Appropriateness*.

Sec. 1373-1. The application for the appeal shall state the grounds for the appeal and any alleged decision-making error by the *Cultural Heritage Board*, or its designee. Appeals constitute a de novo hearing of the decision appealed and the *Board of Supervisors* may, following notice to the property owner and a public hearing, make its own determination on the matter.

Sec. 1374. ACQUISITION OF DESIGNATED CULTURAL HERITAGE SITES. If the decision is made that the historical significance of any designated *Cultural Heritage Site* justifies the expenditure of public funds, acquisition proceedings may be initiated. If the *Board of Supervisors* finds a site to be of historical significance and public funds are not available, private funds may be used for acquisition or other arrangements may be made that are satisfactory to the property owner.

Sec. 1375. MUNICIPAL CULTURAL HERITAGE. The *Cultural Heritage Board*, at the request of a city, may serve as the city's Cultural Heritage Board. However, the provisions of this Article, unless adopted by the City Council, shall have force and effect only in the unincorporated area of the County.

Sec. 1376. FUNDS. The *Cultural Heritage Board*, or other interested persons, may petition the *Board of Supervisors* for funds necessary to carry out the purposes of this Article. The *Board of Supervisors* may expend all reasonable amounts of money needed to carry out the purposes of this Article or to acquire fee title or such lessor ownership rights or rights of possession or negative easements as it deems necessary or expedient to carry out the purposes of this Article.

Sec. 1377. COOPERATION. The *Cultural Heritage Board* shall cooperate with all County departments and officers when requested, and shall recommend for their consideration matters covered by this Article. All Boards, Commissions, Departments, and Officers of the County shall cooperate with the *Cultural Heritage Board* in carrying out the spirit and intent of this Article and shall:

Sec. 1377-1. Notify the *Cultural Heritage Board* of the discovery of items of historical significance, such as burial grounds, prehistoric artifacts, or historical foundations;

Sec. 1377-2. Inform the *Cultural Heritage Board* of the proposed *alteration, demolition, or relocation* of potential or designated *Cultural Heritage Sites*;

Sec. 1377-3. Inform the *Cultural Heritage Board* of proposed changes of all road and geographical names; and

Sec. 1377-4. Inform the *Cultural Heritage Board* of all County records of

historical significance which are to be disposed of or destroyed.

Sec. 1378. EXPENSES. The necessary and reasonable expenses to the operation of the *Cultural Heritage Board*, as set forth in Sec. 1365, shall be the responsibility of the County.

Sec. 1379. VIOLATIONS AND ENFORCEMENT. Violations of the provisions of this Article 5 are misdemeanor/ infractions under Sections 13 and 13.1 of the Ventura County Ordinance Code. Violations of the provisions of this Article 5 are also hereby enforceable and subject to civil penalties under the procedures set forth in Article 14 of Chapter 1 of Division 8 of the Ventura County Ordinance Code commencing at Section 8114 et seq. Violations are enforceable by the Planning Director or Code Compliance Director of the Ventura County Resource Management Agency.

Section 2. Severability. This Article's provisions are severable. If any portion of this Article or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Article's remaining portions and the Article's application to other persons and circumstances. The Board of Supervisors declares that it would have passed the remainder of this Article without the invalid or unconstitutional provision.

Section 3. This Ordinance shall be effective and operative 30 days following its final passage.

Passed and adopted this ____ day of _____ 2022, by the following vote:

AYES: Supervisors _____

NOES: _____

ABSENT: _____

ATTEST: _____
CHAIR, BOARD OF SUPERVISORS

DR. SEVET JOHNSON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: _____
Deputy Clerk of the Board

**VENTURA COUNTY CULTURAL HERITAGE BOARD
RESOLUTION NO. 2022-4**

**A RESOLUTION OF THE VENTURA COUNTY CULTURAL HERITAGE
BOARD FOR PL21-0102 REGARDING THE PROPOSED COUNTY-
INITIATED REPEAL AND REENACTMENT OF ARTICLE 5 OF CHAPTER 3
OF DIVISION 1 OF THE VENTURA COUNTY ORDINANCE CODE,
BEGINNING AT SECTION 1360, ADDRESSING CULTURAL HERITAGE**

WHEREAS, on March 28, 2022, the Ventura County Cultural Heritage Board (“CHB”) held a legally noticed public hearing to consider the proposed County of Ventura (“County”) initiated repeal and reenactment of Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing cultural heritage (“Ordinance” or “CHO”);

WHEREAS, the CHB considered all written and oral testimony from County staff and the public on this matter;

NOW, THEREFORE, BE IT RESOLVED, that the Cultural Heritage Board of the County of Ventura recommends that the Board of Supervisors take the following actions regarding the proposed amendments to the Ventura County Cultural Heritage Ordinance:

- a. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, the Cultural Heritage Board staff report and all exhibits thereto and has considered all comments received during the public comment process;
- b. **FIND** on the basis of the entire record and as set forth in Section VI of this Cultural Heritage Board staff report that the adoption of the proposed Ordinance (Exhibit 3 to the CHB staff report) repealing and reenacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing cultural heritage, is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the project may cause a significant effect on the environment, and CEQA Guidelines section 15308 because the Ordinance amendment consists of regulations intended to benefit the environment, and find that no substantial evidence exists precluding the use of the categorical exemption based on the presence of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2;

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| <p>County of Ventura March 28, 2022 Cultural Heritage Board Meeting Item 9a Exhibit 4 – Draft CHB Resolution No. 2022-4 to the Board of Supervisors</p> |
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- c. **ADOPT** the proposed Ordinance repealing and reenacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing cultural heritage (Exhibit 3 to the CHB staff report); and
- d. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

This is to certify the foregoing is a true and correct copy of the Resolution reflecting the Ventura County Cultural Heritage Board's actions taken at its March 28, 2022 public hearing regarding the above-described matter.

Chair
Ventura County Cultural Heritage Board

Date

Attest: _____
Dillan Murray
Assistant Planner
Ventura County Planning Division

Date

Exhibit 5 – Comparative Matrix of Ordinance Issue Areas to Explore

| Potential Policy Change | Rationale | Challenges/Implications | Jurisdictional Comparison |
|---|--|--|---|
| 1. Make the issuance of a Certificate of Appropriateness (COA) a discretionary action. | <p>The current COA review process involves issuance of an authorization by the Cultural Heritage Board or Cultural Heritage Board staff and is considered a ministerial action. A definitive rule in environmental review is such that CEQA does not apply to any ministerial approvals, period, regardless of potential impacts to environmental resources, historic or otherwise. The County’s current historic preservation review process merely delays the issuance of an otherwise ministerial demolition permit, which does not render an otherwise ministerial permitting process discretionary and thus subject to CEQA review. Based on this, the Cultural Heritage Board’s actions regarding a Certificate of Appropriateness are generally advisory in nature.</p> <p>In identifying this issue, the Cultural Heritage Board noted the desire to strengthen the Cultural Heritage Ordinance’s enforcement provisions by enabling the Cultural Heritage Board to adopt enforceable conditions on discretionary projects as opposed to recommendations.</p> | <p>Converting the ministerial COA process into a discretionary one subject to CEQA environmental review would increase the regulatory requirements for owners of historic properties and would extend the County’s development review process resulting in time and cost impacts (in terms of application materials and technical study) to residents and businesses. Further, increasing the regulatory burden required for project reviews may have the effect of discouraging property owners from pursuing designation of their properties as Cultural Heritage Sites.</p> <p>Changes to the County’s development review process would require an increase in Planning Division staff resources to accommodate the additional level of review.</p> | <p>Many jurisdictions have variations of the education, delay, and project partnership approach outlined in the Cultural Heritage Ordinance, while others have a different, more discretionary process. However, it should be noted that the historic commission and/or historic commission staff review process for many jurisdictions is typically limited to designated landmarks and districts.</p> |
| 2. Remove the 180-day delay following denial of a Certificate of Appropriateness (COA). | <p>As provided by Cultural Heritage Ordinance Section 1366, a COA is required only for the following categories of sites: 1. Landmarks, 2. Points of Interest, 3. Demolition of Sites of Merit, 4. Demolition of Potential Sites, and 5. Designated Cultural Heritage Sites seeking a Planned Development Permit pursuant to Section 8107-37 of the Non-Coastal Zoning Ordinance. Section 1366-8 of the Cultural Heritage Ordinance states, in pertinent part, “If the request for a Certificate of Appropriateness for a specific project proposal is denied by the Cultural Heritage Board or staff, the property owner of a designated Cultural Heritage Site shall be prohibited from taking action 180 days from the date of the disapproval.” This has been interpreted to mean after 180 days has lapsed, the Cultural Heritage Ordinance no longer protects the Cultural Heritage Site.</p> <p>This waiting period is intended to allow for project partnership and collaboration between the Cultural Heritage Board, community stakeholders, County representatives, and project applicants to preserve important resources or implement project</p> | <p>The current education, delay, and project partnership approach outlined in the Cultural Heritage Ordinance merely delays the issuance of an otherwise ministerial permit, which does not render an otherwise ministerial permitting process discretionary and thus subject to California Environmental Quality Act (CEQA) review. For discretionary projects, potential impacts to historic resources are currently reviewed pursuant to the County’s adopted Initial Study Assessment Guidelines.</p> <p>Such a change would apply to all projects currently subject to a COA including: demolition of potentially historic structures, demolition of designated Sites of Merit, any project at a Landmark or Point of Interest, and any application for a Planned Development Permit at a Designated Cultural Heritage Site pursuant to Section 8107-37 of the Non-Coastal Zoning Ordinance. This would replace the current COA framework with a discretionary permit framework for all COAs that could not be approved at a staff level. It would increase the regulatory requirements for owners of historic or potentially historic properties and extend the County’s development review process resulting in time and cost</p> | <p>Many jurisdictions have variations of the education, delay, and project partnership approach outlined in the Cultural Heritage Ordinance, while others have a different, more discretionary process. However, it should be noted that the historic commission and/or historic commission staff review process for many jurisdictions is typically limited to designated landmarks and districts.</p> <p>For some jurisdictions (Los Angeles County and Sonoma County, for example), a 180-day waiting period is provided in order to allow for the investigation of project alternatives. Other historic commissions (Santa Barbara County and San Diego County, for example) exist to provide recommendations regarding proposed projects at historic properties and function in a largely advisory role. Some jurisdictions (Kern County, for example) do not have a historic preservation ordinance or commission. However, in other jurisdictions (City of Pasadena, for example) COA applications may be approved or denied with no waiting period, and are therefore considered discretionary and subject to CEQA.</p> |

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| | <p>modifications. The practical effect is the Cultural Heritage Ordinance delays inappropriate alterations and even demolition but does not prevent alteration or demolition.</p> <p>In identifying this issue, the CHB noted their recommendations were simply not strong enough. This revision was requested in order to eliminate the current 180-day delay provision following denial of a COA in order to prevent the loss of cultural resources from inappropriate alteration or demolition activities.</p> | <p>impacts (in terms of application materials and technical study) to residents and businesses. Changes to the County's development review process would require an increase in Planning Division staff resources to accommodate the additional level of review.</p> <p>It should be noted that since 2010, approximately 90 projects have been reviewed by the CHB. Of these, approximately six cases involved situations wherein CHB recommendations were not followed and approximately three consisted of cases wherein a designated or potentially eligible Cultural Heritage Site was demolished after an applicant waited out the 180-day delay period.</p> | |
| 3. Create a Discretionary Demolition and Substantial Alteration Permit for Cultural Heritage Sites. | <p><i>See the information provided previously for Potential Policy Changes #1 and #2.</i></p> <p>The current COA review process is considered a ministerial action. The result is that denial of a COA (where a project fails to meet the Secretary of Interior Standards) merely delays the issuance of an otherwise ministerial permit.</p> <p>In identifying this issue, the CHB noted the desire to strengthen the CHO's enforcement provisions by enabling the CHB to adopt enforceable conditions on some types of projects as opposed to recommendations, which could be accomplished through a discretionary environmental permit process.</p> | <p><i>See the information provided previously for Potential Policy Changes #1 and #2.</i></p> <p>Converting the ministerial COA process into a discretionary one subject to CEQA environmental review, even for some types of projects, would increase the regulatory requirements for owners of historic properties and would require an extend the County's development review process resulting in time and cost impacts (in terms of application materials and technical study) to residents and businesses. additional level of review. Further, increasing the regulatory burden required for project reviews may have the effect of discouraging property owners from pursuing designation of their properties as Cultural Heritage Sites. It would also impact many property owners who do not have designated Landmarks or Sites of Merit and don't realize that their properties contain potentially eligible historic resources that may be subject to the Ordinance.</p> <p>Changes to the County's development review process would require an increase in Planning Division staff resources to accommodate the additional level of review.</p> <p>In conjunction with this change, the current Ordinance sections that establish the delay provision for issuance of a COA following denial (Section 1366-1(c) and Section 1366-8) would require revision in order to establish that they do not apply in the case of demolition or substantial alteration of a Cultural Heritage Site. In addition, the Ordinance would need to be revised to establish what constitutes a substantial alteration.</p> | <i>See the information provided previously for Potential Policy Changes #1 and #2</i> |

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| <p>4. Create a Downgrading/Delisting Mechanism for Cultural Heritage Sites.</p> | <p>The Cultural Heritage Ordinance establishes criteria for the following types of Cultural Heritage Sites in Ventura County: Landmarks, Sites of Merit, Points of Interest, and Districts. The criteria for a Site of Merit, for example, is a lower threshold than that of a Landmark. Moreover, certain land use incentives exist for property owners of County Landmarks.</p> <p>There are instances, such as fires or alterations, when a Ventura County Landmark or Site of Merit is damaged and is no longer eligible for listing at its current designation level. Section 1365-4 of the Cultural Heritage Ordinance contains provisions which allow for the removal of a designation in instances where the Cultural Heritage Site is defaced, demolished, added to, altered or moved, and the Cultural Heritage Board determines the site's integrity has been significantly impacted.</p> <p>In certain cases, it may be appropriate to downgrade a property from a Landmark to a Site of Merit or Point of Interest. This would potentially incentivize property owners to better maintain their property and avoid disrepair or loss of integrity, as certain land use incentives are only available for property owners of County Landmarks.</p> <p>In identifying this issue, the CHB noted the desire to provide for a process for Cultural Heritage Sites to be downgraded.</p> | <p>This potential revision was identified by Planning Division staff as feasible and has already been incorporated into proposed Sec. 1368 of the Draft Cultural Heritage Ordinance (Exhibit 2).</p> <p>Identifying Cultural Heritage Sites which should be downgraded and/or delisted, and bringing those cases before the Cultural Heritage Board, is anticipated to be addressed on a case-by-case basis if the ordinance amendments are approved. Based on a review of CHB Staff time spent related to recent Cultural Heritage Site designation requests, each downgrade and/or delist request is anticipated to require approximately 5-8 hours of CHB Staff time. There is no current Planning Division fee for Cultural Heritage Site designation requests.</p> | <p>Of jurisdictions reviewed, many provide for historic resource designations to be amended (to include new or additional information, for example) or rescinded in the same manner and procedure as designation. A similar downgrade mechanism could not be identified.</p> |
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Ventura County Cultural Heritage Board Minutes

September 26, 2016 at 1:15 p.m.

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • ventura.org/rma/planning

1. Public Meeting was called to order at 1:20.m. by Chair Ricki Mikkelsen at the Ventura County Government Center, Administration Building, Second Floor, Atlantic Conference Room.

Commissioners Present: - Ricki Mikkelsen, Chair, Miguel Fernandez, Vice-Chair, Don Shorts, Stephen Schafer, John Kulwiec, Pat Havens and Gary Blum

Commissioners Absent: None.

Staff Present: Nicole Doner, Tricia Maier, Franca Rosengren and Linda Ash, Asst. County Counsel.

2. Oral Communications: None.

3. Minutes:

April 11, 2016 Minutes – Mr. Blum motioned to approve minutes and Ms. Havens seconded the motion. Motion passed 7-0.

May 09, 2016 Minutes - Mr. Blum motioned to approve minutes and Ms. Havens seconded the motion. Motion passed 7-0.

May 23, 2016 Minutes – Mr. Schafer motioned to approve minutes. Mr. Blum seconded the motion. Motion passed 7-0.

At this time, Mr. Kulwiec stated that he had to leave by 2:15pm and Ms. Ricki Mikkelsen and Ms. Pat Havens stated that they had to leave by 3:00pm.

4. **CONVENE THE MEETING OF THE VENTURA COUNTY CULTURAL HERITAGE BOARD**

County Unincorporated Area

Action: Study Session to discuss potential revisions to the County's Cultural Heritage Ordinance (CHO) pursuant to CHO Section 1364-9.

Ms. Doner presented the staff report, discussed the Session Topics (Exhibit 2) and the following recommended actions:

1. **CONDUCT** the public hearing, **HEAR** testimony, **CONSIDER** the oral and written testimony and **REVIEW** the Planning staff report and all exhibits and attachments hereto;
2. **REVIEW, DISCUSS**, and **COMMENT** on the study session topics.

County of Ventura
March 28, 2022
Cultural Heritage Board Meeting
Item 9a
Exhibit 6 – Previous CHB Meeting Minutes
(September 26, 2016, February 11, 2019, and
March 11, 2019)

Presentation of public speakers in favor of the recommended actions: None.

Deliberation and Vote: Mr. Schafer explained the City of Ventura's five day review process for proposed alterations to undesignated properties and the duties and the authorities of the City of Ventura's Historic Preservation Committee.

The Chair read each of the Cultural Heritage Ordinance Study Session Topics (Exhibit 2) for the Board's review and requested comments from the other Board members.

Items 2 and 3 of Exhibit 2 - Linda Ash mentioned she wanted to see the same CEQA terminology used in the CHO. As an example, she mentioned that in CEQA, statutory law, and in the Public Resources code, the term historic resources is used instead of cultural heritage sites, and eligible and potential historic resources. She mentioned that she would review the CHO for consistency with the law. Another example given by Ms. Ash is that the CHO currently has a standard for COA approval and a different standard for COA denial. She recommends only one standard for both approval and denial. She will be looking at the roles, authority, and powers of the Cultural Heritage Board to see that the Board is not overstepping their boundaries. Ms. Havens asked Ms. Ash what is meant by "case law." Ms. Ash stated that she would write something up to clarify the state law and some of the CEQA cases. Mr. Schafer stated that the Board, five years ago, was not asked to review projects under CEQA and now we are seeing a role in that. Ms. Ash further stated that it's important to track state law. Ms. Ash stated it would be helpful for the Board to review the State public resources code when they are contemplating revising the CHO.

Item 5 of Exhibit 2 - Staff discussed the reasons for removing the additional designation standards currently in the CHO.

Item 6 of Exhibit 2 - Mr. Schaf mentioned that the Board should explore a screening process or threshold to minimize the applicant's time and money.

Item 7 of Exhibit 2 - Staff mentioned that the authority to require maintenance of landmarks should be clarified. Ms. Ash stated that this is a huge issue and the Board would have to have a prohibition and police powers in effect. Ms. Maier described how the civil penalties ordinance works. Mr. Schafer referenced the City of Ventura's penalty for the after-the-fact demolition of a landmark requiring penalty fees and a "scorched earth" policy in effect.

Items 9, 10 and 11 of Exhibit 2 - Staff stated that the revised CHO should incorporate by reference Resolution 2009-1.1 for exemptions and administrative reviews and eliminate the Conduct of Reviews Section under CHO 1364-12.

Items 12 and 13 of Exhibit 2 - Board discussion arose regarding the possible addition of definitions of demolition, alterations, major and minor. Mr. Fernandez stated that there should be some level of fuzziness. Mr. Schafer read the City of Davis' definition of

demolition. Ms. Ash stated that what she understood Ms. Maier was describing was a structure that is 50 years old or older, but not designated, and whether the demolition would affect an historic resource. Ms. Ash asked the Board to determine the trigger for demolition.

Item 14 of Exhibit 2 - Mr. Schafer asked that staff should return with other jurisdictions' examples of minimum district contributor requirements to designate a historic district. Mr. Blum mentioned that mansionization of a contributor would affect the district.

Item 16 of Exhibit 2 - Ms. Maier stated that a 90 day timeline may be kept for ministerial actions.

Item (#17) is tabled for another CHB meeting.

5. DISCUSSION

- a. Board Member Reports
- b. CHB Program Updates from Staff –None

6. Adjournment of the Meeting of the Cultural Heritage Board by Chair Mikkelsen.



Ventura County Cultural Heritage Board Minutes

February 11, 2019 at 1:15 p.m.– Item 3b

County of Ventura • Resource Management Agency • Planning Division
800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-5042 • vcrma.org/divisions/planning

1. CALL TO ORDER THE MEETING OF THE VENTURA COUNTY CULTURAL HERITAGE BOARD

On Monday, February 11, 2019 at 1:15 p.m., the Ventura County Cultural Heritage Board (CHB) convened for a tour of 225 South F Street, Oxnard, CA. The CHB then convened for a Public Meeting at 1:45pm at 225 South F Street, Oxnard, CA

2. ROLL CALL AND DETERMINATION OF A QUORUM

Board Members Present:

Gary Blum, Miguel Fernandez, Darwin McCredie, and John Kulwiec.

Board Members Absent:

Ricki Mikkelsen, Patricia Havens, and Stephen Schafer.

Staff Present:

Denice Thomas, Cultural Heritage Program Manager and Ashley Cook Cultural Heritage Planner.

3. APPROVAL OF AGENDA AND MINUTES OF PREVIOUS MEETING(S)

3.a. Vote to approve the February 11, 2019 Agenda:

CHB Member Kulwiec made a motion to approve the agenda. CHB Member Fernandez seconded the motion. Motion [passed; 4-0].

3.b. Vote to approve the January 28, 2019 Minutes:

CHB Member Kulwiec made a motion to approve the minutes. CHB Member Fernandez seconded the motion. Motion [passed; 4-0].

4. PUBLIC COMMENTS

None.

5. CONTINUED ITEMS

CHB CONVENED AS CITY OF OXNARD CULTURAL HERITAGE BOARD (OCHB)

Location: 225 South F Street, Oxnard, CA 93030

Action: Consider a recommendation to the City of Oxnard City Council to establish a Historical Property Contract (also known as Mills Act Contract) pursuant to Ventura County Ordinance No. 4225 (CHO) §1364-10 and

§50280 of the California Government Code for the subject property at 225 South F Street (See Exhibit 1 – Location Map) (CH19-0004).

Disclosures:

Chair Blum disclosed that he lives a couples blocks away from the property

No Presentation by Staff as item was presented at the previous OCHB meeting. The following actions were recommended

1. **CONSIDER** and **APPROVE** findings one through four, and if approved **CONSIDER** recommending adoption of the proposed Mills Act Contract to the Oxnard City Council.

Discussion and questions by the OCHB Members:

The OCHB Members discussed the request. All questions from the Board Members were adequately addressed.

During the tour OCHB members asked the applicant about the condition of the foundation. The applicant assured the Board that the foundation was inspected, and it does not need repair. She reiterated that if the foundation needed repair she would have included it in the ten-year plan. Chair Blum mentioned that paint on the front porch could be an item to look at the future. The applicant also clarified the proposed repairs to the attic screening.

OCHB Member McCredie made a motion to **APPROVE** findings one through four, and **CONSIDER** recommending adoption of the proposed Mills Act Contract to the Oxnard City Council. OCHB Member Kulwiec seconded the motion. Motion [passed; 4-0].

6. NEW BUSINESS

CHB CONVENED AS THE VENTURA COUNTY CULTURAL HERITAGE BOARD (CHB)

6.a.

Location: Unincorporated Ventura County and Cities with Contracts for Services

Action: Receive presentation, provide input, move to forward the Cultural Heritage Ordinance Issue Areas to the cities with whom we provide contracted services for their feedback, and authorize CHB staff to schedule a work session with representatives from the contracted cities and the full Cultural Heritage Board.

Presentation by Staff:

Denice Thomas gave an oral presentation explaining four key issue areas of the Cultural Heritage Ordinance that were discussed by the subcommittee meeting in January and recommended the following actions:

1. **RECEIVE** a presentation and **MOVE** to forward the Cultural Heritage Ordinance (CHO) Issue Areas to the cities with whom we provide contracted services for their feedback, and **AUTHORIZE** Cultural Heritage Board (CHB) staff to schedule a work session with representatives from the contracted cities and the full CHB.

Discussion and questions by the CHB Members:

The CHB Members discussed the request. All questions from the CHB Members were adequately addressed. Board Member Kulwicz directed staff to include the City of Santa Paula in the upcoming outreach. CHB Member McCredie asked that other Cities how don't currently contract with the Ventura County CHB also be included. CHB Members discussed the idea of the Cultural Heritage Site Permit and whether or not it may be heavy handed. Denice Thomas explained that currently the COA process is not enforceable and that applicants can wait 180 days to do what they want. CHB Member Fernandez who participated in the subcommittee stated that the staff report summarized the issue areas discussed at the subcommittee meeting well.

CHB Member Kulwicz made a motion to MOVE to forward the (CHO) Issue Areas to the cities with whom we provide contracted services for their feedback and **AUTHORIZE** (CHB) staff to schedule a work session with representatives from the contracted cities and the full CHB. CHB Member McCredie seconded the motion. Motion [passed; 4-0].

7. REPORTS

7.a. CHB Member Reports:

CHB Member Fernandez: None

CHB Member Kulwicz reiterated that the City of Santa Paula is looking at creating their own Cultural Heritage Board and he thinks it is a mistake and directed Staff to contact them with a letter and maybe offer an example of how the contract and billing works out.

CHB Member McCredie reported that he is on the City of Ojai Cultural Heritage Board and they are looking at reducing the amount of Board Members from seven to five.

CHB Chair Blum: None

7.b. CHB Program Updates from Staff:

Manager Denice Thomas reported that CHB staff has been in contact with the City of Oxnard regarding unpermitted demolition at the Leonard Ranch. Staff has noticed that the original porch and porch cover has been removed and is hoping to work with the City of Oxnard to place a stop work order on the building. She also reported that there is Grant Available to CLG's that can be used for revisions to CHO, and it is Staff's goal to apply for the grant in the next couple of months. Denice also reported that the meeting of twice a month may change to one meeting a month.

Ashley Cook reported that she has been in contact with the Planner that is coordinating the Downtown code for the City of Oxnard. The Downtown Code will not have a Programmatic EIR done, as they are just doing an amendment to the General Plan. The Downtown Code will not be reviewed by the OCHB as the City of Oxnard is not forwarding it. The public comment period has ended however the City is willing to hear the OCHB concerns before it goes before the planning commission. Ashley Cook asked that Board Members send any specific comments to her to be included and she will draft a letter to the City of Oxnard.

8. NEXT MEETING

The next regularly scheduled meeting is February 25, 2019.

9. ADJOURNMENT

At 2:31 p.m., the Cultural Heritage Board concurred to adjourn.



Gary Blum, Chair

ATTEST:

 *Dillian Murray for*

Denice Thomas, Cultural Heritage Program Manager



Ventura County Cultural Heritage Board Minutes

March 11, 2019 at 1:15 p.m.– Item 3b

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-5042 • vcrma.org/divisions/planning

1. CALL TO ORDER THE MEETING OF THE VENTURA COUNTY CULTURAL HERITAGE BOARD

Public Meeting was called to order at 1:15 p.m. by Chair Blum at the Ventura County Government Center, Administration Building, Second Floor, Atlantic Conference Room.

2. ROLL CALL AND DETERMINATION OF A QUORUM

CHB Members Present:

Gary Blum, Miguel Fernandez, Darwin McCredie, Phil Englander and John Kulwicz

CHB Members Absent:

Ricki Mikkelsen, Stephen Schafer

Staff Present:

Denice Thomas, Cultural Heritage Program Manager, Ashley Cook, Cultural Heritage Planner of the Planning Division.

3. APPROVAL OF AGENDA AND MINUTES OF PREVIOUS MEETING(S)

3.a. Vote to approve the March 11, 2019 Agenda:

CHB Member Fernandez made a motion to approve the agenda. CHB Member McCredie seconded the motion. Motion [passed; 5-0].

3.b. Vote to approve the February 25, 2019 Minutes:

CHB Member Fernandez made a motion to approve the minutes. CHB Member McCredie seconded the motion. Motion [passed; 5-0].

4. PUBLIC COMMENTS

None.

5. CONTINUED ITEMS

None.

6. NEW BUSINESS

6.a. Location:

County-wide

Action:

RECEIVE a presentation of the key issue areas with the existing CHO and **RECEIVE** feedback and input from those in attendance.

Disclosures:

None

Presentation by Staff:

Denice Thomas gave an oral presentation describing the key issues area that the subcommittee identified in revising the Cultural Heritage Ordinance (CHO). The issue areas are as follows:

- 180-Day Delay
- Cultural Heritage Site (CHS) Stand-Alone Permit
- Discretionary Demolition Permit for CHS
- Downgrading/Delisting

Discussion and questions by the Cultural Heritage Board (CHB) Members and Contract Cities:

Cities in Attendance:

Juan Martinez - City of Oxnard
Monica Dionne – City of Simi Valley
James Mason – City of Santa Paula

Deliberation and Discussion:

Juan Martinez asked for clarification on the proposed CHS permit and how the City would be able to enforce it. Denice Thomas explained that the CHB would set the conditions of the CHS permit and that the City of Oxnard would have to use their own enforcement division to enforce just as they do with a regular building permit. Juan Martinez commented that the City of Oxnard may not be interested in implementing the CHS permit. Denice Thomas explained that the City does not have to adopt the new ordinance that they can keep the existing ordinance as is and that would be an option for them.

Monica Dionne had feedback regarding the 180-day provision. Since the city of Simi Valley currently has their own Cultural Heritage Ordinance and it was based on the CHO. Their lawyer just got rid of the 180-day waiting period completely so their COA is binding and cannot be waited out. She also explained that this level of enforcement may have backfired on them somewhat as many residents of the proposed School Street District did not want to have their properties landmarked. There was a general fear the landmark status would put strict regulations on what they can and cannot do to their homes and every time they wanted to do

something they would have to go before the CHB. This ultimately ended up with the School Street District not going through. Even with the Mills Act as an incentive, most owners did not see preservation as having a positive benefit for their property.

James Mason also agreed that whenever historic preservation is mentioned that it tends to scare a lot of property owners as it is seen as one more hoop to jump through. However, in Santa Paula he does see a new interest from property owners for preservation.

Denice Thomas mentioned that staff is considering doing outreach to real-estate agents and property owners.

CHB Chair Blum suggested that we look at the City of Orange who did a series of videos explaining preservation instead of holding outreach meeting for Real-estate professionals.

CHB Chair Blum agreed that we may need to somehow incorporate more "carrots" or positive ways to encourage preservation.

7. REPORTS

7.a. Board Member Reports:

CHB Member Kulwicz: Happy to see that James Mason from the City of Santa Paula was in attendance at the meeting.

CHB Member McCredie: Nothing.

CHB Member Fernandez: Asked about John Kessler and if he would still be willing to work on the Exhibit for the Fair. Ashley Cook responded that she would check with John Kessler.

CHB Chair Blum: Asked about the possibility to get a survey done for the South of Fifth area in Oxnard. Denice responded that we would likely only be able to apply for CLG grants for surveys in the unincorporated area as it would be difficult to get the cost for staff time approved to write grants for the other cities.

CHB Member Englander: Introduced himself at the beginning of the meeting and said he expressed that he looks forward to working with us and being on the CHB. He asked staff if he could get a list of all the designated sites and properties in his district, Staff responded that they don't have one at the moment but would work on getting a list.

7.b. CHB Program Updates from Staff:

Denice Thomas: Reported that she is eager to go the preservation conference in May. She mentioned that preservation for the 50's and 60's building that are now meeting the 50-year threshold are difficult to preserve and the conference has multiple workshops/presentations that will be addressing mid-century modern homes.

Ashley Cook: Reported that the letter addressing form-based code for Downtown Oxnard was submitted to the City of Oxnard and that they did give a response saying they will address our concerns as they have a few things to address with the new code.

8. NEXT MEETING

The next regularly scheduled meeting is March 25, 2019.

9. ADJOURNMENT

At 2:27 p.m., the Cultural Heritage Board concurred to adjourn.



Gary Blum, Chair

ATTEST:

 *Dillan Murray for*

Denice Thomas, Cultural Heritage Program Manager



Ventura County Cultural Heritage Board (CHB)

March 14, 2022 Final Meeting Minutes

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • www.vcrma.org/divisions/planning

Note: The following is a summary of actions taken by the CHB at their public hearing and not a verbatim transcription.

1. 1:17 P.M. CALL TO ORDER THE MEETING OF THE CULTURAL HERITAGE BOARD USING VIDEO/TELECONFERENCE FORMATS

2. ROLL CALL AND DETERMINATION OF A QUORUM

CHB Members Present:

Miguel Fernandez (Acting Chair), Tyson Cline, Gary Blum, Linda Plaks, Stephen Schafer, and John Kulwiec (arrived late)

CHB Members Absent:

Ricki Mikkelsen

Staff Present:

Dave Ward, AICP, Planning Director

Tricia Maier, Planning Programs Manager, Planning Division

Dillan Murray, Cultural Heritage Program Planner, Planning Division

Doug Leeper, Code Compliance Director

Dave Edsall, Assistant County Counsel

3. APPROVAL OF AGENDA AND MINUTES OF PREVIOUS MEETING

3a. Vote to approve the March 14, 2022 Agenda

Board Member Cline made a motion to approve the March 14, 2022 Agenda. Board Member Plaks seconded the motion. Motion passed 5-0.

3b. Vote to approve the January 24, 2022 Meeting Minutes

Board Member Schafer made a motion to approve the January 24, 2022 Meeting Minutes. Board Member Plaks seconded the motion. Motion passed 5-0.

4. CONSENT ITEM

Dillan Murray, CHB Staff, noted that the Board of Supervisors, at their March 8th hearing, opted to continue remote hearings for another 30 days. However, a consensus of the Board Members favored returning to hybrid meetings beginning on April 26.

Even with moving to a hybrid schedule, the Board of Supervisors could continue to adopt the 30-day remote hearing resolution (as long as conditions warrant) to allow Board members to attend remotely if needed. The Planning Division is still evaluating meeting format options for other boards and commissions, including the Cultural Heritage Board, as the transition is set to take place in the near future.

Board Member Schafer made a motion to approve the resolution authorizing continued remote teleconference meetings of the Cultural Heritage Board. Board Member Plaks seconded the motion. Motion passed 5-0.

5. PUBLIC COMMENTS

None

6. CONTINUED ITEMS

None

7. NEW BUSINESS

7a. Location: County-wide.

Action: Planning Division staff request that the Cultural Heritage Board review the CHB Staff Report and its attachments and take the following actions: a) adopt a resolution (See Exhibit 4 to the CHB Staff Report for a draft resolution) recommending that the Board of Supervisors adopt the staff recommended actions stated in Section VII of the CHB Staff Report, which include approval of the proposed text amendments repealing and re-enacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing cultural heritage ("Ordinance"). The draft text amendments are intended to provide needed clarity and promote effective implementation of the Ordinance; and b) provide comments to the Board of Supervisors for other potential changes to the Ordinance. (Case No. PL21-0102).

Disclosures: Board Member Schafer disclosed that he communicated with Jay Correia at the State Office of Historic Preservation regarding the definition of the term "historic fabric". Acting Chair Fernandez disclosed that there was communication between himself, Board Member Schafer, and Staff regarding how the At-Large Members of the CHB would be appointed according to the proposed text amendments.

Presentation by Staff: Dillan Murray, CHB Staff, presented a PowerPoint presentation outlining the project location, background, history, context, proposed text amendments, ordinance issue areas to explore, and Staff conclusions and recommendations. Staff recommended the CHB take the below actions. In addition, Mr. Murray noted that any CHB comments on the ordinance issue areas or other potential changes to the Ordinance would be forwarded to the Board of Supervisors for their review and consideration.

1. **CONDUCT** public hearing, **RECEIVE** oral and written testimony, and **CONSIDER** the Planning Division staff report and all exhibits and attachments hereto;
2. **CERTIFY** that the Cultural Heritage Board has reviewed and considered this staff report **and** all exhibits hereto, and has considered all comments received during the public comment process;
3. **ADOPT** a Resolution (Exhibit 4) recommending that the Board of Supervisors take the following actions regarding the proposed amendments to the Ventura County Cultural Heritage Ordinance:
 - a. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, the Cultural Heritage Board staff report and all exhibits thereto and has considered all comments received during the public comment process;
 - b. **FIND** on the basis of the entire record and as set forth in Section VI of this Cultural Heritage Board staff report that the adoption of the proposed Ordinance (Exhibit 3) repealing and reenacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing cultural heritage, is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the project may cause a significant effect on the environment, and CEQA Guidelines section 15308 because the Ordinance amendment consists of regulations intended to benefit the environment, and find that no substantial evidence exists precluding the use of the categorical exemption based on the presence of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2;
 - c. **ADOPT** the proposed Ordinance repealing and reenacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code,

beginning at Section 1360, addressing cultural heritage (Exhibit 3); and

- d. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

Discussion and Deliberation:

Acting Chair Fernandez thanked staff for their efforts on this item.

Board Member Plaks noted the Staff Report provided a thorough explanation of the background and history regarding this item.

Board Member Schafer noted that he sent Staff an email with comments on the proposed text amendments. Board Member Schafer noted his understanding from the 2016 study effort that the Ordinance would be updated to emphasize enforcement as opposed to education and delay, but based on his conversation with the Planning Director, understands why that did not occur. Board Member Schafer noted his desire for the Ordinance amendment to be inclusive of CHB comments and feedback. Board Member Schafer stated that his proposed revisions are not expected to change the policy direction of the Ordinance, but instead are heritage- and preservation-specific. Board Member Schafer noted his desire to see the CHB make comments on the proposed text amendments and have the item return at a future hearing.

Dave Ward, Planning Director, noted that the Board of Supervisors sets the Planning Division work plan and determines which policies and programs are to be revised and updated. Mr. Ward stated that current CHB Staff were not part of the CHB's previous study effort and the CHB previous direction did not go forward directly to the Board of Supervisors. However, Mr. Ward noted that, following adoption of the General Plan in 2020, he brought the Planning Division Two-Year Work Plan to the Board of Supervisors. As part of this, an item was included involving study and review of the CHB's previously identified four Ordinance issue areas. Following Planning Division research and review, the proposed text amendments consist of revisions identified by CHB Staff that remain consistent with the existing Ordinance approach. Structural changes to the Ordinance would require

more thought and feedback from the Board of Supervisors if that were the direction the CHB members would like to take.

Board Member Schafer thanked Staff for the context on this item. Board Member Schafer noted the proposed text amendments would result in a very good education and delay ordinance and would be an improvement over the current Ordinance. Board Member Schafer inquired as to whether the CHB could have a workshop today and provide comments such that this item could return at a future date.

Dave Ward, Planning Director, stated that CHB Staff can return with additional proposed revisions after receiving input today. In addition, the summary matrix of Ordinance issue areas to explore was created as a tool to receive input and feedback from the CHB to be provided on to the Board of Supervisors.

Board Member Schafer noted his preference to improve the proposed text amendments and address the issue area matrix at a later date if the Board of Supervisors endorses additional structural policy changes.

Tricia Maier, Staff, stated that Staff anticipated the CHB would need more than one hearing on this item and Staff welcomes comments from the CHB members, who have more expertise in certain areas.

Board Member Kulwiec arrived to the hearing at this time.

Board Member Schafer identified the following proposed revisions:

1. Section 1361. Purpose and Findings. Remove the text “or relocating, or recreating”. This proposed revision did not receive concurrence from other CHB Members.
2. Section 1363. Definitions. Make the following text revisions to the definition of “Certificate of Appropriateness”: “the eligibility of a potential Cultural Heritage Site site to become a designated ~~one~~ Cultural Heritage Site.” A consensus of the CHB were supportive of this proposed revision.
3. Section 1363. Definitions. Make the following addition to the definition of “Cultural Heritage Site”: “or is listed in the California Register of Historic Resources or the National Register of Historic Places.” Board Member Schafer noted the intent of this revision would be to scope properties listed

at the State or Federal levels, but not locally, into the cultural heritage review process.

Dillan Murray, CHB Staff, noted that projects at those properties would still be routed for cultural heritage review, depending on the scope of work.

Dave Ward, Planning Director, stated this definition describes those sites designated following the County's Cultural Heritage Ordinance and Staff may have to research this proposed revision to understand potential implications.

Board Member Plaks inquired about the legally required procedures to be designated a Cultural Heritage Site. Dillan Murray, CHB Staff, noted that those requirements are contained in Section 1366 of the Ordinance and primarily consist of noticing requirements to the property owner.

Dave Edsall, Assistant County Counsel, noted that this is an opportunity to solicit input from CHB and, at a future hearing, flag additional revisions that came out of the CHB's comments. At that time, CHB members could provide additional input or feedback.

Acting Chair Fernandez inquired as to the goal of this proposed revision.

Board Member Schafer stated that this change may be better suited for the Ordinance section outlining the Certificate of Appropriateness process.

4. Section 1363. Definitions. Make the following addition to the definition of "District": "A district may also be composed of individual elements separated geographically but linked by association or history." A Consensus of the CHB Members agreed with this revision.

5. Section 1363. Definitions. Make the following addition to the definition of "District Non-Contributor": "Or has been altered to an extent that it no longer has historic integrity."

6. Section 1363. Definitions. Make the following addition to the definition of "Historic Context": "represented by historic or prehistoric resources."

7. Section 1363. Definitions. Delete the definition for "historic fabric" as it is an outdated term in the field of historic preservation.

8. Section 1363. Definitions. Make the following addition to the definition of “Landmark”: “historical, pre-historical, architectural, archeological, community, or aesthetic merit.”

9. Section 1363. Definitions. Add a definition for “period of significance” consistent with the National Park Service glossary of terms.

10. Section 1363. Definitions. Modify or delete the definition of “site” as it conflicts in context with the definition of “Cultural Heritage Site.”

11. Section 1365-6. Recommend Zoning. Add mention of overlay zones, scenic zones, community business district overlay zones, etc. that are contained in the Non-Coastal Zoning Ordinance.

Staff will review this proposed revision and consider how it can be addressed.

12. Section 1366-1. Designation of Cultural Heritage Sites. Revise this provision to specify that nominations for designation may be initiated by a member of the Cultural Heritage Board, consistent with the process for removal or downgrade of designation.

Dave Ward, Planning Director, noted his understanding that the full CHB would need to initiate designation proceedings for a property. Staff will review this proposed revision and consider how it can be addressed.

13. Section 1367. Criteria for Designation of Cultural Heritage Sites. Revise the criteria for “Districts” to be consistent with the definition section and National Park Service glossary with the following: “Has boundaries based upon a shared relationship among the properties constituting the district.”

14. Section 1369-3. Local Register of Historic Places. Make reference to the National and State registers.

15. Section 1370-1. Historical Property Contracts (Mills Act Contracts); and Section 1370-2. California Historical Building Code. Revise both sections to clarify what is considered a “qualified property” for eligibility of these incentives.

Acting Chair Fernandez inquired as to how specific a definition needs to be and whether its advantageous to keep it flexible.

Board Member Schafer noted his view that these provisions are not incentives if they are given to everybody and noted his preference for Mills Act contracts to be limited to landmarks and district contributors.

Staff will review this proposed revision and consider how it can be addressed.

Board Member Blum left the meeting at this time.

16. Section 1370. Add the California Historic Preservation Tax Credit as an available incentive.

17. Section 1371. Process for Certificate of Appropriateness. Add a requirement for a Certificate of Appropriateness at sites listed on the California Register of Historical Resources or National Register of Historic Places.

Staff will review this proposed revision and consider how it can be addressed.

18. Section 1371-4. Revise this section to place the existing part c standard within the hardship standards contained in part e.

Staff will review this proposed revision and consider how it can be addressed.

19. Section 1372. Process for Certificate of Review. Revise to replace the term “historic fabric” with “character-defining features and integrity.”

Public Comments:

Eric Andrist introduced himself to the CHB and discussed issues with his landmark property in the Henry T. Oxnard Historic District and disagreements with the required cultural heritage review process. Mr. Andrist requested removal of the landmark designation for his property.

Board Member Schafer inquired as to whether there is a process for removing a Mills Act contract.

Dillan Murray, CHB Staff, noted that the property is not subject to a Mills Act contract and, if that were the case, the contract would contain provisions for ending the contract.

Discussion and Deliberation (continued):

Acting Chair Fernandez inquired as to whether this item should be tabled.

Dave Ward, Planning Director stated that Staff would need to research some potential revisions prior to returning at a future date.

Dillan Murray, CHB Staff, noted that Staff could return with this item at the March 28th CHB hearing. Tricia Maier, Staff, agreed with this timeline and noted that the CHB may still provide input on the Ordinance issue areas at this hearing as well.

Board Member Schafer stated his view that the matrix of Ordinance issue areas can be addressed by the CHB if the Board of Supervisors is interested in pursuing structural policy direction changes. If they are not, Board Member Schafer noted his desire to pursue the proposed text amendments and not structural policy direction changes.

Tricia Maier, Staff, stated that there would be a first and second hearing on this item at the Board of Supervisors.

Dave Ward, Planning Director, noted that the CHB can provide additional feedback on the matrix of Ordinance issue areas at the March 28th CHB hearing, if desired. However, if the CHB does not recommend any structural policy direction changes, this information would ultimately be reported back to the Board of Supervisors when the Planning Division Work Plan is reviewed.

Board Member Cline stated his view that this deliberative back and forth is the correct approach on this item.

Board Member Plaks noted her view that this item was moving in the right direction and thanked Board Member Schafer for his comments.

Board Member Schafer made a motion to continue this item until the March 28th CHB hearing to allow Staff to address the proposed revisions. Board Member Cline seconded the motion. Motion passed 5-0.

8. REPORTS

8a. Board Member Reports

Board Members did not have anything to report.

8b. CHB Program Updates from Staff

Dillan Murray, CHB Staff, reported that an upcoming item would be discussion of the goals and objectives of the Cultural Heritage Program for inclusion in the Certified Local Government (CLG) Annual Report. Mr. Murray report that future CHB items include a proposed residential addition in the Wilson neighborhood in Oxnard, two Mills Act contract applications in the Ojai Valley, and a project at the Saint Joseph Retirement Center in the Ojai Valley.

9. NEXT MEETING

The next regularly scheduled meeting was reported to be March 28, 2022.

10. ADJOURNMENT

At 3:44 p.m., the Cultural Heritage Board was adjourned.


Chair
Cultural Heritage Board

ATTEST:



Dillan Murray
Cultural Heritage Program Planner

Apr 26, 2022
Date



Ventura County Cultural Heritage Board (CHB)

March 28, 2022 Final Meeting Minutes

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • www.vcrma.org/divisions/planning

Note: The following is a summary of actions taken by the CHB at their public hearing and not a verbatim transcription.

1. **10:00 A.M. CALL TO ORDER THE MEETING OF THE VENTURA COUNTY CULTURAL HERITAGE BOARD AT 5011 W GONZALES ROAD, OXNARD, CA 93036 FOR A PUBLIC TOUR**

2. **ROLL CALL AND DETERMINATION OF A QUORUM**

CHB Members Present:

Miguel Fernandez (Acting Chair) and Stephen Schafer

CHB Members Absent:

Ricki Mikkelsen, Tyson Cline, John Kulwicz, Linda Plaks, and Gary Blum

Staff Present:

Dillon Murray, Cultural Heritage Program Planner, Planning Division

Tricia Maier, Planning Programs Manager, Planning Division

A public tour was held at the property with the property owners in attendance.

3. **10:37 A.M. ADJOURN UNTIL 1:15 P.M.**

4. **1:17 P.M. RECONVENE THE MEETING OF THE VENTURA COUNTY CULTURAL HERITAGE BOARD USING VIDEO CONFERENCE AND TELECONFERENCE FORMATS**

5. **ROLL CALL AND DETERMINATION OF A QUORUM**

CHB Members Present:

Miguel Fernandez (Acting Chair), Tyson Cline, Gary Blum, Stephen Schafer, Linda Plaks (arrived late), and John Kulwicz (arrived late)

CHB Members Absent:

Ricki Mikkelsen

Staff Present:

Tricia Maier, Planning Programs Manager, Planning Division

Dillon Murray, Cultural Heritage Program Planner, Planning Division

Dave Edsall, Assistant County Counsel

6. **APPROVAL OF AGENDA**

6a. Vote to approve the March 28, 2022 Agenda

Acting Chair Fernandez noted the CHB would hear the new item before the continued item. Board Member Schafer made a motion to approve the March 28, 2022 Agenda. Board Member Cline seconded the motion. Motion passed 5-0.

7. CONSENT ITEM

Board Member Cline made a motion to approve the resolution authorizing continued remote teleconference meetings of the Cultural Heritage Board. Board Member Schafer seconded the motion. Motion passed 5-0.

8. PUBLIC COMMENTS

None

Items were heard out of order.

10. NEW ITEMS

10a. Location: Scarlett/McGrath Ranch House (Ventura County Landmark #144), 5011 W Gonzales Road, Oxnard, CA 93036 (unincorporated Ventura County; Supervisorial District 1 – LaVere).

Action: Planning Division staff request that the Cultural Heritage Board provide direction to staff regarding a request to demolish an approximately 1,825-square-foot accessory agricultural structure (barn) located at 5011 W Gonzales Road, Oxnard, CA 93036 (Case No. CH22-0001).

Disclosures: Dillan Murray, CHB Staff, disclosed that a public tour was held at the property this morning, with himself, Tricia Maier, and Board Members Schafer and Fernandez in attendance, along with the property owners. Attendees held a walk-around of the exterior of the subject structure and Board members discussed the viability of maintaining the structure as opposed to demolition. During the tour, a discussion point was raised that upgrading to current code would not necessarily be required unless a change of use was occurring. Instead, repair and stabilization could occur to maintain the structure. During the tour, the property owners discussed past uses of the structure as a storage facility and pointed out its deterioration, including to its roof, foundation, and siding.

Presentation by Staff: Dillan Murray, CHB Staff, presented a PowerPoint presentation outlining the project location, background, history, context,

project description, and Staff recommendations. Staff recommended the CHB take the following actions on this item:

1. **CONDUCT** public hearing, **RECEIVE** oral and written testimony, and **CONSIDER** the Planning Division staff report and all exhibits and attachments hereto; and
2. **PROVIDE** direction to CHB Staff as to whether the requested Certificate of Appropriateness could be approved administratively.

Board Member Plaks arrived to the meeting (virtually) at this time.

Discussion and Deliberation:

Board Member Schafer noted his view as a historic preservationist that he doesn't like to see anything with historic value go away. Instead, education and alternative solutions are ideal. Board Member Schafer acknowledged the structure's advanced stage of disrepair and noted that heroic measures to rehabilitate the building might only be warranted if there were very specific uses or something valuable that could be done with the building. Board Member Schafer noted his desire to see some level of archival photographic documentation be prepared for the building prior to demolition.

Board Member Cline supported Board Member Schafer's comments regarding documentation and noted his hope to see the building materials be repurposed in some other way if this isn't precluded due to being hazardous.

Board Member Blum did not have any concerns with the request.

Acting Chair Fernandez noted that if materials and equipment surrounding the structure are removed prior to demolition, it would be great if the applicant provided access to a photographer to take photos and could offer up the vintage barn building materials to those who may be interested in using them elsewhere.

Dan McGrath, applicant, noted that the subject building is a secondary barn. The other red barn on the property was rehabilitated for continued agricultural uses. The subject building has far exceeded its usefulness and viability.

Beverlee McGrath thanked CHB members for considering the request. The owners have no immediate plans to rebuild due to possible soil contamination underneath the structure.

Board Member Schafer made a motion to authorize staff to administratively approve the Certificate of Appropriateness. Board Member Cline seconded the motion.

Dillan Murray, CHB Staff, requested clarification as to whether the archival photographic documentation was included in the motion.

Board Member Schafer clarified that it was not part of his motion as a requirement, but he recommended that the applicant pursue it.

Dan McGrath, applicant, noted that all surrounding equipment could be moved so that photos could be taken. In addition, the applicant would be willing to donate the materials.

Motion passed 5-0.

Dillan Murray, CHB Staff, stated that he would follow up with the applicant regarding next steps on their permit application.

9. CONTINUED BUSINESS

9a. Location: County-wide.

Action: Planning Division staff request that the Cultural Heritage Board review the CHB Staff Report and its attachments and take the following actions: a) adopt a resolution (See Exhibit 4 to the CHB Staff Report for a draft resolution) recommending that the Board of Supervisors adopt the staff recommended actions stated in Section VII of the CHB Staff Report, which include approval of the proposed text amendments repealing and re-enacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing cultural heritage ("Ordinance"). The draft text amendments are intended to provide needed clarity and promote effective implementation of the Ordinance; and b) provide comments to the Board of Supervisors for other potential changes to the Ordinance. (Case No. PL21-0102).

Disclosures: Dillan Murray, CHB Staff, disclosed that following the morning's site tour, CHB Staff discussed with Board Members Schafer and

Fernandez and clarified the intent of Board Member Schafer's proposed revision to add a requirement for a Certificate of Appropriateness for sites listed on the National and State Registers.

Presentation by Staff: Dillan Murray, CHB Staff, presented a PowerPoint presentation outlining the relevant background, history, context, proposed text amendments, ordinance issue areas to explore, and Staff conclusions and recommendations. Staff recommended the CHB take the below actions. In addition, Mr. Murray noted that any CHB comments on the ordinance issue areas or other potential changes to the Ordinance would be forwarded to the Board of Supervisors for their review and consideration.

1. **CONDUCT** public hearing, **RECEIVE** oral and written testimony, and **CONSIDER** the Planning Division staff report and all exhibits and attachments hereto;
2. **CERTIFY** that the Cultural Heritage Board has reviewed and considered this staff report **and** all exhibits hereto, and has considered all comments received during the public comment process;
3. **ADOPT** a Resolution (Exhibit 4) recommending that the Board of Supervisors take the following actions regarding the proposed amendments to the Ventura County Cultural Heritage Ordinance:
 - a. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, the Cultural Heritage Board staff report and all exhibits thereto and has considered all comments received during the public comment process;
 - b. **FIND** on the basis of the entire record and as set forth in Section VI of this Cultural Heritage Board staff report that the adoption of the proposed Ordinance (Exhibit 3) repealing and reenacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing cultural heritage, is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the project may cause a significant effect on the environment, and CEQA Guidelines section 15308 because the Ordinance amendment consists of regulations intended to benefit the environment, and find that no substantial evidence exists precluding the use of the categorical exemption based on the presence of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2;

- c. **ADOPT** the proposed Ordinance repealing and reenacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing cultural heritage (Exhibit 3); and
- d. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

Discussion and Deliberation:

Board Member Cline inquired as to whether it was more appropriate to incorporate the National Park Service glossary definitions by reference or include definitions within the Ordinance.

Dave Edsall, Assistant County Counsel, stated that it is generally preferable to keep the Ordinance as self-contained as possible. Staff made efforts to strike a balance between keeping the proposed text amendments as encompassing as possible while citing outside sources where necessary.

Board Member Schafer identified one additional requested revision as follows:

Section 1371. Process for Certificate of Appropriateness. Revise this section to add the following text to the categories of sites where a Certificate of Appropriateness is required: “; and 6. Sites listed on the National Register of Historic Places or California Register of Historical Resources that require a permit from the Resource Management Agency.”

Dave Edsall, Assistant County Counsel, noted that he discussed the potential revision with Planning Staff and, legally, there are no anticipated issues with the revision.

Tricia Maier, Staff, explained the practical implications for the revision and the rationale for the qualifying language, as these properties would only be reviewed if a permit is required from the Resource Management Agency. Some properties, such as those on federally owned or managed lands, are outside the County’s jurisdiction.

Board Member Schafer made a motion to approve the resolution in Exhibit 4 to the Staff Report with his additional identified revision.

Dave Edsall, Assistant County Counsel, noted that, procedurally, a vote is not needed on any individual changes. If CHB Members object to particular draft revisions, CHB Members can provide input in order to establish whether there is concurrence on the proposed text amendments.

Board Member Schafer withdrew his motion in order to allow for continued discussion on this item. Board Member Schafer made a motion to determine if a consensus of the CHB Members supported all the proposed revisions, including his recently proposed revision.

Acting Chair Fernandez inquired as to whether a motion is needed to establish concurrence.

Dave Edsall, Assistant County Counsel, stated that there can still be discussion on a motion.

Acting Chair Fernandez noted his desire to have a discussion to determine if any CHB Members take issue with the most recently proposed revisions.

Board Member Cline indicated his support for the proposed revisions.

Acting Chair Fernandez requested clarification on Board Member Schafer's motion. Board Member Schafer indicated his motion is to establish concurrence among CHB members with the most recent revisions. The motion did not receive a second, although Board Member Cline reiterated his support for the text amendments.

Dave Edsall said the motion will need to approve all the proposed text amendments, including the most recent identified changes, and the motion will need to include adoption of the resolution contained in Exhibit 4.

Board Member Schafer made a motion to adopt the resolution in Exhibit 4 with inclusion of the additional identified revisions. Board Member Cline seconded the motion. Motion passed 5-0 (Board Member Kulwicz abstained).

Dave Edsall, Assistant County Counsel, requested clarification from the CHB as to whether Board Members have any additional input on the matrix

with the four specified Ordinance issue areas. If so, those comments would be forwarded on to the Board of Supervisors for their consideration.

Board Member Schafer stated he was comfortable with the proposed text amendments and wanted to move the Ordinance forward to the Board of Supervisors as cleanly as possible. Board Members Cline and Plaks concurred.

Acting Chair Fernandez noted his view that it would be beneficial to explain to the Board of Supervisors why the CHB thought the issue areas are important.

Tricia Maier, Staff, stated that Staff intends to include the matrix that identifies the challenges and implications of the issue areas as part of the Board of Supervisors hearing packet so the Board of Supervisors is fully apprised of this information.

11. REPORTS

11a. Board Member Reports

Board Member Plaks thanked Staff and Board Members for their efforts on the Ordinance amendment.

Board Member Schafer reported on a City of Camarillo Environmental Impact Report (EIR) for a project at the fire station and library in Old Town Camarillo. Board Member Schafer reported that he provided comment on the EIR to recommend inclusion of an alternative project to preserve the buildings. Next, Board Member Schafer reported that the Scholle house in Springville has been moved and is being made ready to go into its new location in the planned development. In addition, Board Member Schafer reported that the City of Ventura context statement is being finalized and then the city will be surveyed over the next year. Finally, Board Member Schafer thanked Staff for moving the Ordinance amendment forward.

Other Board Members did not have anything to report.

11b. CHB Program Updates from Staff

Dillan Murray, CHB Staff, reported that an upcoming item will be agendaized to specifically discuss the goals and objectives of the Cultural Heritage Program, which will be included in the CLG Annual Report this spring. Mr.

Murray noted he had no other updates from what was reported at the last hearing.

Tricia Maier, Staff, reported that the Board of Supervisors is moving their hearings to a hybrid format in late April. Staff will poll CHB Members and discuss Members' willingness to begin holding in-person meetings in the Hall of Administration perhaps beginning as early as May.

9. NEXT MEETING


The next regularly scheduled meeting was reported to be April 11, 2022.

10. ADJOURNMENT

At 2:33 p.m., the Cultural Heritage Board was adjourned.


Chair
Cultural Heritage Board

ATTEST:



Dillan Murray
Cultural Heritage Program Planner

Apr 26, 2022
Date

**VENTURA COUNTY CULTURAL HERITAGE BOARD
RESOLUTION NO. 2022-4**

**A RESOLUTION OF THE VENTURA COUNTY CULTURAL HERITAGE
BOARD FOR PL21-0102 REGARDING THE PROPOSED COUNTY-
INITIATED REPEAL AND REENACTMENT OF ARTICLE 5 OF CHAPTER 3
OF DIVISION 1 OF THE VENTURA COUNTY ORDINANCE CODE,
BEGINNING AT SECTION 1360, ADDRESSING CULTURAL HERITAGE**

WHEREAS, on March 28, 2022, the Ventura County Cultural Heritage Board (“CHB”) held a legally noticed public hearing to consider the proposed County of Ventura (“County”) initiated repeal and reenactment of Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing cultural heritage (“Ordinance” or “CHO”);

WHEREAS, the CHB considered all written and oral testimony from County staff and the public on this matter;

NOW, THEREFORE, BE IT RESOLVED, that the Cultural Heritage Board of the County of Ventura recommends that the Board of Supervisors take the following actions regarding the proposed amendments to the Ventura County Cultural Heritage Ordinance:

- a. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, the Cultural Heritage Board staff report and all exhibits thereto and has considered all comments received during the public comment process;
- b. **FIND** on the basis of the entire record and as set forth in Section VI of this Cultural Heritage Board staff report that the adoption of the proposed Ordinance (Exhibit 3 to the CHB staff report) repealing and reenacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing cultural heritage, is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the project may cause a significant effect on the environment, and CEQA Guidelines section 15308 because the Ordinance amendment consists of regulations intended to benefit the environment, and find that no substantial evidence exists precluding the use of the categorical exemption based on the presence of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2;

- c. **ADOPT** the proposed Ordinance repealing and reenacting Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, addressing cultural heritage (Exhibit 3 to the CHB staff report); and
- d. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

This is to certify the foregoing is a true and correct copy of the Resolution reflecting the Ventura County Cultural Heritage Board's actions taken at its March 28, 2022 public hearing regarding the above-described matter.



Chair
Ventura County Cultural Heritage Board

Mar 29, 2022

Date

Attest: 

Dillan Murray
Assistant Planner
Ventura County Planning Division

Mar 29, 2022

Date

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ORDINANCE NO. _____ 4225
AN ORDINANCE OF THE VENTURA COUNTY BOARD OF
SUPERVISORS REPEALING AND AMENDING REENACTING
DIVISION 1, CHAPTER 3, ARTICLE 5 OF CHAPTER 3 OF DIVISION 1
OF
THE VENTURA COUNTY ORDINANCE
CODE, BEGINNING AT SECTION 1360,
DEALING WITH ADDRESSING CULTURAL HERITAGE

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

Section 1. Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, is hereby repealed and the subject matter therein is reenacted to read as follows:

Article 5 – Cultural Heritage

Sec. 1360. TITLE. This Article shall be known as and may be cited as the "Ventura County Cultural Heritage Ordinance".

Sec. 1361. PURPOSE AND FINDINGS. The purpose of this Ordinance Article is to promote the economic and general welfare of the County of Ventura by preserving and protecting public and private historic, cultural and natural resources which are of special historical, archaeological, or aesthetic character or interest, or relocating or recreating such resources where necessary for their preservation and for their use, education, and view by the general public. This Article is intended to allow for the identification, inventory, preservation, and protection of cultural, historical, paleontological, and archaeological resources in Ventura County, including Native American resources, for their scientific, educational, and cultural value, consistent with the Ventura County General Plan. All such efforts are taken to make the citizens of this County, and visitors, and tourists mindful of the rich historical, cultural, and natural heritage of the County.

The Board of Supervisors finds that ~~the~~ Ventura County's cultural heritage is constantly being impacted by the removal, *demolition*, earthquakes, and other *alterations* of sites and structures as documented in the 2000 Ventura County Historic Preservation Plan. To offset this adverse impact on our cultural environment, the Board of Supervisors finds that strengthening efforts to preserve and protect this heritage, combined with incentives for those willing to participate in this effort, are necessary. This strengthening will also benefit the economic and general welfare of ~~this~~ Ventura County and, therefore, the Board of Supervisors finds that the changes as developed and recommended in the Ventura County Historic Preservation Plan are necessary.

Sec. 1362. APPLICABILITY OF ORDINANCE. The Cultural Heritage Ordinance shall have force and effect only in the unincorporated areas of ~~the~~ Ventura County. However, any designated *Districts, Landmarks, Sites of Merit, or Points of Interest* (hereafter referred to as designated *Cultural Heritage Sites*) existing as of the effective date of this ~~Ordinance~~ Article, regardless of their location in the County,

shall retain their declared status. At any time in the future, if the territory upon which a ~~Designated~~ *Cultural Heritage Site* is annexed to any city, ~~it~~ the site shall also retain its designated status.

Sec. 1363. DEFINITIONS. Application of Definitions: Unless the provision or context otherwise requires, the definitions of words and terms as follows shall govern the construction of this Chapter.

"Alteration": Any change affecting the exterior character-defining features of a potential or designated Cultural Heritage Site, including actions that affect the integrity of the resource. For a Cultural Heritage Site subject to a Mills Act contract, alteration shall include any change affecting the interior character-defining features thereof.

"Board" or Cultural Heritage Board". The Ventura County Cultural Heritage Board established by this Ordinance.

"Board of Supervisors": The County of Ventura Board of Supervisors.

"State California Historical Building Code": The State California Historical Building Code is a set of regulations contained in Part 8 of Title 24 (State Building Standards Code) of the California Code of Regulations (and authorized by statute under Health and Safety Code sections 18950 et seq.) that and applies to all qualified historical structures, ~~d~~Districts, and sites designated under federal, state, or local authority. It provides alternatives to the Uniform Building Code in cases consistent with building regulations for the rehabilitation, preservation, restoration, or relocation of qualified historic structures designated as historic buildings, Districts, and sites.

"Certificate of Appropriateness": An authorization issued by the Ventura County Cultural Heritage Board or staff its designee issued authorizations which generally indicates that the proposed subdivision, rezoning, maintenance, acquisition, stabilization, preservation, reconstruction, protection, alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, relocation, change, remodeling or other project affecting a potential or designated Cultural Heritage Site will not adversely affect reduce its cultural heritage values; or unduly compromise prevent the eligibility of a potential site Potential Cultural Heritage Site to become a designated one Cultural Heritage Site.

"Certificate of Review": An action by the Cultural Heritage Board or its designee documenting its consideration of, and recommendations, regarding the effects, including environmental effects to historic resources, of permit actions on a potential or designated Cultural Heritage Site, where a Certificate of Appropriateness is not required.

"Certified Local Government": The program authorized by the National Historic Preservation Act of 1966 (16 U.S.C. section 470 et seq.) and the subsequent participatory agreement between the County and the State of California Office of Historic Preservation.

"Character-Defining Features": The physical aspects of a site's design and form

which identify it as belonging to a specific time and place. Design, materials, workmanship, form, and style of decorative and structural features and spaces, and spacial relationships both interior, exterior, and environmental. A building, for example, may have character-defining features that include, but are not limited to, the overall shape, massing and form of the building, its roof and roof structures, openings, projections, trim, materials, craftsmanship, decorative details, as well as the various aspects of its site, landscape, and environment.

"Cultural Heritage": Pertaining to the sum total of traditions, and body of knowledge, etc. that are inherited as possessions, characteristics, or conditions expressing a traditional way of life subject to gradual but continuous modifications by succeeding generations.

~~"Board or Cultural Heritage Board": The Ventura County County of Ventura~~
Cultural Heritage Board established by this Ordinance Article.

"Cultural Heritage Site": An improvement, natural feature, site, or ~~d~~District that has completed the legally required procedures stipulated in this Ordinance Article to have it designated by the ~~Ventura County Cultural Heritage Board~~ or the ~~Ventura County Board of Supervisors~~ as a District, Landmark, Site of Merit, or Point of Interest.

"Demolition": The complete destruction or removal of a structure, tree, landscaping, or natural feature identified as a character-defining feature; the cumulative removal of more than 50 percent of the perimeter walls, roof, or floor area of a structure; or the removal of a substantial portion of a street-facing façade visible from the public right-of-way.

~~"District": An area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. Historic districts are defined by precise geographic boundaries. Therefore, those with unusual boundaries require a description of what lies immediately adjacent in order to define the edge of the district and to explain the exclusion of adjoining areas. A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, landscapes, structures, or objects, united by past events or aesthetically by plan or physical developments. A district may also be composed of individual elements separated geographically but linked by association or history.~~

"District Contributor": A building, structure, site, feature, or object within a District that embodies the significant physical characteristics and features thereof, or adds to the historical associations, historic architectural qualities, or archaeological values identified for the District, and was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period.

"District Non-Contributor": A building, structure, site, feature, or object within a defined District that is not associated with the significance of the District or was not

present during the period of significance, or has been altered to the extent that it no longer retains integrity. A District Non-Contributor shall not be precluded from being individually eligible as a Site of Merit or Landmark under different significance criteria.

"Downgrade": A reduction in the status of a designated Cultural Heritage Site, such as a re-designation of a Landmark to a Site of Merit or Point of Interest.

"Historic Context": A broad pattern of historical development in a community or its region, which may be represented by historic or prehistoric resources.

"Historic fabric":: (1) With regard to an historic building, "historic fabric" means the particular materials, ornamentation, and architectural features which are consistent with the historic character of the building. (2) With regard to an historic district, "historic fabric" means all sites, buildings, structures, features, objects, landscaping, street elements, and related design components of the district which are consistent with the historic character of the district. (3) With regard to an archaeological district, "historic fabric" means sites, standing structures, or buildings, historic landscape (land disturbance such as grading or construction), features (remnants of walls), and objects (artifacts) which are consistent with the historic character of the district.

"Integrity": Ability of a property to convey its historical significance, or the authenticity of a property's historic identity, evidenced by the survival of physical characteristics and materials that existed during the property's historic or pre-historic period of significance. A property would typically possess several (although not necessarily all) of the following seven aspects of integrity, as defined in National Register Bulletin 15, to convey its significance: Location, Design, Setting, Materials, Workmanship, Feeling, and Association.

"Landmark":: An improvement, natural feature, or site of historical, prehistorical, architectural, community, or aesthetic merit which meets the criteria specified in this Ordinance Article and has been so designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors according to the provisions of this Ordinance Article.

"Owner":: Those individuals, partnerships, corporations, or public agencies holding fee simple title to a resource. The term does not include individuals, partnerships, corporations, or public agencies holding easements or less than fee simple interests, including leaseholds, in a resource property.

"Period of Significance": The span of time in which a property attained the significance for which it meets the designation criteria.

"Point of Interest":: The location of, or site of, a former improvement or natural feature, or of an event possessing historical or cultural characteristics which satisfy the provisions of this Ordinance Article.

"Potential Cultural Heritage Site":: An improvement, natural feature, or site of historical, architectural, community, or aesthetic merit which may meet the criteria

specified in this Ordinance Article and has not yet been officially designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors as a District, Landmark, Site of Merit, or Point of Interest. A Potential Cultural Heritage Site may consist of a property listed in the National Register of Historic Places or California Register of Historical Resources that has not completed the legally required procedures for designation as a Cultural Heritage Site stipulated in this Article.

"Preservation" (treatment)-: ~~The act or process of applying measures to sustain the existing form, integrity, or historic fabric of an historical building or structure, or the form or vegetative cover of an historic site. It may include stabilization work, as well as ongoing maintenance of the historic fabric.~~ The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

"Protection" (treatment)-: The act or process of applying measures to affect the physical condition of an historical resource by guarding it from deterioration, loss, or attack by natural causes, or to cover off shield it from threat of danger or harm. In the case of buildings or structures, these measures are usually temporary; however, with regard to archaeological resources, protective measures may be temporary or permanent.

"Reconstruction" (treatment)-: ~~The act or process of reproducing through construction the exact form and detail of a vanished building, structure, or object, or any part thereof, as it appeared at a specified period of time.~~ The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

"Rehabilitation" (treatment)-: ~~The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.~~ The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

"Relocation"-: The removal of a potential or designated Cultural Heritage Site from its original location and placement at a new location.

"Restoration" (treatment)-: ~~The act or process of reproducing the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.~~ The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the

removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

"Secretary of the Interior's Professional Qualification Standards": The minimum education and experience required to perform identification, evaluation, registration, and treatment activities (36 Code of Federal Regulations Part 61, as may be amended).

"Secretary of the Interior's Standards": The United States Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, or as most currently promulgated. (U.S. Dept. of Interior, National Park Service Technical Preservation Series, 2017 ed., as may be amended).

"Site": Any parcel or portion of real property, or location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure.

"Site of Merit": Sites A site of historical, cultural, architectural, or aesthetic merit which have ~~has~~ not been officially otherwise designated and have ~~has~~ been surveyed according to Federal standards as required by ~~Ventura County's~~ the County of Ventura's Certified Local Government agreement. Said sites ~~shall also be~~ are listed in a County Board of Supervisors approved survey with a National Register status code of 1 through 5 or above and have been so designated by the ~~Ventura County Cultural Heritage Board~~ or the ~~Ventura County Board of Supervisors~~ according to the provisions of this Ordinance Article.

"Stabilization" (treatment): The act or process of applying measures designed to establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property, or one which a has the potential to deteriorate or to become unsafe, while maintaining the essential form as it exists at present.

[Staff Explanation. As part of a general reorganization and cleanup, definitions shown above were transferred from the current Section 1373. DEFINITIONS. Where indicated in Section 1363, a number of new definitions for key terms are proposed and some existing definitions are revised for additional clarity]

Sec. 13634. CULTURAL HERITAGE BOARD. The *Cultural Heritage Board* is hereby established, the membership and term of appointment of which shall be as follows:

Sec. 13634-1. Supervisory Appointees. One person who has demonstrated interest in and knowledge of historic preservation and the cultural resources of the County shall be selected by each of the five members of the *Board of Supervisors*, and confirmed by a majority of the *Board of Supervisors* thus

providing representation from each Supervisorial District.

Where feasible, Board members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology, 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; or persons who have demonstrated special interest, competence, experience, or knowledge in historic preservation, American studies, cultural anthropology, cultural geography, or other historic preservation-related disciplines.

Sec. 13634-2. Cultural Heritage Board Appointment of Members At Large. Two additional Ventura County residents who have demonstrated special interest, competence, experience, or knowledge in historic preservation, American studies, cultural anthropology, cultural geography, or other historic preservation-related disciplines shall be selected and confirmed by a majority of the five Supervisorial-appointed members Board of Supervisors.

Sec. 13634-3. Term of Appointment. The term of appointment of the Supervisorial appointees shall be for four years corresponding to the established dates of regular Supervisorial terms of office.

If for any reason an incumbent Supervisor's term of office is interrupted ~~ends prematurely~~, the appointed Cultural Heritage Board member from that District shall remain in service on the Cultural Heritage Board until the new Supervisor from that ~~area~~ Supervisorial District appoints a replacement member.

The term of appointment of Cultural Heritage Board at-large appointees shall be four years, commencing from the date of appointment.

Sec. 13645. FUNCTIONS AND POWERS. The functions and powers of the Cultural Heritage Board shall be:

~~Sec. 13645-1. Establishment and Evaluation of a List of Potentially Eligible Potential Cultural Heritage Sites. The Cultural Heritage Board shall establish, update, and maintain a list of buildings, structures, objects, and sites (including natural features) of historical, architectural, community, or aesthetic merit which are considered potentially eligible for pPotential Cultural Heritage Sites designation. Said list may include, but is not be limited to, those officially designated by agencies of the state or federal government and found in surveys approved by the Cultural Heritage Board. A list of potentially eligible designated Cultural Heritage Sites shall be made available to the County Resource Management Agency and the fact of inclusion on the list shall be made known to each owner of such sites. Said list shall contain a statement indicating, where appropriate, that sites are private and not open to the public. If owners protest inclusion, the information will be kept confidential and unpublished.~~

[Staff Explanation. As part of a general reorganization and cleanup, the text removed in Section 1365-1 was adapted and added to a new category containing miscellaneous Cultural Heritage Program Requirements and Prohibitions in Section 1369-1.]

Sec. 13645-21. ~~Hold Public Hearings. Designation and Removal of~~ Designation of Cultural Heritage Sites. Upon providing notice to the property owner and conducting a public hearing, the Cultural Heritage Board shall: (a) identify and designate Cultural Heritage Sites, and (b) when justified, remove such designations. Hold public hearings for the purposes of identifying and designating Cultural Heritage Sites, and removing such designations.

Sec. 13645-32. Forward Recommendations. The Cultural Heritage Board shall make recommendations to policy makers and related staff members on issues related to the preservation and enhancement of cultural, historic, and natural features in the unincorporated Ventura County as well as its cities, pursuant to any adopted contract for cultural heritage services with the County.

Sec. 1364-4. ~~Maintain Local Register of Historic Places.~~ Maintain a current list of all designated Federal, State, County and City cultural heritage sites. This information shall be made available to the public. A list of designated Cultural Heritage Sites shall be made available to the County Resource Management Agency and the fact of inclusion on the list shall be made known to each owner of such site.

[Staff Explanation. As part of a general reorganization and cleanup, the text removed from Section 1365-4 was adapted and added to a new category containing miscellaneous Cultural Heritage Program Requirements and Prohibitions in Section 1369.]

Sec. 13645-543. ~~Recommend Placement in the California National Register of Historical Resources~~ Historic Places or California Register of Historical Resources. The Cultural Heritage Board shall ~~Recommend~~ to the Board of Supervisors that the County ~~apply~~ nominate to the appropriate state agency to have County designated Cultural Heritage Sites be included in the State Registration of Historical Resources, "State Point of Interest" or sites which have historical significance, to be listed in the National Register of Historic Places or California Register of Historical Resources which have historical significance, which meet ~~state registration~~ National or State Register criteria, and where the registration would assist in preservation.

Sec. 13645-654. Establish Markers. The Cultural Heritage Board shall ~~D~~determine which designated Cultural Heritage Sites shall be marked with uniform and distinctive markers, the text and design of which shall be approved by the Cultural Heritage Board.

Sec. 13645-765. Recommend Zoning. The Cultural Heritage Board shall ~~R~~recommend to the Board of Supervisors that a specific property or area be designated a historic or scenic zone, as set forth in the County's zoning ordinances.

Sec. 13645-876. Establish Bylaws. The Cultural Heritage Board shall Adopt such Bylaws as are necessary to carry out the purpose and intent of this Article.

Sec. 13645-987. Recommend Amendments. The Cultural Heritage Board may Recommend to the Board of Supervisors amendments to this Ordinance Article when circumstances indicate as needed.

Sec. 13645-1098. Designation Preservation of Cultural Heritage Sites. The Cultural Heritage Board may Take steps necessary to preserve Cultural Heritage Sites when not in conflict with the public health, safety, and general welfare. Such steps may include the designation of Cultural Heritage Sites; the creation of civic and citizens' committees; the establishment of a private fund for the acquisition or restoration of such sites; recommendations that such sites be acquired by a governmental agency where private acquisition is not feasible; and recommendations regarding applications for, and administration of, historical property contracts (Mills Act contracts) pursuant to Government Code section 50280 et seq.

Sec. 13645-1109. Conduct Surveys. The Cultural Heritage Board or its designee may Establish criteria for and conduct or cause to be conducted comprehensive surveys in conformance with Federal and State survey standards and guidelines for cultural heritage resources within the boundaries of the County which the Cultural Heritage Board, on the basis of information available or presented to it, has reason to believe may be eligible for designation. Said surveys shall include notification to all affected property owners prior to acceptance of the surveys by the Cultural Heritage Board. The Cultural Heritage Board may Publicize and periodically update the surveys' results. Said surveys will include all Federal and State designated Cultural Heritage sites. Said list shall contain a statement indicating, where appropriate, that sites are private and not open to the public. If owners protest inclusion, the information will be kept confidential and unpublished.

Sec. 13645-12110. Issue Certificates of Appropriateness. The Cultural Heritage Board or its designee shall issue Certificates of Appropriateness for proposals to construct, change, alter, modify, remodel, remove, or significantly affect any potential or designated Cultural Heritage Site which require a Certificate of Appropriateness as provided in this Article.

Sec. 1365-131211. Conduct Reviews. The Cultural Heritage Board or its designee shall, by Certificate of Review, Adopt standards for reviewing review applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any potential or Designated Cultural Heritage Sites or those potentially eligible for such designation. This Section applies only to sites not requiring a Certificate of Appropriateness and shall not apply in the case of demolition.

- a. ~~Review and comment upon the conduct of land use, housing and redevelopment, and other types of planning and programs undertaken by any agency as they relate to designated potential or eligible Cultural Heritage Sites.~~

- b. ~~Prior to issuance of zoning clearances, building permits, or approval of subdivisions, review all applications for permits, environmental assessments, environmental impact reports, environmental impact statements, and other similar documents as set forth in this Ordinance, pertaining to designated and potentially eligible Cultural Heritage Sites. The County Resource Management Agency shall forward all such documents to the Cultural Heritage Board for action at their next scheduled meeting, or designated staff for such minor proposals as designated by resolution of the Cultural Heritage Board for review and comment, prior to approval by that Agency; and~~
- c. ~~Review the actions and proposed actions, and advise all public agencies concerning the effects of their actions, programs, capital improvements or activities on designated and/or potentially eligible Cultural Heritage Sites.~~

[Staff Explanation. The Certificate of Review (COR) process outlined in Section 1365-13 and below in Section 1372 was adapted and modified from the existing Section 1364-12 of the current Ordinance. This proposed revision clarifies the COR process (review and comment) at Sites of Merit and potentially eligible Cultural Heritage Sites to specify that a COR is only required in conjunction with another action requiring a permit from a County agency. This clarification is intended to address the concern of many property owners who are unaware of their property's historic status.]

Sec. 1365-4312. Conduct Environmental Reviews. The Cultural Heritage Board or its designee shall review all applications for discretionary permits pursuant to the County's adopted Initial Study Assessment Guidelines.

Sec. 13656. DESIGNATION OF CULTURAL HERITAGE SITES.

~~Sec. 13656-1. The Cultural Heritage Board shall have the authority to designate Cultural Heritage Sites where the property owner has no objection to a site's designation.~~

~~From the time the Cultural Heritage Board adopts its recommendation until the time the Board of Supervisors either declares or determines not to declare the cultural heritage site, the time period involved not to exceed 90 days, the property owner shall be prohibited from defacing, demolishing, adding to, altering or removing the landmark.~~

[Staff Explanation. As part of a general reorganization and cleanup, the text removed from Section 1366-1 was modified and added to a new category containing miscellaneous Cultural Heritage Program Requirements and Prohibitions in Section 1369.]

Where the property owner objects to said designation prior to final action by the Cultural Heritage Board, the action of the Cultural Heritage Board shall become a recommendation to the Board of Supervisors which has the final authority for the

~~designation. Any aggrieved party may appeal a decision of the Cultural Heritage Board to the Board of Supervisors by filing an appeal with the Planning Director within 10 days of the subject decision.~~

[Staff Explanation. The text removed from Section 1366-1 was modified and added to a new category identifying the opportunities to appeal CHB or CHB staff actions in Section 1373.]

A nomination for the designation of a Cultural Heritage Site may be filed by the property owner of the site or the County Resource Management Agency. A nomination for consideration of the designation of a Cultural Heritage Site, upon a presentation by staff at a future hearing, may also be initiated directly by a member of the Cultural Heritage Board if approved by a properly carried motion.

Sec. 13656-2. After a public hearing, preceded by a 15 day notice to the property owner(s), the Cultural Heritage Board may designate a sites as the following: Districts, Landmarks, Sites of Merit, including all County approved surveyed sites with a National Register (currently referred to as California Register of Historic Resources) status code of 1 through 5; or Points of Interest, if the applicable standards criteria of Sections 13657 and 13667-1 are met.

Sec. 13656-3. The Cultural Heritage Board may designate a site on an interim basis for no more than 60 days after said decision while it conducts and assesses evaluations/surveys of the site to determine if it should receive a formal designation as a Cultural Heritage Site. Such designation shall be preceded by a 15 day notice to property owner(s).

Sec. 1365-4. Removal of Designation. Removal shall be preceded by a 15-day notice to the property owner. If a Designated Cultural Heritage Site is defaced, demolished, added to, altered or moved, and the Cultural Heritage Board determines that the site's integrity has been significantly impacted, the Cultural Heritage Board may remove its designation. Said decision may be appealed to the Board of Supervisors within 15 days.

[Staff Explanation. The text removed from Section 1365-4 was modified and added to a new category identifying the provisions for removal or downgrade of Cultural Heritage Site designations in Section 1368.]

Sec. 1365-57. DEFINITION AND DESIGNATION CRITERIA FOR DESIGNATION OF CULTURAL HERITAGE SITES.

For purposes of this Ordinance Article, an improvement, natural feature, or site site may become a designated a Cultural Heritage Site by the Cultural Heritage Board or Board of Supervisors, as provided in this Article, if it meets the following applicable criteria below:-

- a. Landmarks - Satisfy one or more of the following below criteria of significance:-, in addition to retaining sufficient integrity. In evaluating

integrity, the authenticity of the resource's physical identity shall be established by evidence of lack of deterioration and significant survival of the characteristics that existed during its period of significance. This shall be evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association, consistent with applicable National Register of Historic Places Bulletins for evaluating historic properties.

- (1) It is associated with events that have made a significant contribution to the broad patterns of Ventura County history;
- (2) It is associated with the lives of significant persons in Ventura County's past;
- (3) It embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction;
- (4) It has yielded, or may be likely to yield, information important in history or prehistory.

- ~~(1) It exemplifies or reflects special elements of the County's social, aesthetic, engineering, architectural or natural history;~~
- ~~(2) It is associated with events that have made a significant contribution to the broad patterns of Ventura County or its cities, regional history, or the cultural heritage of California or the United States;~~
- ~~(3) It is associated with the lives of persons important to Ventura County or its cities, California, or national history;~~
- ~~(4) It has yielded, or has the potential to yield, information important to the prehistory or history of Ventura County or its cities, California or the nation.~~
- ~~(5) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values;~~
- ~~(6) Integrity: Establish the authenticity of the resource's physical identity by evidence of lack of deterioration and significant survival of the characteristics that existed during its period of importance. This shall be evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling and association.~~

- b. Sites of Merit - Satisfy all of the following criteria:

- (1) Sites of historical, architectural, community, or aesthetic merit which have not been designated as ~~Landmarks~~ or ~~Points of Interest~~, but which are deserving of special recognition; ~~and~~
- (2) ~~County Board of Supervisors~~ approved surveyed sites with a National Register status code of ~~5 or above 1 through 5~~; ~~and~~
- (3) Retain sufficient integrity as described in Sec. 1367(a).

c. Points of Interest - Satisfy ~~any~~ one of the following criteria:

- (1) ~~That is~~ The site of a building, structure or object that no longer exists, but was associated with historic events, important persons, or embodied a distinctive character or architectural style; or
- (2) ~~That is~~ A site that has historical significance, but has been altered to the extent that the *integrity* of the original workmanship, materials, or style has been substantially compromised; or
- (3) ~~That is~~ The site of a historic event which has no distinguishable characteristics other than that a historic event occurred at that site, and the site is not of sufficient historical significance to justify the establishment of a ~~Landmark~~.

d. Districts - ~~Meets the criteria below~~ Satisfy all of the following criteria:

- (1) Possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development;
- (2) Has precisely mapped and defined exterior boundaries, ~~which requires a description of what lies immediately on the edge of the district to allow rational exclusion of adjoining areas~~ based upon a shared relationship among the properties constituting the District;
- (3) Has at least one of the criteria for significance of ~~Section 1365-5.a. 1-8~~ Sec. 1367(a); and
- (4) ~~Complies with the criteria for integrity contained in Section 1365-5.a.6.~~ Retains sufficient integrity as described in Sec. 1367(a).

Sec. 13657-61. Additional Designation Standards. In addition to meeting the criteria in Sec. ~~1365-5 et. seq.~~ 1367, all the following standards below must be met before a site becomes a designated *Cultural Heritage Site*: This section shall not apply in the determination of whether a site is eligible for Cultural Heritage Site designation.

- a. It shall have historic, aesthetic or special character or interest for the general public, and not be limited in interest to a special group of

persons;

- b. Its designation shall not require the expenditure by the County of Ventura of any amount of money not commensurate with the value of the object to be preserved; and
- c. Its designation shall not infringe upon the rights of a private owner thereof to make ~~any and all~~ reasonable uses thereof which are not in conflict with the purposes of this Article.

Sec. 1368. REMOVAL OR DOWNGRADE OF DESIGNATIONS. An application for the removal or downgrade of the designation of a Cultural Heritage Site may be filed by its property owner, by the County Resource Management Agency, or directly by the Cultural Heritage Board or a member of the Cultural Heritage Board if approved by a properly carried motion. If a designated Cultural Heritage Site is defaced, demolished, added to, altered, or moved, or damaged by natural disaster, including but not limited to, earthquake, fire, or flood, and the Cultural Heritage Board determines that the site's integrity has been impacted, through no fault or neglect of the property owner, to the extent that it no longer meets the criteria for a Cultural Heritage Site, the Cultural Heritage Board shall remove or downgrade its designation. Removal or downgrade actions shall take place following a public hearing preceded by a 15-day notice to the property owner. Private property applicant requests for removal or downgrade of designations shall, as determined necessary by the Planning Director, provide a historic resource report prepared by a professional architectural historian meeting the Secretary of the Interior's Professional Qualification Standards demonstrating the loss of integrity to the Cultural Heritage Site, or, in the instance of a natural disaster, a report demonstrating the loss of integrity due to natural disaster.

Sec. 1369. CULTURAL HERITAGE PROGRAM REQUIREMENTS AND PROHIBITIONS.

Sec. 1369-1. List of Properties Potentially Eligible for Cultural Heritage Site Designation. The County Resource Management Agency shall maintain record of known Potential Cultural Heritage Sites within its applicable land use permitting system. Said list shall also include Ventura County sites listed in the National Register of Historic Places and California Register of Historical Resources.

[Staff Explanation. As part of a general reorganization and cleanup, Section 1369 was added as a new category to the Ordinance containing miscellaneous Cultural Heritage Program Requirements and Prohibitions. Section 1369-1 was adapted from the existing Section 1364-1 of the current Ordinance.]

Sec. 1369-2. Survey Results. Any list of Cultural Heritage resources which may be eligible for designation as Cultural Heritage Sites resulting from a historic survey shall contain a statement indicating, where appropriate, that sites are private and not open to the public.

[Staff Explanation. As part of a general reorganization and cleanup, Section 1369 was

added as a new category to the Ordinance containing miscellaneous Cultural Heritage Program Requirements and Prohibitions. Section 1369-2 was adapted from the existing Section 1364-11 of the current Ordinance.]

Sec. 1369-3. Local Register of Historic Places. The County Resource Management Agency shall maintain a register of designated Cultural Heritage Sites. Said list shall also include Ventura County sites listed in the National Register of Historic Places and California Register of Historical Resources.

[Staff Explanation. As part of a general reorganization and cleanup, Section 1369 was added as a new category to the Ordinance containing miscellaneous Cultural Heritage Program Requirements and Prohibitions. Section 1369-3 was adapted from the existing Section 1364-4 of the current Ordinance and existing noticing requirements for designation of Cultural Heritage Sites are stipulated in Section 1366. Following consultation with the State Office of Historic Preservation, the provision regarding Ventura County sites listed in the National Register of Historic Places and California Register of Historical Resources was moved from Section 1369-3 to Section 1369-1.]

Sec. 1369-4. Pending Designations. For Cultural Heritage Sites pending designation by the Board of Supervisors, from the time the Cultural Heritage Board adopts its recommendation until the time the Board of Supervisors either declares or determines not to declare the Cultural Heritage Site, the property owner is prohibited from defacing, demolishing, adding to, altering, or removing any feature of the Cultural Heritage Site. This time period is not to exceed 90 days. This section shall not apply to designation of Points of Interest.

[Staff Explanation. As part of a general reorganization and cleanup, Section 1369 was added as a new category to the Ordinance containing miscellaneous Cultural Heritage Program Requirements and Prohibitions. Section 1369-4 was adapted from the existing Section 1365-1 of the current Ordinance.]

Sec. 1369-5. Potential and Designated Cultural Heritage Sites. For those properties that are potentially eligible for Cultural Heritage Site designation and for those properties that have previously been designated Cultural Heritage Sites, the property owner is prohibited from defacing, demolishing, adding to, altering, or removing the potential or designated Cultural Heritage Site until a Certificate of Review or Certificate of Appropriateness, as required, has been processed pursuant to Sections 1371 or 1372, respectively.

Sec. 1369-6. Recordation of Cultural Heritage Site Designation. All designations of Cultural Heritage Sites by the Cultural Heritage Board or Board of Supervisors shall be submitted to the County Clerk and Recorder by means of a certified resolution establishing the designation, which shall be recorded by the County Clerk and Recorder. When the designation of a Cultural Heritage Site is modified, downgraded, or removed, a certified resolution establishing the modification, downgrade, or removal of the designation, shall be submitted to the County Clerk and Recorder, which shall be recorded by the County Clerk and Recorder.

Sec. 1369-7. Maintenance. The owner, lessee, or other person with actual possession, care, or control of a designated Landmark or District Contributor shall perform maintenance and repairs as needed to prevent the deterioration, decay, or degradation of the property in accordance with the International Property Maintenance Code, as adopted by the Board of Supervisors on November 5, 2019 and as may be amended. Additionally, it is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of a designated Landmark or District Contributor and the interior portions thereof when such maintenance is necessary to prevent deterioration, decay, or degradation of the exterior.

Sec. 1370. INCENTIVES FOR PRESERVING HISTORIC RESOURCES. The following incentives are available where specified to encourage the preservation, maintenance, and appropriate rehabilitation of historic resources, to encourage investment in historic properties, and to aid property owners with potential financial burdens.

Sec. 1370-1. Historical Property Contracts (Mills Act Contracts). The purpose of this section is to implement State of California law (Government Code sections 50280 et seq., or any successor statutes), allowing the approval of Historical Property Contracts by establishing a uniform procedure for the owners of qualified historic properties within unincorporated Ventura County to enter into contracts with the County for purposes of reducing property taxes. For the purposes of Sec. 1370-1, a qualified property shall be a Landmark or District Contributor designated pursuant to the legally required procedures stipulated in this Article. The required provisions of a Historical Property Contract shall be those required by State of California law, including the following specifications:

- a. The contract term shall be 10 years minimum, with automatic renewal yearly on the anniversary of the contract date;
- b. The contract agreement is to assist the preservation of the historic resource; therefore, restoration, and rehabilitation of the property shall conform to the rules and regulations of the State of California Office of Historic Preservation, the Secretary of the Interior's Standards, and the California Historical Building Code;
- c. The owner agrees to permit periodic examination of the interior and exterior of the premises by the County Assessor, the Department of Parks and Recreation, the State Board of Equalization, and the County, as may be necessary to verify the owner's compliance with the contract agreement, and to provide any information requested to ensure compliance with the contract agreement;
- d. The contract shall be binding on all successors-in-interest of the owner to the benefits and burdens of the contract; and

- e. The procedure for notice of non-renewal by the owner or the County, shall be as identified in State law (Government Code sections 50280 et seq., or any successor statutes).

In addition, the contract shall state that the County may cancel the contract if it determines that the owner has breached any of the conditions of the contract or has allowed the property to deteriorate to the point that it no longer meets the significance criteria under which it was designated. In addition, the contract shall state that if the County cancels the contract for any of these reasons the owner shall pay a cancellation fee of twelve and one-half percent of the full value of the property at the time of cancellation, as determined by the County Assessor without regard to any restriction on the property imposed by the Historical Property Contract. The Planning Director, or designee, shall issue administrative guidelines for implementation of the Historical Property Contract process.

Sec. 1370-2. California Historical Building Code. The California Historical Building Code provides alternative building regulations for permitting repairs, alterations, and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use, or continued use of a qualified historical building or structure, as defined by the Ventura County Building Code. Any qualified historical building or structure may, upon request of the applicant for a permit, be subject to the provisions of the California Historical Building Code if the work is required to comply with the Secretary of the Interior's Standards.

Sec. 1370-3. Cultural Heritage Sites Deviations. Section 8107-37 of the Ventura County Non-Coastal Zoning Ordinance establishes a mechanism whereby appropriate deviations from the regulations of that Chapter can be granted to promote the enhancement, preservation, rehabilitation, restoration, reconstruction, and maintenance of sites and structures of historical or cultural heritage value through the imposition of design and development standards specific to the site.

Sec. 1370-4. Boarding Houses and Bed-And-Breakfast Inns. A Boarding House and Bed-And-Breakfast Inn land use may be allowed in the Open Space and Agricultural Exclusive zoning districts if the proposed use will occur in an existing structure designated a Cultural Heritage Site and all other required findings can be met, as provided in Section 8107-40 of the Ventura County Non-Coastal Zoning Ordinance.

Sec. 1370-5. Interpretive Centers. An Interpretive Center land use may be allowed at designated Cultural Heritage Sites in certain zoning districts in compliance with Section 8107-38 of the Ventura County Non-Coastal Zoning Ordinance. The Interpretive Center land use allows for the display of materials with a direct connection to the site and is intended to give the public an

opportunity to experience and understand Ventura County's past by exploring sites, structures, and improvements that have played an important role in the cultural and social history and prehistory of Ventura County.

Sec. 1370-6. Historic Repositories. A Historic Repository land use may be allowed at designated Cultural Heritage Sites in certain zoning districts in compliance with Section 8107-39 of the Ventura County Non-Coastal Zoning Ordinance. The Historic Repositories land use allows for the collection and display of structures, facilities, equipment, and the like which are associated with the historic or cultural development of Ventura County.

Sec. 1370-7. Conservation Subdivisions. Section 8211-0 of the Ventura County Subdivision Ordinance authorizes the creation of parcels for conservation purposes, including for the preservation of a historically important land area or a certified historic structure, as defined in Section 8202-0 of the Ventura County Subdivision Ordinance.

Sec. 1370-8. Federal Historic Preservation Tax Certification. The National Park Service (NPS) administers the Federal Historic Preservation Tax Incentives program with the Internal Revenue Service (IRS) and in partnership with State Historic Preservation Offices. The tax incentives promote the rehabilitation of income-producing historic structures of every period, size, style, and type.

Sec. 1370-9. State Historic Rehabilitation Tax Credit. The State of California Office of Historic Preservation and the California Tax Credit Allocation Committee administer the State Historic Rehabilitation Tax Credit. The tax credit provides an incentive for investment in local economies and the rehabilitation of historic buildings that reflect the character of communities.

Sec. 136671. PROCESS FOR CERTIFICATE OF APPROPRIATENESS (COA):.

Sec. 1371-1. Certificates of Appropriateness shall be required for the following categories of sites only: 1. Landmarks; 2. Points of Interest; 2. Districts; 3. Demolition of Sites of Merit; 4. Demolition of pPotential sites Cultural Heritage Sites; and 5. Designated Cultural Heritage Sites seeking where a Planned Development Permit is being sought for the property pursuant to Section 8107-37 (Cultural Heritage Sites Deviations) of the Ventura County Zoning Ordinance; and 6. Sites listed on the National Register of Historic Places or California Register of Historical Resources that require a permit from the Resource Management Agency. A Certificates of Appropriateness (and as they may be conditioned) are is an authorizations issued by the Cultural Heritage Board, or support staff or its designee in accordance with criteria adopted by the Board in Sec. 1371-4 which indicate that the proposed maintenance, alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, relocation, or subdivision of a designated Cultural Heritage Site will not adversely affect its cultural heritage values; or unduly compromise the eligibility of a potential site to become a designated Cultural Heritage Site. A Certificate of

Appropriateness may be approved for a project as proposed, or approved with applicant modifications, or denied by the Cultural Heritage Board. A Certificate of Appropriateness shall only be required for projects affecting the exterior of a structure, site, or object, except in the case of a Cultural Heritage Site subject to a Mills Act contract, in which case it shall be required for any change affecting the interior character-defining features thereof.

[Staff Explanation. Following consultation with the State Office of Historic Preservation, the provision requiring a Certificate of Appropriateness for projects at sites listed on the National Register of Historic Places or California Register of Historical Resources that also require a permit from the Resource Management Agency was removed.]

Sec. 136671-42. Prior to commencement of or receipt of necessary permits for maintenance, *alteration, restoration, rehabilitation*, remodeling, addition, change of use, *demolition*, subdivision, or *relocation*, of *potential or designated Cultural Heritage Sites or sites potentially eligible for such designation*, as set forth in Sec. 1371-1, the land property owner shall have:

- a. obtained a *Certificate of Appropriateness* from the *Cultural Heritage Board* or staff its designee, as the *Cultural Heritage Board* may delegate such authority, or
- b. filed for a *COA Certificate of Appropriateness* and waited the time specified in Section 1366-5 1371-6 without any action being taken on his the request for a COA Certificate of Appropriateness; or
- c. filed for a *Certificate of Appropriateness* and the relevant time specified in Section 1366-8 1371-8 has expired;

Sec. 136671-23. The County Resource Management Agency and other applicable County agencies shall report any application for a permit to work on a potential or designated Cultural Heritage Site or potentially eligible site to the *Cultural Heritage Board* and its staff as soon as the application has been received.

Sec. 136671-34. In evaluating a requests for a Certificates of Appropriateness, the *Cultural Heritage Board or its designee* shall consider the existing architectural style, design, arrangement, texture, materials, and any other factors with regard to the site's original distinguishing characteristics character-defining features. The Cultural Heritage Board or its designee may consider modifications to the proposed scope of work as may be offered by the applicant during the evaluation. Using the Secretary of the Interior's Standards for Historic Preservation Projects Secretary of the Interior's Standards as a guide, the *Cultural Heritage Board or its staff designee, as delegated*, shall approve a *Certificate of Appropriateness* for any proposed work on the site if, and only if, one of the following findings standards can be made met:

- a. The proposed work will neither adversely affect reduce the significant

architectural features nor ~~adversely affect~~ reduce the character of historical, architectural, or aesthetic interest or value of the site.

- b. In the case of construction of a new improvement, addition, building, or structure, or object upon the site, the use and exterior of such construction will not ~~adversely affect, and will be compatible with, the use and, or exterior~~ reduce the integrity of the site.
- c. ~~The denial of a Certificate of Appropriateness will deprive the owner of the property of all reasonable use of or economic return on the property.~~
- d. If the request for a COA Certificate of Appropriateness involves a non-designated site and the proposed work would not ~~compromise~~ prevent the potential future designation of the site.
- e. If the applicant presents facts and clear evidence, as described below, demonstrating that failure to approve the request for a Certificate of Appropriateness will cause a hardship because of conditions peculiar to the structure or other feature involved, or damage to the property owner is unreasonable in comparison to the benefit conferred to the community, the Cultural Heritage Board may ~~conditionally~~ approve such the Certificate of Appropriateness, even though it does not meet the standards set forth herein. The Cultural Heritage Board is authorized to request that the applicant furnish additional information, documentation, and expert testimony, the cost of which shall be paid by the applicant, to be considered by the Cultural Heritage Board as it may require for its related findings. In determining whether a hardship exists, the Cultural Heritage Board shall consider evidence that demonstrates any of the following:
 - 1. Denial of the application will deprive the owner of the property of all reasonable use of or economic return on the property;
 - 2. Denial of the application will diminish the value of the subject property so as to leave substantially no value;
 - 3. Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in this zone;
 - 4. An adaptive reuse study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical;
 - 5. Denial of the application would damage the owner of the property unreasonably in comparison to the benefit conferred on the community; or
 - 6. All means involving County-sponsored incentives have been explored to relieve possible economic disincentives.
- f. In the event that issuance of a Certificate of Appropriateness is required by State or federal law.

Sec. 136671-45. A Requests request for a Certificate of Appropriateness shall be signed by the land property owner or their designated agent and filed with the County's Resource Management Agency for processing. The Requests request shall include plans and specifications, and the relationship of the proposed work to the surrounding environs environment. The request shall be accompanied by any other all necessary information the Cultural Heritage Board determines is required needs to make an informed judgment of the proposed work according to the standards set forth in of review pursuant to Section. ~~1364-12~~ 1371-4.

Sec. 136671-56. If the Cultural Heritage Board or its designee, as applicable, fails to act on a request for a Certificate of Appropriateness within ~~ninety (90)~~ 90 days of submission of a complete ~~COA-Certificate of Appropriateness~~ application, a Certificate of Appropriateness shall not be required; Upon such a failure to act, a proposed projects on undesignated and designated a potential or designated or potentially eligible Cultural Heritage Sites may proceed without an approved ~~COA-Certificate of Appropriateness~~, provided an action is not pending on the designation of the site, and all other necessary County permits have been obtained.

Sec. 136671-67. If no building, ~~planning zoning, land use,~~ or other permit is required to pursue work on a designated Ventura County Landmark Cultural Heritage Site or ~~potentially eligible site, where the owner has been notified of the site's eligible status; then~~ whoever is responsible for the work, whether it is the tenant, resident, or property owner, shall apply to the Cultural Heritage Board staff directly for the appropriate authorization pursuant to Sec. ~~1364-12~~ 1371 or Sec. 1366.;

Sec. 1366-7. ~~The Cultural Heritage Board or staff may disapprove the issuance of said Certificate or Certificates for any proposed work if, and only if, it makes one of the following applicable findings:~~

- ~~a. The proposed project is to remove or demolish a designated Cultural Heritage site that is determined by the Cultural Heritage Board to be significant and important to the history of the County.~~
- ~~b. The proposed project would adversely affect the historical significance of the site or would not be compatible with the use and/or exterior of the designated Cultural Heritage site.~~
- ~~c. The proposed project would adversely affect the eligibility of a potential site to become a designated Cultural Heritage Site.~~

~~A decision of staff may be appealed to the Cultural Heritage Board and a Board decision may be appealed to the Board of Supervisors within 15 days of notification of the decision.~~

Sec. 136671-8. If the request for a Certificate of Appropriateness for a specific project proposal is denied by the Cultural Heritage Board or staff its

~~designee, the property owner of a designated Cultural Heritage Site shall be prohibited from taking action for 180 days from the date of the disapproval. Notwithstanding the provisions of sSection, 1366-7 1371-4 or any other provision of the Cultural Heritage Ordinance this Article, following the date denial of a complete Certificate of Appropriateness application by the Ventura County Cultural Heritage Board or by staff its designee, or the Board of Supervisors on appeal, a Certificate of Appropriateness shall not be required as follows no longer be necessary for a permit application to proceed according to the following: (a) in the case of a designated Cultural Heritage Site or designated interim basis Cultural Historical Heritage Site, one hundred eighty (180) days beyond; and (b) in the case of an undesignated site, immediately following such denial. Said decisions may be appealed to the Board of Supervisors within 15 days or decisions by staff may be appealed to the Cultural Heritage Board within 15 days. There is no waiting period following the denial of a COA for projects on sites not designated an interim or formal Cultural Heritage Site.~~

~~Sec. 136671-9. Non-Action After Certificate of Appropriateness. If the property owner has not acted on the Certificate of Appropriateness within one year and 180 days from the date the Cultural Heritage Board or staff its designee approved such action, the Certificate of Appropriateness shall be void. Upon request of the property owner, CHB staff may extend a certificate for an additional period of one year. CHB staff may approve, approve with conditions, or deny any request for extension.~~

Sec. 1372. PROCESS FOR CERTIFICATE OF REVIEW. This section applies only to Sites of Merit or Potential Cultural Heritage Sites for which a permit application is received to construct, change, alter, modify, or remodel in a manner that affects the exterior character-defining features or integrity of the site. This section applies only to sites not requiring a Certificate of Appropriateness and shall not apply to permit applications for demolition.

Sec. 1372-1. A request for a Certificate of Review shall be signed by the property owner or their designated agent and filed with the County's Resource Management Agency for processing. The request shall include plans and specifications and shall be accompanied by all necessary information the Cultural Heritage Board needs to provide an evaluation of the proposed work according to Sec. 1372-2.

Sec. 1372-2. Prior to issuance of a permit, the County Resource Management Agency shall forward the application materials described in Sec. 1372-1 to the Cultural Heritage Board for action at its next scheduled meeting, or its designee for such minor proposals as designated by resolution of the Cultural Heritage Board for review and comment. For such sites and applications, the Cultural Heritage Board, or its designee, shall:

- a. Using the Secretary of the Interior's Standards as a guide, review and

- comment upon the permit application as it relates to potential or designated *Cultural Heritage Sites*; and
- b. Review the permit application, and advise the applicant and/or all public agencies concerning the effects of the proposed action(s) on potential and/or designated *Cultural Heritage Sites*.

[Staff Explanation. The Certificate of Review (COR) process outlined in Section 1372 was adapted and modified from the existing Section 1364-12 of the current Ordinance. This proposed revision clarifies the COR process (review and comment) at Sites of Merit and potentially eligible Cultural Heritage Sites to specify that a COR is only required in conjunction with another action requiring a permit from a County agency. This clarification is intended to address the concern of many property owners who are unaware of their property's historic status.]

Sec. 1373. APPEALS. An aggrieved party may appeal to the *Board of Supervisors* any of the following decisions of the *Cultural Heritage Board* (or in the case of a decision of a designee of the *Cultural Heritage Board*, such appeal shall first be heard by the *Cultural Heritage Board*) by filing an appeal application with the Planning Director within ten calendar days (or the following work day if the tenth day falls on a weekend or holiday) of such decision:

- a. Designations of *Cultural Heritage Sites*;
- b. Removals, modifications, or downgrades of designation of *Cultural Heritage Sites*; and
- c. Certificates of Appropriateness.

Sec. 1373-1. The application for the appeal shall state the grounds for the appeal and any alleged decision-making error by the *Cultural Heritage Board*, or its designee. Appeals constitute a de novo hearing of the decision appealed and the *Board of Supervisors* may, following notice to the property owner and a public hearing, make its own determination on the matter.

[Staff Explanation. Section 1373 is a new proposed category identifying the existing opportunities to appeal CHB or CHB staff actions, in addition to an appeal opportunity for the newly proposed downgrade mechanism.]

Sec. 136774. ACQUISITION OF DESIGNATED CULTURAL HERITAGE SITES. If the decision is made that the historical significance of any designated site *Cultural Heritage Site* justifies the expenditure of public funds, acquisition proceedings may be initiated. If the *Board of Supervisors* finds a site to be of historical significance and public funds are not available, private funds may be used for acquisition or other arrangements may be made that are satisfactory to the property owner.

Sec. 136875. MUNICIPAL CULTURAL HERITAGE. The *Cultural Heritage Board*, at the request of a city, may serve as the city's Cultural Heritage Board. However, the provisions of this Ordinance Article, unless adopted by the City Council, shall have force and effect only in the unincorporated area of the County.

Sec. 136976. FUNDS. The *Cultural Heritage Board*, or other interested persons, may petition the *Board of Supervisors* for funds necessary to carry out the purposes of this Article. The *Board of Supervisors* may expend all reasonable amounts of money needed to carry out the purposes of this Article or to acquire fee title or such lessor ownership rights or rights of possession or negative easements as it deems necessary or expedient to carry out the purposes of this Article.

Sec. 13707. COOPERATION. The *Cultural Heritage Board* shall cooperate with all County departments and officers when requested, and shall recommend for their consideration matters covered by this ~~Ordinance~~ Article. All Boards, Commissions, Departments, and Officers of the County shall cooperate with the ~~said Cultural Heritage Board~~ in carrying out the spirit and intent of this ~~Ordinance~~ Article and shall:

Sec. 13707-1. Notify the *Cultural Heritage Board* of the discovery of items of historical significance, such as burial grounds, prehistoric artifacts, or historical foundations;

Sec. 13707-2. Inform the *Cultural Heritage Board* of the proposed *alteration, demolition, or relocation* of ~~potential or Designated Cultural Heritage Sites or sites eligible for such designation~~;

Sec. 13707-3. Inform the *Cultural Heritage Board* of proposed changes of all road and geographical names; and

Sec. 13707-4. Inform the *Cultural Heritage Board* of all County records of historical significance which are to be disposed of or destroyed.

Sec. 13748. EXPENSES. The necessary and reasonable expenses to the operation of the *Cultural Heritage Board*, as ~~outlined set forth~~ in Section, ~~1364~~ 1365, shall be the responsibility of the County.

~~Sec. 1372. STATE HISTORIC BUILDING CODE. The California State Historic Building Code (SHBC) provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as cultural resources. The SHBC shall be used for any designated site in the County's building permit procedure.~~

Sec. 1379. VIOLATIONS AND ENFORCEMENT. Violations of the provisions of this Article 5 are misdemeanor/ infractions under Sections 13 and 13.1 of the Ventura County Ordinance Code. Violations of the provisions of this Article 5 are also hereby enforceable and subject to civil penalties under the procedures set forth in Article 14 of Chapter 1 of Division 8 of the Ventura County Ordinance Code commencing at Section 8114 et seq. Violations are enforceable by the Planning Director or Code Compliance Director of the Ventura County Resource Management Agency.

~~Sec. 1373. DEFINITIONS. Application of Definitions: Unless the provision or context otherwise requires, the definitions of words and terms as follows shall govern the construction of this Chapter.~~

~~"Board" or Cultural Heritage Board". The Ventura County Cultural Heritage Board established by this Ordinance.~~

~~"Certificate of Appropriateness". Ventura County Cultural Heritage Board or staff issued authorizations which indicate that the proposed subdivision, rezoning, maintenance, acquisition, stabilization, preservation, reconstruction, protection, alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, relocation, change, remodeling or other project affecting a potential or designated Cultural Heritage Site will not adversely affect its cultural heritage values; or unduly compromise the eligibility of a potential site to become a designated one.~~

~~"Cultural Heritage". Pertaining to the sum total of traditions, body of knowledge, etc. inherited as possessions, characteristics, or conditions expressing a traditional way of life subject to gradual, but continuous modifications by succeeding generations.~~

~~"Cultural Heritage Site". An improvement, natural feature, site or district that has completed the legally required procedures stipulated in this Ordinance to have it designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors as a District, Landmark, Site of Merit or Point of Interest.~~

~~"District". An area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. Historic districts are defined by precise geographic boundaries. Therefore, those with unusual boundaries require a description of what lies immediately adjacent in order to define the edge of the district and to explain the exclusion of adjoining areas.~~

~~"Historic fabric". (1) With regard to an historic building, "historic fabric" means the particular materials, ornamentation, and architectural features which are consistent with the historic character of the building. (2) With regard to an historic district, "historic fabric" means all sites, buildings, structures, features, objects, landscaping, street elements, and related design components of the district which are consistent with the historic character of the district. (3) With regard to an archaeological district, "historic fabric" means sites, standing structures or buildings, historic landscape (land disturbance such as grading or construction), features (remnants of walls), and objects (artifacts) which are consistent with the historic character of the district.~~

~~"Landmark". An improvement, natural feature or site of historical, architectural, community or aesthetic merit which meets the criteria specified in this Ordinance and has been so designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors according to the provisions of this Ordinance.~~

~~"Owner". Those individuals, partnerships, corporations, or public agencies holding fee simple title to a resource. The term does not include individuals, partnerships, corporations or public agencies holding easements or less than fee simple interests, including leaseholds~~

~~"Point of Interest". The location of, or site of, a former improvement or natural~~

~~feature or of an event possessing historical or cultural characteristics which satisfy the provisions of this Ordinance.~~

~~"Potential Cultural Heritage Site". An improvement, natural feature or site of historical, architectural, community or aesthetic merit which may meet the criteria specified in this Ordinance and has not yet been officially designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors as a District, Landmark, Site of Merit or Point of Interest.~~

~~"Preservation" (treatment). The act or process of applying measures to sustain the existing form, integrity, or historic fabric of an historical building or structure, or the form or vegetative cover of an historic site. It may include stabilization work, as well as ongoing maintenance of the historic fabric.~~

~~"Protection" (treatment). The act or process of applying measures to affect the physical condition of an historical resource by guarding it from deterioration, loss, or attack by natural causes, or to cover or shield it from threat of danger or harm. In the case of buildings or structures, these measures are usually temporary; however, with regard to archaeological resources, protective measures may be temporary or permanent.~~

~~"Reconstruction (treatment). The act or process of reproducing through construction the exact form and detail of a vanished building, structure, or object, or any part thereof, as it appeared at a specified period of time.~~

~~"Rehabilitation (treatment). The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.~~

~~"Restoration" (treatment). The act or process of reproducing the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.~~

~~"Secretary of the Interior's Standards". The United States Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, or as most currently promulgated.~~

~~"Site". Any parcel or portion of real property, or location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure.~~

~~"Site of Merit". Sites of historical, cultural, architectural or aesthetic merit which have not been officially otherwise designated and have been surveyed according to Federal standards as required by Ventura County's Certified Local Government~~

~~agreement. Said sites shall also be listed in a County approved survey with a National Register status code of 5 or above and have been so designated by the Ventura County Cultural Heritage Board or the Ventura County Board of Supervisors according to the provisions of this Ordinance.~~

~~"Stabilization" (treatment). The act or process of applying measures designed to establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property, or one which has the potential to deteriorate or to become unsafe, while maintaining the essential form as it exists at present.~~

~~"State Historic Building Code". The State Historical Building Code is contained in Part 8 of Title 24 (State Building Standards Code) and applies to all qualified historical structures, districts, and sites designated under federal, state, or local authority. It provides alternatives to the Uniform Building Code in cases consistent with building regulations for the rehabilitation, preservation, restoration or relocation of qualified historic structures designated as historic buildings.~~

[Staff Explanation. As part of a general reorganization and cleanup, definitions shown above were transferred to Sec. 1363. DEFINITIONS. Where indicated in Sec. 1363, a number of new definitions for key terms are proposed and some existing definitions are revised for additional clarity]

Section 2. Severability. This Article's provisions are severable. If any portion of this Article or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Article's remaining portions and the Article's application to other persons and circumstances. The Board of Supervisors declares that it would have passed the remainder of this Article without the invalid or unconstitutional provision.

Section 3. This Ordinance shall be effective and operative 30 days following its final passage.

Passed and adopted this ____ day of _____ 2022, by the following vote:

AYES: Supervisors _____

NOES: _____

ABSENT: _____

ATTEST: _____
CHAIR, BOARD OF SUPERVISORS

SEVET JOHNSON
Interim Clerk of the Board of Supervisors
County of Ventura, State of California

By: _____
Deputy Clerk of the Board

DRAFT

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ORDINANCE NO. _____
AN ORDINANCE OF THE VENTURA COUNTY BOARD OF
SUPERVISORS REPEALING AND REENACTING
ARTICLE 5 OF CHAPTER 3 OF DIVISION 1 OF
THE VENTURA COUNTY ORDINANCE
CODE, BEGINNING AT SECTION 1360,
ADDRESSING CULTURAL HERITAGE

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

Section 1. Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, is hereby repealed and the subject matter therein is reenacted to read as follows:

Article 5 – Cultural Heritage

Sec. 1360. TITLE. This Article shall be known as and may be cited as the "Ventura County Cultural Heritage Ordinance".

Sec. 1361. PURPOSE AND FINDINGS. The purpose of this Article is to promote the economic and general welfare of the County of Ventura by preserving and protecting public and private historic, cultural and natural resources which are of special historical, archaeological, or aesthetic character or interest, or relocating or recreating such resources where necessary for their preservation and for their use, education, and view by the general public. This Article is intended to allow for the identification, inventory, *preservation*, and *protection* of cultural, historical, paleontological, and archaeological resources in Ventura County, including Native American resources, for their scientific, educational, and cultural value, consistent with the Ventura County General Plan. All such efforts are taken to make the citizens of this county, visitors, and tourists mindful of the rich historical, cultural, and natural heritage of the county.

The Board of Supervisors finds that Ventura County's *cultural heritage* is constantly being impacted by removal, *demolition*, earthquakes, and other *alterations* of sites and structures as documented in the 2000 Ventura County Historic Preservation Plan. To offset this adverse impact on our cultural environment, the Board of Supervisors finds that strengthening efforts to preserve and protect this heritage, combined with incentives for those willing to participate in this effort, are necessary. This strengthening will also benefit the economic and general welfare of Ventura County and, therefore, the Board of Supervisors finds that the changes as developed and recommended in the Ventura County Historic Preservation Plan are necessary.

Sec. 1362. APPLICABILITY OF ORDINANCE. The Cultural Heritage Ordinance shall have force and effect only in the unincorporated areas of Ventura County. However, any designated *Districts*, *Landmarks*, *Sites of Merit*, or *Points of Interest* (hereafter referred to as designated *Cultural Heritage Sites*) existing as of the effective date of this Article, regardless of their location in the county, shall retain their declared status. At any time in the future, if the territory upon which a designated *Cultural*

Heritage Site is annexed to any city, the site shall also retain its designated status.

Sec. 1363. DEFINITIONS. Application of Definitions: Unless the provision or context otherwise requires, the definitions of words and terms as follows shall govern the construction of this Chapter.

"Alteration": Any change affecting the exterior *character-defining features* of a potential or designated *Cultural Heritage Site*, including actions that affect the *integrity* of the resource. For a *Cultural Heritage Site* subject to a Mills Act contract, *alteration* shall include any change affecting the interior *character-defining features* thereof.

"Board of Supervisors": The County of Ventura *Board of Supervisors*.

"California Historical Building Code": The *California Historical Building Code* is a set of regulations contained in Part 8 of Title 24 (State Building Standards Code) of the California Code of Regulations (and authorized by statute under Health and Safety Code sections 18950 et seq.) that applies to all qualified historical structures, *Districts*, and sites designated under federal, state, or local authority. It provides alternatives to the Uniform Building Code for the *rehabilitation, preservation, restoration, or relocation* of qualified historic structures, *Districts*, and sites.

"Certificate of Appropriateness": An authorization issued by the *Cultural Heritage Board* or its designee which generally indicates that the proposed subdivision, rezoning, maintenance, acquisition, *stabilization, preservation, reconstruction, protection, alteration, restoration, rehabilitation*, remodeling, addition, change of use, *demolition, relocation*, change, remodeling or other project affecting a potential or designated *Cultural Heritage Site* will not reduce its *cultural heritage* values, or prevent the eligibility of a *Potential Cultural Heritage Site* to become a designated *Cultural Heritage Site*.

"Certificate of Review": An action by the *Cultural Heritage Board* or its designee documenting its consideration of, and recommendations, regarding the effects, including environmental effects to historic resources, of permit actions on a potential or designated *Cultural Heritage Site*, where a *Certificate of Appropriateness* is not required.

"Certified Local Government": The program authorized by the National Historic Preservation Act of 1966 (16 U.S.C. section 470 et seq.) and the subsequent participatory agreement between the County and the State of California Office of Historic Preservation.

"Character-Defining Features": The physical aspects of a site's design and form which identify it as belonging to a specific time and place. Design, materials, workmanship, form, and style of decorative and structural features and spaces, and spacial relationships both interior, exterior, and environmental. A building, for example, may have *character-defining features* that include, but are not limited to, the overall shape, massing and form of the building, its roof and roof structures, openings, projections, trim, materials, craftsmanship, decorative details, as well as the various aspects of its site, landscape, and environment.

"Cultural Heritage": Pertaining to the sum total of traditions and body of knowledge that are inherited as possessions, characteristics, or conditions expressing a traditional way of life subject to gradual but continuous modifications by succeeding generations.

"Cultural Heritage Board": The County of Ventura *Cultural Heritage Board* established by this Article.

"Cultural Heritage Site": An improvement, natural feature, site, or *District* that has completed the legally required procedures stipulated in this Article to have it designated by the *Cultural Heritage Board* or the *Board of Supervisors* as a *District*, *Landmark*, *Site of Merit*, or *Point of Interest*.

"Demolition": The complete destruction or removal of a structure, tree, landscaping, or natural feature identified as a *character-defining feature*; the cumulative removal of more than 50 percent of the perimeter walls, roof, or floor area of a structure; or the removal of a substantial portion of a street-facing façade visible from the public right-of-way.

"District": A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, landscapes, structures, or objects, united by past events or aesthetically by plan or physical developments. A district may also be composed of individual elements separated geographically but linked by association or history.

"District Contributor": A building, structure, site, feature, or object within a *District* that embodies the significant physical characteristics and features thereof, or adds to the historical associations, historic architectural qualities, or archaeological values identified for the *District*, and was present during the *period of significance*, relates to the documented significance of the property, and possesses historic *integrity* or is capable of yielding important information about the period.

"District Non-Contributor": A building, structure, site, feature, or object within a defined *District* that is not associated with the significance of the *District* or was not present during the *period of significance*, or has been altered to the extent that it no longer retains *integrity*. A *District Non-Contributor* shall not be precluded from being individually eligible as a *Site of Merit* or *Landmark* under different significance criteria.

"Downgrade": A reduction in the status of a designated *Cultural Heritage Site*, such as a re-designation of a *Landmark* to a *Site of Merit* or *Point of Interest*.

"Historic Context": A broad pattern of historical development in a community or its region, which may be represented by historic or prehistoric resources.

"Integrity": Ability of a property to convey its historical significance, or the authenticity of a property's historic identity, evidenced by the survival of physical

characteristics and materials that existed during the property's historic or pre-historic *period of significance*. A property would typically possess several (although not necessarily all) of the following seven aspects of *integrity*, as defined in National Register Bulletin 15, to convey its significance: Location, Design, Setting, Materials, Workmanship, Feeling, and Association.

"Landmark": An improvement, natural feature, or site of historical, prehistorical, architectural, community, or aesthetic merit which meets the criteria specified in this Article and has been so designated by the *Cultural Heritage Board* or the *Board of Supervisors* according to the provisions of this Article.

"Owner": Those individuals, partnerships, corporations, or public agencies holding fee simple title to a resource. The term does not include individuals, partnerships, corporations, or public agencies holding easements or less than fee simple interests, including leaseholds, in a resource property.

"Period of Significance": The span of time in which a property attained the significance for which it meets the designation criteria.

"Point of Interest": The location of, or site of, a former improvement or natural feature, or event possessing historical or cultural characteristics which satisfy the provisions of this Article.

"Potential Cultural Heritage Site": An improvement, natural feature, or site of historical, architectural, community, or aesthetic merit which may meet the criteria specified in this Article and has not yet been officially designated by the *Cultural Heritage Board* or the *Board of Supervisors* as a *District*, *Landmark*, *Site of Merit*, or *Point of Interest*. A *Potential Cultural Heritage Site* may consist of a property listed in the National Register of Historic Places or California Register of Historical Resources that has not completed the legally required procedures for designation as a *Cultural Heritage Site* stipulated in this Article.

"Preservation" (treatment): The act or process of applying measures necessary to sustain the existing form, *integrity*, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a *preservation* project.

"Protection" (treatment): The act or process of applying measures to affect the physical condition of a historical resource by guarding it from deterioration, loss, or attack by natural causes, or to cover or shield it from threat of danger or harm. In the case of buildings or structures, these measures are usually temporary; however, with regard to archaeological resources, protective measures may be temporary or permanent.

"Reconstruction" (treatment): The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

"Rehabilitation" (treatment): The act or process of making possible a compatible use for a property through repair, *alterations*, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

"Relocation": The removal of a potential or designated *Cultural Heritage Site* from its original location and placement at a new location.

"Restoration" (treatment): The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and *reconstruction* of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a *restoration* project.

"Secretary of the Interior's Professional Qualification Standards": The minimum education and experience required to perform identification, evaluation, registration, and treatment activities (36 Code of Federal Regulations Part 61, as may be amended).

"Secretary of the Interior's Standards": The United States *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, or the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (U.S. Dept. of Interior, National Park Service Technical Preservation Series, 2017 ed., as may be amended).

"Site of Merit": A site of historical, cultural, architectural, or aesthetic merit which has not been officially otherwise designated and has been surveyed according to Federal standards as required by the County of Ventura's *Certified Local Government* agreement. Said sites are listed in a *Board of Supervisors* approved survey with a National Register status code of 1 through 5 and have been designated by the *Cultural Heritage Board* or the *Board of Supervisors* according to the provisions of this Article.

"Stabilization" (treatment): The act or process of applying measures designed to establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property, or one which has the potential to deteriorate or to become unsafe, while maintaining the essential form as it exists at present.

Sec. 1364. CULTURAL HERITAGE BOARD. The *Cultural Heritage Board* is hereby established, the membership and term of appointment of which shall be as follows:

Sec. 1364-1. Supervisory Appointees. One person who has demonstrated interest in and knowledge of historic preservation and the cultural resources of the County shall be selected by each of the five members of the *Board of*

Supervisors, and confirmed by a majority of the *Board of Supervisors* thus providing representation from each Supervisorial District.

Where feasible, Board members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology, 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; or persons who have demonstrated special interest, competence, experience, or knowledge in historic preservation, American studies, cultural anthropology, cultural geography, or other historic preservation-related disciplines.

Sec. 1364-2. Cultural Heritage Board Appointment of Members At Large. Two additional Ventura County residents who have demonstrated special interest, competence, experience, or knowledge in historic preservation, American studies, cultural anthropology, cultural geography, or other historic preservation-related disciplines shall be selected and confirmed by a majority of the *Board of Supervisors*.

Sec. 1364-3. Term of Appointment. The term of appointment of the Supervisorial appointees shall be for four years corresponding to the established dates of regular Supervisorial terms of office.

If for any reason an incumbent Supervisor's term of office ends prematurely, the appointed *Cultural Heritage Board* member from that District shall remain in service on the *Cultural Heritage Board* until the new Supervisor from that Supervisorial District appoints a replacement member.

The term of appointment of *Cultural Heritage Board* at-large appointees shall be four years, commencing from the date of appointment.

Sec. 1365. FUNCTIONS AND POWERS. The functions and powers of the *Cultural Heritage Board* shall be:

Sec. 1365-1. Designation and Removal of Designation of Cultural Heritage Sites. Upon providing notice to the property owner and conducting a public hearing, the *Cultural Heritage Board* shall: (a) identify and designate *Cultural Heritage Sites*, and (b) when justified, remove such designations.

Sec. 1365-2. Forward Recommendations. The *Cultural Heritage Board* shall make recommendations to policy makers and related staff members on issues related to the preservation and enhancement of cultural, historic, and natural features in unincorporated Ventura County as well as its cities, pursuant to any adopted contract for cultural heritage services with the County.

Sec. 1365-3. Recommend Placement in the National Register of Historic Places or California Register of Historical Resources. The *Cultural Heritage Board* shall recommend to the *Board of Supervisors* that the County nominate to the

appropriate agency County designated *Cultural Heritage Sites* to be listed in the National Register of Historic Places or California Register of Historical Resources which have historical significance, which meet National or State Register criteria, and where the registration would assist in preservation.

Sec. 1365-4. Establish Markers. The *Cultural Heritage Board* shall determine which designated *Cultural Heritage Sites* shall be marked with uniform and distinctive markers, the text and design of which shall be approved by the *Cultural Heritage Board*.

Sec. 1365-5. Recommend Zoning. The *Cultural Heritage Board* shall recommend to the *Board of Supervisors* that a specific property or area be designated a historic or scenic zone, as set forth in the County's zoning ordinances.

Sec. 1365-6. Establish Bylaws. The *Cultural Heritage Board* shall adopt such Bylaws as are necessary to carry out the purpose and intent of this Article.

Sec. 1365-7. Recommend Amendments. The *Cultural Heritage Board* may recommend to the *Board of Supervisors* amendments to this Article as needed.

Sec. 1365-8. Preservation of Cultural Heritage Sites. The *Cultural Heritage Board* may take steps necessary to preserve *Cultural Heritage Sites* when not in conflict with the public health, safety, and general welfare. Such steps may include the designation of *Cultural Heritage Sites*; the creation of civic and citizens' committees; the establishment of a private fund for the acquisition or *restoration* of such sites; recommendations that such sites be acquired by a governmental agency where private acquisition is not feasible; and recommendations regarding applications for, and administration of, historical property contracts (Mills Act contracts) pursuant to Government Code section 50280 et seq.

Sec. 1365-9. Conduct Surveys. The *Cultural Heritage Board* or its designee may establish criteria for and conduct or cause to be conducted comprehensive surveys in conformance with Federal and State survey standards and guidelines for cultural heritage resources within the boundaries of the County which the *Cultural Heritage Board*, on the basis of information available or presented to it, has reason to believe may be eligible for designation. Said surveys shall include notification to all affected property owners prior to acceptance of the surveys by the *Cultural Heritage Board*. The *Cultural Heritage Board* may publicize and periodically update the surveys' results. Said surveys will include all Federal and State designated cultural heritage sites.

Sec. 1365-10. Issue Certificates of Appropriateness. The *Cultural Heritage Board* or its designee shall issue *Certificates of Appropriateness* for proposals to construct, change, alter, modify, remodel, remove, or significantly affect any potential or designated *Cultural Heritage Site* which require a *Certificate of Appropriateness* as provided in this Article.

Sec. 1365-11. Conduct Reviews. The *Cultural Heritage Board* or its designee shall, by *Certificate of Review*, review applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any potential or designated *Cultural Heritage Site*. This section applies only to sites not requiring a *Certificate of Appropriateness* and shall not apply in the case of *demolition*.

Sec. 1365-12. Conduct Environmental Reviews. The *Cultural Heritage Board* or its designee shall review all applications for discretionary permits pursuant to the County's adopted Initial Study Assessment Guidelines.

Sec. 1366. DESIGNATION OF CULTURAL HERITAGE SITES.

Sec. 1366-1. The *Cultural Heritage Board* shall have the authority to designate *Cultural Heritage Sites* where the property owner has no objection to a site's designation.

Where the property owner objects to said designation prior to final action by the *Cultural Heritage Board*, the action of the *Cultural Heritage Board* shall become a recommendation to the *Board of Supervisors* which has the final authority for the designation.

A nomination for the designation of a *Cultural Heritage Site* may be filed by the property owner of the site or the County Resource Management Agency. A nomination for consideration of the designation of a *Cultural Heritage Site*, upon a presentation by staff at a future hearing, may also be initiated directly by a member of the *Cultural Heritage Board* if approved by a properly carried motion.

Sec. 1366-2. After a public hearing, preceded by a 15 day notice to the property owner(s), the *Cultural Heritage Board* may designate a site as the following: *District*, *Landmark*, *Site of Merit*, or *Point of Interest*, if the applicable criteria of Sections 1367 and 1367-1 are met.

Sec. 1366-3. The *Cultural Heritage Board* may designate a site on an interim basis for no more than 60 days after said decision while it conducts and assesses evaluations/surveys of the site to determine if it should receive a formal designation as a *Cultural Heritage Site*. Such designation shall be preceded by a 15 day notice to property owner(s).

Sec. 1367. CRITERIA FOR DESIGNATION OF CULTURAL HERITAGE SITES.

For purposes of this Article, a site may be designated a *Cultural Heritage Site* by the *Cultural Heritage Board* or *Board of Supervisors*, as provided in this Article, if it meets the applicable criteria below.

- a. Landmarks - Satisfy one or more of the below criteria of significance, in addition to retaining sufficient *integrity*. In evaluating *integrity*, the authenticity of the resource's physical identity shall be established by evidence of lack of deterioration and significant survival of the

characteristics that existed during its *period of significance*. This shall be evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association, consistent with applicable National Register of Historic Places Bulletins for evaluating historic properties.

- (1) It is associated with events that have made a significant contribution to the broad patterns of Ventura County history;
- (2) It is associated with the lives of significant persons in Ventura County's past;
- (3) It embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction;
- (4) It has yielded, or may be likely to yield, information important in history or prehistory.

b. Sites of Merit - Satisfy all of the following criteria:

- (1) Sites of historical, architectural, community, or aesthetic merit which have not been designated as *Landmarks* or *Points of Interest*, but which are deserving of special recognition;
- (2) *Board of Supervisors* approved surveyed sites with a National Register status code of 1 through 5; and
- (3) Retain sufficient *integrity* as described in Sec. 1367(a).

c. Points of Interest - Satisfy one of the following criteria:

- (1) The site of a building, structure or object that no longer exists, but was associated with historic events, important persons, or embodied a distinctive character or architectural style; or
- (2) A site that has historical significance, but has been altered to the extent that the *integrity* of the original workmanship, materials, or style has been substantially compromised; or
- (3) The site of a historic event which has no distinguishable characteristics other than that a historic event occurred at that site, and the site is not of sufficient historical significance to justify the establishment of a *Landmark*.

d. Districts - Satisfy all of the following criteria:

- (1) Possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically

by plan or physical development;

- (2) Has precisely mapped and defined boundaries based upon a shared relationship among the properties constituting the *District*;
- (3) Has at least one of the criteria for significance of Sec. 1367(a); and
- (4) Retains sufficient *integrity* as described in Sec. 1367(a).

Sec. 1367-1. Additional Designation Standards. In addition to meeting the criteria in Sec. 1367, all the standards below must be met before a site becomes a designated *Cultural Heritage Site*. This section shall not apply in the determination of whether a site is eligible for *Cultural Heritage Site* designation.

- a. It shall have historic, aesthetic or special character or interest for the general public, and not be limited in interest to a special group of persons;
- b. Its designation shall not require the expenditure by the County of Ventura of any amount of money not commensurate with the value of the object to be preserved; and
- c. Its designation shall not infringe upon the rights of a private *owner* thereof to make reasonable uses thereof which are not in conflict with the purposes of this Article.

Sec. 1368. REMOVAL OR DOWNGRADE OF DESIGNATIONS. An application for the removal or downgrade of the designation of a *Cultural Heritage Site* may be filed by its property *owner*, by the County Resource Management Agency, or directly by the *Cultural Heritage Board* or a member of the *Cultural Heritage Board* if approved by a properly carried motion. If a designated *Cultural Heritage Site* is defaced, demolished, added to, altered, or moved, or damaged by natural disaster, including but not limited to, earthquake, fire, or flood, and the *Cultural Heritage Board* determines that the site's *integrity* has been impacted, through no fault or neglect of the property *owner*, to the extent that it no longer meets the criteria for a *Cultural Heritage Site*, the *Cultural Heritage Board* shall remove or downgrade its designation. Removal or downgrade actions shall take place following a public hearing preceded by a 15-day notice to the property *owner*. Private property applicant requests for removal or downgrade of designations shall, as determined necessary by the Planning Director, provide a historic resource report prepared by a professional architectural historian meeting the *Secretary of the Interior's Professional Qualification Standards* demonstrating the loss of *integrity* to the *Cultural Heritage Site*, or, in the instance of a natural disaster, a report demonstrating the loss of *integrity* due to natural disaster.

Sec. 1369. CULTURAL HERITAGE PROGRAM REQUIREMENTS AND PROHIBITIONS.

Sec. 1369-1. List of Properties Potentially Eligible for Cultural Heritage Site Designation. The County Resource Management Agency shall maintain record of known *Potential Cultural Heritage Sites* within its applicable land use permitting system. Said list shall also include Ventura County sites listed in the National Register of Historic Places and California Register of Historical Resources.

Sec. 1369-2. Survey Results. Any list of *Cultural Heritage* resources which may be eligible for designation as *Cultural Heritage Sites* resulting from a historic survey shall contain a statement indicating, where appropriate, that sites are private and not open to the public.

Sec. 1369-3. Local Register of Historic Places. The County Resource Management Agency shall maintain a register of designated *Cultural Heritage Sites*.

Sec. 1369-4. Pending Designations. For *Cultural Heritage Sites* pending designation by the *Board of Supervisors*, from the time the *Cultural Heritage Board* adopts its recommendation until the time the *Board of Supervisors* either declares or determines not to declare the *Cultural Heritage Site*, the property owner is prohibited from defacing, demolishing, adding to, altering, or removing any feature of the *Cultural Heritage Site*. This time period is not to exceed 90 days. This section shall not apply to designation of *Points of Interest*.

Sec. 1369-5. Potential and Designated Cultural Heritage Sites. For those properties that are potentially eligible for *Cultural Heritage Site* designation and for those properties that have previously been designated *Cultural Heritage Sites*, the property owner is prohibited from defacing, demolishing, adding to, altering, or removing the potential or designated *Cultural Heritage Site* until a *Certificate of Review* or *Certificate of Appropriateness*, as required, has been processed pursuant to Sections 1371 or 1372, respectively.

Sec. 1369-6. Recordation of Cultural Heritage Site Designation. All designations of *Cultural Heritage Sites* by the *Cultural Heritage Board* or *Board of Supervisors* shall be submitted to the County Clerk and Recorder by means of a certified resolution establishing the designation, which shall be recorded by the County Clerk and Recorder. When the designation of a *Cultural Heritage Site* is modified, downgraded, or removed, a certified resolution establishing the modification, downgrade, or removal of the designation, shall be submitted to the County Clerk and Recorder, which shall be recorded by the County Clerk and Recorder.

Sec. 1369-7. Maintenance. The owner, lessee, or other person with actual possession, care, or control of a designated *Landmark* or *District Contributor* shall perform maintenance and repairs as needed to prevent the deterioration, decay, or degradation of the property in accordance with the International Property Maintenance Code, as adopted by the *Board of Supervisors* on November 5, 2019 and as may be amended. Additionally, it is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of a designated

Landmark or District Contributor and the interior portions thereof when such maintenance is necessary to prevent deterioration, decay, or degradation of the exterior.

Sec. 1370. INCENTIVES FOR PRESERVING HISTORIC RESOURCES. The following incentives are available where specified to encourage the *preservation*, maintenance, and appropriate *rehabilitation* of historic resources, to encourage investment in historic properties, and to aid property *owners* with potential financial burdens.

Sec. 1370-1. Historical Property Contracts (Mills Act Contracts). The purpose of this section is to implement State of California law (Government Code sections 50280 et seq., or any successor statutes), allowing the approval of Historical Property Contracts by establishing a uniform procedure for the *owners* of qualified historic properties within unincorporated Ventura County to enter into contracts with the County for purposes of reducing property taxes. For the purposes of Sec. 1370-1, a qualified property shall be a *Landmark or District Contributor* designated pursuant to the legally required procedures stipulated in this Article. The required provisions of a Historical Property Contract shall be those required by State of California law, including the following specifications:

- a. The contract term shall be 10 years minimum, with automatic renewal yearly on the anniversary of the contract date;
- b. The contract agreement is to assist the *preservation* of the historic resource; therefore, *restoration*, and *rehabilitation* of the property shall conform to the rules and regulations of the State of California Office of Historic Preservation, the *Secretary of the Interior's Standards*, and the *California Historical Building Code*;
- c. The *owner* agrees to permit periodic examination of the interior and exterior of the premises by the County Assessor, the Department of Parks and Recreation, the State Board of Equalization, and the County, as may be necessary to verify the *owner's* compliance with the contract agreement, and to provide any information requested to ensure compliance with the contract agreement;
- d. The contract shall be binding on all successors-in-interest of the *owner* to the benefits and burdens of the contract; and
- e. The procedure for notice of non-renewal by the *owner* or the County, shall be as identified in State law (Government Code sections 50280 et seq., or any successor statutes).

In addition, the contract shall state that the County may cancel the contract if it determines that the *owner* has breached any of the conditions of the contract or has allowed the property to deteriorate to the point that it no longer meets the significance criteria under which it was designated. In addition, the contract shall

state that if the County cancels the contract for any of these reasons the *owner* shall pay a cancellation fee of twelve and one-half percent of the full value of the property at the time of cancellation, as determined by the County Assessor without regard to any restriction on the property imposed by the Historical Property Contract. The Planning Director, or designee, shall issue administrative guidelines for implementation of the Historical Property Contract process.

Sec. 1370-2. California Historical Building Code. The *California Historical Building Code* provides alternative building regulations for permitting repairs, *alterations*, and additions necessary for the *preservation, rehabilitation, relocation*, related construction, change of use, or continued use of a qualified historical building or structure, as defined by the Ventura County Building Code. Any qualified historical building or structure may, upon request of the applicant for a permit, be subject to the provisions of the *California Historical Building Code* if the work is required to comply with the *Secretary of the Interior's Standards*.

Sec. 1370-3. Cultural Heritage Sites Deviations. Section 8107-37 of the Ventura County Non-Coastal Zoning Ordinance establishes a mechanism whereby appropriate deviations from the regulations of that Chapter can be granted to promote the enhancement, *preservation, rehabilitation, restoration, reconstruction*, and maintenance of sites and structures of historical or *cultural heritage* value through the imposition of design and development standards specific to the site.

Sec. 1370-4. Boarding Houses and Bed-And-Breakfast Inns. A Boarding House and Bed-And-Breakfast Inn land use may be allowed in the Open Space and Agricultural Exclusive zoning districts if the proposed use will occur in an existing structure designated a *Cultural Heritage Site* and all other required findings can be met, as provided in Section 8107-40 of the Ventura County Non-Coastal Zoning Ordinance.

Sec. 1370-5. Interpretive Centers. An Interpretive Center land use may be allowed at designated *Cultural Heritage Sites* in certain zoning districts in compliance with Section 8107-38 of the Ventura County Non-Coastal Zoning Ordinance. The Interpretive Center land use allows for the display of materials with a direct connection to the site and is intended to give the public an opportunity to experience and understand Ventura County's past by exploring sites, structures, and improvements that have played an important role in the cultural and social history and prehistory of Ventura County.

Sec. 1370-6. Historic Repositories. A Historic Repository land use may be allowed at designated *Cultural Heritage Sites* in certain zoning districts in compliance with Section 8107-39 of the Ventura County Non-Coastal Zoning Ordinance. The Historic Repositories land use allows for the collection and display of structures, facilities, equipment, and the like which are associated with the historic or cultural development of Ventura County.

Sec. 1370-7. Conservation Subdivisions. Section 8211-0 of the Ventura County Subdivision Ordinance authorizes the creation of parcels for conservation purposes, including for the preservation of a historically important land area or a certified historic structure, as defined in Section 8202-0 of the Ventura County Subdivision Ordinance.

Sec. 1370-8. Federal Historic Preservation Tax Certification. The National Park Service (NPS) administers the Federal Historic Preservation Tax Incentives program with the Internal Revenue Service (IRS) and in partnership with State Historic Preservation Offices. The tax incentives promote the *rehabilitation* of income-producing historic structures of every period, size, style, and type.

Sec. 1370-9. State Historic Rehabilitation Tax Credit. The State of California Office of Historic Preservation and the California Tax Credit Allocation Committee administer the State Historic Rehabilitation Tax Credit. The tax credit provides an incentive for investment in local economies and the *rehabilitation* of historic buildings that reflect the character of communities.

Sec. 1371. PROCESS FOR CERTIFICATE OF APPROPRIATENESS.

Sec. 1371-1. *Certificates of Appropriateness* shall be required for the following categories of sites only: 1. *Landmarks*; 2. *Districts*; 3. *Demolition of Sites of Merit*; 4. *Demolition of Potential Cultural Heritage Sites*; and 5. *Designated Cultural Heritage Sites* where a Planned Development Permit is being sought for the property pursuant to Section 8107-37 (Cultural Heritage Sites Deviations) of the Ventura County Zoning Ordinance. A *Certificate of Appropriateness* is an authorization issued by the *Cultural Heritage Board* or its designee in accordance with criteria in Sec. 1371-4. A *Certificate of Appropriateness* may be approved for a project as proposed, or approved with applicant modifications, or denied by the *Cultural Heritage Board*. A *Certificate of Appropriateness* shall only be required for projects affecting the exterior of a structure, site, or object, except in the case of a *Cultural Heritage Site* subject to a Mills Act contract, in which case it shall be required for any change affecting the interior *character-defining features* thereof.

Sec. 1371-2. Prior to commencement or receipt of necessary permits for maintenance, *alteration*, *restoration*, *rehabilitation*, remodeling, addition, change of use, *demolition*, subdivision, or *relocation* of potential or designated *Cultural Heritage Sites*, as set forth in Sec. 1371-1, the property owner shall have:

- a. obtained a *Certificate of Appropriateness* from the *Cultural Heritage Board* or its designee, as the *Cultural Heritage Board* may delegate such authority, or
- b. filed for a *Certificate of Appropriateness* and waited the time specified in Sec. 1371-6 without any action being taken on the request for a *Certificate*

of Appropriateness; or

- c. filed for a *Certificate of Appropriateness* and the relevant time specified in Sec. 1371-8 has expired.

Sec. 1371-3. The County Resource Management Agency and other applicable County agencies shall report any application for a permit to work on a potential or designated *Cultural Heritage Site* to the *Cultural Heritage Board* and its staff as soon as the application has been received.

Sec. 1371-4. In evaluating a request for a *Certificate of Appropriateness*, the *Cultural Heritage Board* or its designee shall consider the existing architectural style, design, arrangement, texture, materials, and any other factors with regard to the site's *character-defining features*. The *Cultural Heritage Board* or its designee may consider modifications to the proposed scope of work as may be offered by the applicant during the evaluation. Using the *Secretary of the Interior's Standards* as a guide, the *Cultural Heritage Board* or its designee shall approve a *Certificate of Appropriateness* for any proposed work on the site if one of the following standards can be met:

- a. The proposed work will neither reduce the significant architectural features nor reduce the character of historical, architectural, or aesthetic interest or value of the site.
- b. In the case of construction of a new improvement, addition, building, or structure, or object upon the site, the use and exterior of such construction will not reduce the *integrity* of the site.
- c. If the request for a *Certificate of Appropriateness* involves a non-designated site and the proposed work would not prevent the potential future designation of the site.
- d. If the applicant presents facts and clear evidence, as described below, demonstrating that failure to approve the request for a *Certificate of Appropriateness* will cause a hardship because of conditions peculiar to the structure or other feature involved, or damage to the property *owner* is unreasonable in comparison to the benefit conferred to the community, the *Cultural Heritage Board* may approve the *Certificate of Appropriateness*. The *Cultural Heritage Board* is authorized to request that the applicant furnish additional information, documentation, and expert testimony, the cost of which shall be paid by the applicant, to be considered by the *Cultural Heritage Board* as it may require for its related findings. In determining whether a hardship exists, the *Cultural Heritage Board* shall consider evidence that demonstrates any of the following:
 - 1. Denial of the application will deprive the *owner* of the property of all reasonable use of or economic return on the property;
 - 2. Denial of the application will diminish the value of the subject

- property so as to leave substantially no value;
3. Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in this zone;
 4. An adaptive reuse study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical;
 5. Denial of the application would damage the *owner* of the property unreasonably in comparison to the benefit conferred on the community; or
 6. All means involving County-sponsored incentives have been explored to relieve possible economic disincentives.

- e. In the event that issuance of a *Certificate of Appropriateness* is required by State or federal law.

Sec. 1371-5. A request for a *Certificate of Appropriateness* shall be signed by the property *owner* or their designated agent and filed with the County's Resource Management Agency for processing. The request shall include plans and specifications, and the relationship of the proposed work to the surrounding environment. The request shall be accompanied by all necessary information the *Cultural Heritage Board* needs to make an informed judgment of the proposed work according to the standards set forth in Sec. 1371-4.

Sec. 1371-6. If the *Cultural Heritage Board* or its designee, as applicable, fails to act on a request for a *Certificate of Appropriateness* within 90 days of submission of a complete *Certificate of Appropriateness* application, a *Certificate of Appropriateness* shall not be required. Upon such a failure to act, a proposed project on a potential or designated *Cultural Heritage Site* may proceed without an approved *Certificate of Appropriateness*, provided an action is not pending on the designation of the site, and all other necessary County permits have been obtained.

Sec. 1371-7. If no building, zoning, land use, or other permit is required to pursue work on a designated Ventura County *Landmark*, then whoever is responsible for the work, whether it is the tenant, resident, or property *owner*, shall apply to the *Cultural Heritage Board* staff directly for the appropriate authorization pursuant to Sec. 1371.

Sec. 1371-8. If the request for a *Certificate of Appropriateness* for a specific project proposal is denied by the *Cultural Heritage Board* or its designee, the property *owner* of a designated *Cultural Heritage Site* shall be prohibited from taking action for 180 days from the date of the disapproval. Notwithstanding the provisions of Sec. 1371-4 or any other provision of this Article, following the denial of a complete *Certificate of Appropriateness* application by the *Cultural Heritage Board* or its designee, or the *Board of Supervisors* on appeal, a *Certificate of Appropriateness* shall no longer be necessary for a permit application to proceed according to the following: (a) in the case of a designated *Cultural Heritage Site* or designated interim basis

Cultural Heritage Site, one hundred eighty (180) days beyond; and (b) in the case of an undesignated site, immediately following such denial.

Sec. 1371-9. Non-Action After Certificate of Appropriateness. If the property owner has not acted on the *Certificate of Appropriateness* within one year and 180 days from the date the *Cultural Heritage Board* or its designee approved such action, the *Certificate of Appropriateness* shall be void.

Sec. 1372. PROCESS FOR CERTIFICATE OF REVIEW. This section applies only to *Sites of Merit* or *Potential Cultural Heritage Sites* for which a permit application is received to construct, change, alter, modify, or remodel in a manner that affects the exterior *character-defining features* or *integrity* of the site. This section applies only to sites not requiring a *Certificate of Appropriateness* and shall not apply to permit applications for *demolition*.

Sec. 1372-1. A request for a *Certificate of Review* shall be signed by the property owner or their designated agent and filed with the County's Resource Management Agency for processing. The request shall include plans and specifications and shall be accompanied by all necessary information the *Cultural Heritage Board* needs to provide an evaluation of the proposed work according to Sec. 1372-2.

Sec. 1372-2. Prior to issuance of a permit, the County Resource Management Agency shall forward the application materials described in Sec. 1372-1 to the *Cultural Heritage Board* for action at its next scheduled meeting, or its designee for such minor proposals as designated by resolution of the *Cultural Heritage Board* for review and comment. For such sites and applications, the *Cultural Heritage Board*, or its designee, shall:

- a. Using the *Secretary of the Interior's Standards* as a guide, review and comment upon the permit application as it relates to potential or designated *Cultural Heritage Sites*; and
- b. Review the permit application, and advise the applicant and/or all public agencies concerning the effects of the proposed action(s) on potential and/or designated *Cultural Heritage Sites*.

Sec. 1373. APPEALS. An aggrieved party may appeal to the *Board of Supervisors* any of the following decisions of the *Cultural Heritage Board* (or in the case of a decision of a designee of the *Cultural Heritage Board*, such appeal shall first be heard by the *Cultural Heritage Board*) by filing an appeal application with the Planning Director within ten calendar days (or the following work day if the tenth day falls on a weekend or holiday) of such decision:

- a. Designations of *Cultural Heritage Sites*;
- b. Removals, modifications, or downgrades of designation of *Cultural Heritage Sites*; and

c. *Certificates of Appropriateness.*

Sec. 1373-1. The application for the appeal shall state the grounds for the appeal and any alleged decision-making error by the *Cultural Heritage Board*, or its designee. Appeals constitute a de novo hearing of the decision appealed and the *Board of Supervisors* may, following notice to the property owner and a public hearing, make its own determination on the matter.

Sec. 1374. ACQUISITION OF DESIGNATED CULTURAL HERITAGE SITES. If the decision is made that the historical significance of any designated *Cultural Heritage Site* justifies the expenditure of public funds, acquisition proceedings may be initiated. If the *Board of Supervisors* finds a site to be of historical significance and public funds are not available, private funds may be used for acquisition or other arrangements may be made that are satisfactory to the property owner.

Sec. 1375. MUNICIPAL CULTURAL HERITAGE. The *Cultural Heritage Board*, at the request of a city, may serve as the city's Cultural Heritage Board. However, the provisions of this Article, unless adopted by the City Council, shall have force and effect only in the unincorporated area of the County.

Sec. 1376. FUNDS. The *Cultural Heritage Board*, or other interested persons, may petition the *Board of Supervisors* for funds necessary to carry out the purposes of this Article. The *Board of Supervisors* may expend all reasonable amounts of money needed to carry out the purposes of this Article or to acquire fee title or such lessor ownership rights or rights of possession or negative easements as it deems necessary or expedient to carry out the purposes of this Article.

Sec. 1377. COOPERATION. The *Cultural Heritage Board* shall cooperate with all County departments and officers when requested, and shall recommend for their consideration matters covered by this Article. All Boards, Commissions, Departments, and Officers of the County shall cooperate with the *Cultural Heritage Board* in carrying out the spirit and intent of this Article and shall:

Sec. 1377-1. Notify the *Cultural Heritage Board* of the discovery of items of historical significance, such as burial grounds, prehistoric artifacts, or historical foundations;

Sec. 1377-2. Inform the *Cultural Heritage Board* of the proposed *alteration, demolition, or relocation* of potential or designated *Cultural Heritage Sites*;

Sec. 1377-3. Inform the *Cultural Heritage Board* of proposed changes of all road and geographical names; and

Sec. 1377-4. Inform the *Cultural Heritage Board* of all County records of historical significance which are to be disposed of or destroyed.

Sec. 1378. EXPENSES. The necessary and reasonable expenses to the operation of the *Cultural Heritage Board*, as set forth in Sec. 1365, shall be the responsibility of the

County.

Sec. 1379. VIOLATIONS AND ENFORCEMENT. Violations of the provisions of this Article 5 are misdemeanor/ infractions under Sections 13 and 13.1 of the Ventura County Ordinance Code. Violations of the provisions of this Article 5 are also hereby enforceable and subject to civil penalties under the procedures set forth in Article 14 of Chapter 1 of Division 8 of the Ventura County Ordinance Code commencing at Section 8114 et seq. Violations are enforceable by the Planning Director or Code Compliance Director of the Ventura County Resource Management Agency.

Section 2. Severability. This Article's provisions are severable. If any portion of this Article or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Article's remaining portions and the Article's application to other persons and circumstances. The Board of Supervisors declares that it would have passed the remainder of this Article without the invalid or unconstitutional provision.

Section 3. This Ordinance shall be effective and operative 30 days following its final passage.

Passed and adopted this _____ day of _____ 2022, by the following vote:

AYES: Supervisors _____

NOES: _____

ABSENT: _____

ATTEST: _____
CHAIR, BOARD OF SUPERVISORS

SEVET JOHNSON
Interim Clerk of the Board of Supervisors
County of Ventura, State of California

By: _____
Deputy Clerk of the Board

Comparative Matrix of Ordinance Issue Areas to Explore

| Potential Policy Change | Rationale | Challenges/Implications | Jurisdictional Comparison |
|---|--|--|---|
| 1. Make the issuance of a Certificate of Appropriateness (COA) a discretionary action. | <p>The current COA review process involves issuance of an authorization by the Cultural Heritage Board or Cultural Heritage Board staff and is considered a ministerial action. A definitive rule in environmental review is such that CEQA does not apply to any ministerial approvals, period, regardless of potential impacts to environmental resources, historic or otherwise. The County’s current historic preservation review process merely delays the issuance of an otherwise ministerial demolition permit, which does not render an otherwise ministerial permitting process discretionary and thus subject to CEQA review. Based on this, the Cultural Heritage Board’s actions regarding a Certificate of Appropriateness are generally advisory in nature.</p> <p>In identifying this issue, the Cultural Heritage Board noted the desire to strengthen the Cultural Heritage Ordinance’s enforcement provisions by enabling the Cultural Heritage Board to adopt enforceable conditions on discretionary projects as opposed to recommendations.</p> | <p>Converting the ministerial COA process into a discretionary one subject to CEQA environmental review would increase the regulatory requirements for owners of historic properties and would extend the County’s development review process resulting in time and cost impacts (in terms of application materials and technical study) to residents and businesses. Further, increasing the regulatory burden required for project reviews may have the effect of discouraging property owners from pursuing designation of their properties as Cultural Heritage Sites.</p> <p>Changes to the County’s development review process would require an increase in Planning Division staff resources to accommodate the additional level of review.</p> | <p>Many jurisdictions have variations of the education, delay, and project partnership approach outlined in the Cultural Heritage Ordinance, while others have a different, more discretionary process. However, it should be noted that the historic commission and/or historic commission staff review process for many jurisdictions is typically limited to designated landmarks and districts.</p> |
| 2. Remove the 180-day delay following denial of a Certificate of Appropriateness (COA). | <p>As provided by Cultural Heritage Ordinance Section 1366, a COA is required only for the following categories of sites: 1. Landmarks, 2. Points of Interest, 3. Demolition of Sites of Merit, 4. Demolition of Potential Sites, and 5. Designated Cultural Heritage Sites seeking a Planned Development Permit pursuant to Section 8107-37 of the Non-Coastal Zoning Ordinance. Section 1366-8 of the Cultural Heritage Ordinance states, in pertinent part, “If the request for a Certificate of Appropriateness for a specific project proposal is denied by the Cultural Heritage Board or staff, the property owner of a designated Cultural Heritage Site shall be prohibited from taking action 180 days from the date of the disapproval.” This has been interpreted to mean after 180 days has lapsed, the Cultural Heritage Ordinance no longer protects the Cultural Heritage Site.</p> <p>This waiting period is intended to allow for project partnership and collaboration between the Cultural Heritage Board, community stakeholders, County representatives, and project applicants to preserve important resources or implement project</p> | <p>The current education, delay, and project partnership approach outlined in the Cultural Heritage Ordinance merely delays the issuance of an otherwise ministerial permit, which does not render an otherwise ministerial permitting process discretionary and thus subject to California Environmental Quality Act (CEQA) review. For discretionary projects, potential impacts to historic resources are currently reviewed pursuant to the County’s adopted Initial Study Assessment Guidelines.</p> <p>Such a change would apply to all projects currently subject to a COA including: demolition of potentially historic structures, demolition of designated Sites of Merit, any project at a Landmark or Point of Interest, and any application for a Planned Development Permit at a Designated Cultural Heritage Site pursuant to Section 8107-37 of the Non-Coastal Zoning Ordinance. This would replace the current COA framework with a discretionary permit framework for all COAs that could not be approved at a staff level. It would increase the regulatory requirements for owners of historic or potentially historic properties and extend the County’s development review process resulting in time and cost</p> | <p>Many jurisdictions have variations of the education, delay, and project partnership approach outlined in the Cultural Heritage Ordinance, while others have a different, more discretionary process. However, it should be noted that the historic commission and/or historic commission staff review process for many jurisdictions is typically limited to designated landmarks and districts.</p> <p>For some jurisdictions (Los Angeles County and Sonoma County, for example), a 180-day waiting period is provided in order to allow for the investigation of project alternatives. Other historic commissions (Santa Barbara County and San Diego County, for example) exist to provide recommendations regarding proposed projects at historic properties and function in a largely advisory role. Some jurisdictions (Kern County, for example) do not have a historic preservation ordinance or commission. However, in other jurisdictions (City of Pasadena, for example) COA applications may be approved or denied with no waiting period, and are therefore considered discretionary and subject to CEQA.</p> |

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| | <p>modifications. The practical effect is the Cultural Heritage Ordinance delays inappropriate alterations and even demolition but does not prevent alteration or demolition.</p> <p>In identifying this issue, the CHB noted their recommendations were simply not strong enough. This revision was requested in order to eliminate the current 180-day delay provision following denial of a COA in order to prevent the loss of cultural resources from inappropriate alteration or demolition activities.</p> | <p>impacts (in terms of application materials and technical study) to residents and businesses. Changes to the County's development review process would require an increase in Planning Division staff resources to accommodate the additional level of review.</p> <p>It should be noted that since 2010, approximately 90 projects have been reviewed by the CHB. Of these, approximately six cases involved situations wherein CHB recommendations were not followed and approximately three consisted of cases wherein a designated or potentially eligible Cultural Heritage Site was demolished after an applicant waited out the 180-day delay period.</p> | |
| 3. Create a Discretionary Demolition and Substantial Alteration Permit for Cultural Heritage Sites. | <p><i>See the information provided previously for Potential Policy Changes #1 and #2.</i></p> <p>The current COA review process is considered a ministerial action. The result is that denial of a COA (where a project fails to meet the Secretary of Interior Standards) merely delays the issuance of an otherwise ministerial permit.</p> <p>In identifying this issue, the CHB noted the desire to strengthen the CHO's enforcement provisions by enabling the CHB to adopt enforceable conditions on some types of projects as opposed to recommendations, which could be accomplished through a discretionary environmental permit process. In addition, the CHB recommended defining "demolition" to assist staff in determining when a scope of work rose to the level of demolition for purposes of cultural heritage review.</p> | <p><i>See the information provided previously for Potential Policy Changes #1 and #2.</i></p> <p>Converting the ministerial COA process into a discretionary one subject to CEQA environmental review, even for some types of projects, would increase the regulatory requirements for owners of historic properties and would require an extend the County's development review process resulting in time and cost impacts (in terms of application materials and technical study) to residents and businesses. additional level of review. Further, increasing the regulatory burden required for project reviews may have the effect of discouraging property owners from pursuing designation of their properties as Cultural Heritage Sites. It would also impact many property owners who do not have designated Landmarks or Sites of Merit and don't realize that their properties contain potentially eligible historic resources that may be subject to the Ordinance.</p> <p>Changes to the County's development review process would require an increase in Planning Division staff resources to accommodate the additional level of review.</p> <p>In conjunction with this change, the current Ordinance sections that establish the delay provision for issuance of a COA following denial (Section 1366-1(c) and Section 1366-8) would require revision in order to establish that they do not apply in the case of demolition or substantial alteration of a Cultural Heritage Site. In addition, the Ordinance would need to be revised to establish what constitutes a substantial alteration.</p> | <i>See the information provided previously for Potential Policy Changes #1 and #2</i> |

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| 4. Create a Downgrading/Delisting Mechanism for Cultural Heritage Sites. | <p>The Cultural Heritage Ordinance establishes criteria for the following types of Cultural Heritage Sites in Ventura County: Landmarks, Sites of Merit, Points of Interest, and Districts. The criteria for a Site of Merit, for example, is a lower threshold than that of a Landmark. Moreover, certain land use incentives exist for property owners of County Landmarks.</p> <p>There are instances, such as fires or alterations, when a Ventura County Landmark or Site of Merit is damaged and is no longer eligible for listing at its current designation level. Section 1365-4 of the Cultural Heritage Ordinance contains provisions which allow for the removal of a designation in instances where the Cultural Heritage Site is defaced, demolished, added to, altered or moved, and the Cultural Heritage Board determines the site's integrity has been significantly impacted.</p> <p>In certain cases, it may be appropriate to downgrade a property from a Landmark to a Site of Merit or Point of Interest. This would potentially incentivize property owners to better maintain their property and avoid disrepair or loss of integrity, as certain land use incentives are only available for property owners of County Landmarks.</p> <p>In identifying this issue, the CHB noted the desire to provide for a process for Cultural Heritage Sites to be downgraded.</p> | <p>This potential revision was identified by Planning Division staff as feasible and has already been incorporated into proposed Sec. 1368 of the Draft Cultural Heritage Ordinance (Exhibit 2).</p> <p>Identifying Cultural Heritage Sites which should be downgraded and/or delisted, and bringing those cases before the Cultural Heritage Board, is anticipated to be addressed on a case-by-case basis if the ordinance amendments are approved. Based on a review of CHB Staff time spent related to recent Cultural Heritage Site designation requests, each downgrade and/or delist request is anticipated to require approximately 5-8 hours of CHB Staff time. There is no current Planning Division fee for Cultural Heritage Site designation requests.</p> | <p>Of jurisdictions reviewed, many provide for historic resource designations to be amended (to include new or additional information, for example) or rescinded in the same manner and procedure as designation. A similar downgrade mechanism could not be identified.</p> |
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**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION**

Armando Quintero, Director

Julianne Polanco, State Historic Preservation Officer

1725 23rd Street, Suite 100, Sacramento, CA 95816-7100

Telephone: (916) 445-7000

FAX: (916) 445-7053

calshpo.ohp@parks.ca.gov

www.ohp.parks.ca.gov

June 28, 2022

Mr. Dillan Murray
Assistant Planner
Planning Division
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Re: Proposed Cultural Heritage Ordinance Amendments

Dear Mr. Murray:

The County of Ventura Planning Division submitted the proposed cultural heritage ordinance text amendments to the State Historic Preservation Office (SHPO) for review, pursuant to Provision 5 of the Certified Local Government Program (CLG) Certification Agreement between the County of Ventura and the SHPO. SHPO CLG Program staff reviewed the proposed text amendments and appreciated the opportunity to meet with Planning Division management, legal counsel, and staff to discuss our comments. During the meeting, SHPO staff recommended minor edits to ensure that the amended text complies with current policies and requirements from the National Parks Service (NPS) CLG Program administrators. Should the recommended edits be accepted by the County, SHPO staff believes the proposed amendments will conform to the intent of the CLG Program and support the proposed amendments.

Please do not hesitate to contact SHPO staff member Shannon Lauchner Pries, State Historian II, with the Local Government & Environmental Compliance Unit at shannon.pries@parks.ca.gov. with any questions or concerns.

Sincerely,

Julianne Polanco
State Historic Preservation Officer

July 12, 2022

Ventura County CoLAB
Board of Directors & Officers

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Chairman

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Lowthorp Richards Attorneys
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Jane Farkas, Carbon California
Director

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Director

Andy Waters, Waters Family Farms
Director

Lisa Woodburn, Jensen Design and Survey
Director

Ventura County Board of Supervisors
Hall of Administration
800 S. Victoria Ave.
Ventura, CA 93009-1740

RE: Cultural Heritage Ordinance Amendments (Agenda Item 59)

Dear Chair Ramirez and Members of the Board of Supervisors:

Thank you for the opportunity to provide comments on the proposed amendments to the Ventura County Cultural Heritage Ordinance (Ordinance). Overall, Ventura County CoLAB supports amendments to the Ordinance that maintain the existing policy and practice of education and partnership while providing clear, specific guidance to property owners and agents of Cultural Heritage Sites and historic structures and reducing the overall regulatory burden to the public.

Section 1363: Definitions. One of the County's stated goals in updating the Ordinance is to clarify the County's procedures and standards for Cultural Heritage Board review of proposed activities (i.e., alteration, demolition, restoration, maintenance, etc.) at Cultural Heritage Sites. Clarifying the County's procedures and standards requires the Ordinance to provide specific and *objective* criteria and guidance for property owners to determine whether an activity requires review by the Cultural Heritage Board.

Words used in the Ordinance must be defined clearly and objectively. The definition of "Demolition" includes the phrase "the removal of a *substantial* portion..." The word "substantial" is subjective and open to many different interpretations. The use of the word "substantial" does not achieve the County's stated goal of clarity regarding the County's standards and procedures. Triggers for review and permitting standards should be objective when and wherever possible to reduce regulatory process timelines and increase compliance. Clear, objective language provides transparency in the regulatory process. CoLAB urges the County to replace the subjective and unclear "*substantial*" with clear, objective criteria (e.g., "more than 75%").

Section 1364-2: Cultural Heritage Board Appointment of Members at large. CoLAB strongly supports the proposed amendment to the process for appointing the two "at-large" Cultural Heritage Board members. The proposed amendment is more aligned with the appointment process for other County Boards and Commissions and allows for more public engagement and transparency in the appointment process.

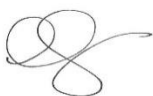
Section 1369-7: Maintenance. There are reasonably foreseeable instances that may prohibit a property owner from being able to comply with the requirements of this Section. Maintenance work can vary significantly in scope and cost and required time. Some maintenance work requires no Cultural Heritage Board or RMA staff review or permitting (e.g., reducing weed and vegetative height around a structure or treating for termites). Some maintenance work will require Cultural Heritage Board and/or RMA staff review and permitting (e.g., replacing windows or repairing a foundation). On rare occasions, some proposed maintenance work may even be denied a Certificate of Appropriateness by the Cultural Heritage Board, requiring a 180-day waiting period before the necessary maintenance can begin. In addition, properties may be inherited or obtained in varying conditions. Some may require little maintenance, while other properties may have been obtained in poor condition and require extensive maintenance work.

As the intent of the Cultural Heritage Ordinance is education, partnership, and collaboration, CoLAB urges the Board to add language to this Section that provides property owners who are making good-faith efforts to comply with the requirements in the International Property Maintenance Code or are involved in the permitting/Certificate of Appropriateness process protection from enforcement actions.

Section 1370-1: Incentives/Historical Property Contracts (Mills Act Contracts). It is unclear from the proposed Ordinance language how the County will utilize any money received through Mills Act Contract cancellation fees (12.5% of the property's full value at the time of cancellation). While we do not anticipate cancellations will occur with any frequency, the County could use any collected money to assist in the preservation and maintenance of other Cultural Heritage Sites. CoLAB suggests that the County consider using any money received to establish a special grant fund to assist property owners with restoration and maintenance costs for Cultural Heritage Sites. Establishing a special grant fund for property owners would help the County mitigate the loss of one Cultural Heritage Site where a contract is canceled by providing funding assistance to help preserve many other Cultural Heritage Sites.

Issue Areas to Explore. The Cultural Heritage Board has been studying four areas for potential future amendments to the Cultural Heritage Ordinance. These are outlined in the Comparative Matrix of Ordinance Issue Area to Explore, provided to your Board as *Exhibit 6*, and discussed in the Staff Report. Two of the four "Issue Areas to Explore" involve modifying the existing ministerial permitting processes for work and activities on Cultural Heritage Sites into a discretionary permitting process. While CoLAB acknowledges the Cultural Heritage Board's desire to preserve and protect the County's Cultural Heritage Sites, we do not support any action that would increase regulatory requirements and costs for owners of historic properties. We applaud staff's analysis in *Exhibit 6*, cautioning that "increasing the regulatory burden required for project reviews may have the effect of discouraging property owners from pursuing designation of their properties as Cultural Heritage Sites." We urge your Board to maintain the existing policy approach of the Cultural Heritage Ordinance of education and project partnership and reject a discretionary permitting pathway in the Ordinance.

Sincerely,



Louise Lampara
Executive Director

Ventura County Board of Supervisors
Hall of Administration
800 S. Victoria Ave.
Ventura, CA 93009

July 12, 2022

Dear Members of the Board of Supervisors:

I write this as a property owner with a Bachelor of Architecture degree, 40 years in the architecture and construction industry, 30 years running architecture, construction, a custom steel door and window company with my husband, and decades of experience with multiple municipalities, codes, architecture review boards, and historical boards. My husband and I own a Site of Merit in Ventura County and have been working for three and a half years get our historic renovation approved. I follow the codes, State Law, and historic preservation alternatives where offered. 95% of people I have met in Ventura county have had a similar experience as ours which is to say people are confused and project approvals are extremely lengthy and costly when it should not be the case. The goal should be understanding a project path at the start and following it through clearly and cleanly. Other municipalities we have worked with have been motivated to help us work through our projects.

I am sharing my review of the 2022 CHO Amendment to give you my professional opinion based on my personal experience. It is meant to be an insight into what property owners go through and how it could be made better. I have read the original CHO first adopted in 1968, every amendment, and all accompanying BOS meeting minutes. I have a very clear understanding of how it has changed and why changes were implemented.

What the CHO is:

1. An ordinance that serves the people of Ventura County by preserving historical sites while allowing due process for the rights of individuals, particularly as related to property rights.
2. Advisory in nature

How the current CHO and Historic Preservation requirements are conveyed to the public and property owners:

3. As a regulatory (not advisory) process through Planning Staff, the CHB, the CHO, and the Public Information brochures (PIB). Each of these departments lead property owners to believe CHB approval is a requirement and not meant to be educational. The following are a few of these leading, written statements:
 - o PIB: "The CHB is responsible for developing and enforcing guidelines..." this language is regulatory in nature, leading people to believe the CHB and CHO are regulatory. "Enforcing" would be better said as "applying" or "administering".
 - o PIB: The CHB reviews the proposed work to those [designated] properties to ensure that the significant architectural and historical features are not adversely affected. Because the CHB is advisory, this would be better conveyed as; The CHB reviews the proposed work to those properties to assist with and educate property owners in historically appropriate options.
 - o The public information brochures and other user friendly documents do not convey that the Cultural Heritage decisions are advisory and that the CHO contains a provision for waiting 180 days after denial and then continuing with the project. This information is kept quiet, even upon inquiry.
4. Lack of clarity, detail, and definition on many items (See issues with CHO and CHB below)

Issues with the CHO:

5. Some language was changed in the amendment to a level of exactness that the CHO and CHB should not require in its advisory role
 - o CHO 1363 uses the words reduce as a replacement of adversely affect and prevent as a replacement of unduly compromise in the definition of a COA as follows: Action taken affecting a potential or designated Cultural Heritage Site will not reduce its cultural heritage values or prevent the eligibility of a potential cultural heritage site to become a designated cultural heritage site. Reduce is subjective particularly in relation to 'values' and prevent is a standard that cannot be achieved by a property owner in relation to eligibility.
 - o 1369-7 uses the word prevent in the following way: "shall perform maintenance and repairs as needed to prevent the deterioration, decay or degradation of the property" which means the property owner will not allow all of the above to happen which is impossible. Using a term such as forestall is a better option as it means to delay, hinder, or prevent something by taking action beforehand.

- 1371-4 uses the word prevent in place of compromise as follows; the proposed would not prevent the potential future designation of the site. Compromise is the correct term to use. No one can be held to the standard of preventing something from occurring in the future.

Issues with the CHB:

6. Members often cannot gauge even the most basic “appropriate” or “character defining features” without an HRR which is time consuming and costly.
7. Board Members do not have the qualifications to perform certain duties of the CHB (those requiring a historian or historic qualifications). Property Owners cannot be held to standards that the CHB is not qualified to weigh in on.
8. Demolition is reinterpreted to require all SOMs and Potential Sites meet same requirements as Landmarks
9. Requirement of a COA is reinterpreted and applied to any modification to a Site of Merit or Potential Site
10. Use of CHBC is reinterpreted to only be available to Landmarks
11. Have claimed oversight of interiors on non-Landmark sites and exterior features not visible from the public right-of-way
12. Given the members are not required to have a historic background as they were in 1967, and given their duties have increased in complexity and knowledge, there should be at minimum the follow requirements of members: at least one member with education and/or relevant knowledge and interest in historical and cultural traditions of Ventura County, and there should be term limits for members.

Issues with the CHO:

13. Section 1370-2 California Historic Building Code use has been altered to include, among other things, “as defined by the Ventura County Building Code”. This is problematic as the CHBC is state law and allows use by any qualified historic site, which is defined, and is not based on the Ventura County Building Code. It also states that the CHBC is to be used “...when so elected by the private property owner.” Not when determined by the local agency. I recommend reverting to the prior version of the CHO on this issue. It was clear and correct..
14. There is a fundamental difference between a Landmark and a Site of Merit that was evident in the amended CHO when a Site of Merit was introduced. I believe it still exists in the current CHO but the CHB and Planning are reinterpreting the sections to meet their objectives. The biggest reinterpretation is the requirement of a COA for “demolition of Sites of Merit”. There was no definition of demolition and it was defined by staff as removing elements from a building. The BOS hearing notes from 2000 make clear that the goal of this requirement was the complete loss of buildings. Their COA requirements were clear. A COA is required for Landmarks. Period. A COA is required for demolition of Sites of Merit. Because SOMs are NOT Landmarks, they are not treated as Landmarks. By redefining the word demolition to mean “removal of any element” there is no reason to write “demolition of”. They would have just listed Sites of Merit in the same way they listed Landmarks. The amended CHO has a definition of Demolition which is much better and I appreciate the clarity.
15. Section 1366-1 gives the CHB authority to designate Cultural Heritage sites where the property owner has no objection however though a lengthy set of paragraphs and other sections it seems the BOS may designate a property against and owner’s objection. I would suggest this represents a taking of property that is private.
16. Section 1363 provides a definition for the term Integrity but has no reference to deterioration or survival. Section 1367 references integrity including deterioration and survival. I believe the definition should include these terms.
17. Section 1372 clarifying the COR process is sorely needed and I’m glad to see that it has been addressed.

How the CHB and CHO could be more effective:

18. Articulate and act in an advisory & educational role
19. Assist and act in partnership and collaboration with property owners in achieving their goals
20. Understand the ordinance as written
21. Do not reinterpret the meaning of any word or section without formal amendment of the ordinance
22. Be forthright about the process; help property owner’s achieve approval so they can begin their project immediately. Avoid the trap of requiring property owners to submit a project, go through the 3-6 month process to obtain answers that could have helped them submit properly the first time.
23. Let property owners know that if denied they may wait 180 days and then can move on with their plan of action. Let them know that the review and the 180 day wait is to encourage them to consider alternative preservation actions.

Thank you for your review and consideration.

Sincerely,
Tracy Cortez, Billiwhack Ranch

PACHOWICZ | GOLDENRING

A Professional Law Corporation

Mailing Address:
6050 Seahawk Street, Ventura, CA 93003-6622

T: 805.642.6702
F: 805.642.3145

July 11, 2022

Via Email dave.ward@ventura.org
Mr. David Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Our Client: Billiwhack Ranch, LLC
Property Address: 2275 Aliso Canyon Road
APN: 064-0-130-145

Dear Mr. Ward:

Thank you for your correspondence of July 8, 2022. In light of this matter coming before the Board of Supervisors shortly, I ask that you ensure that the Administrative Record reflect the communications from this office on behalf of our client that pertain to and concern the issue of the Cultural Heritage Board and the Cultural Heritage Ordinance. These should include the communications on the topic, as well as the most recent ones to you and your staff concerning the amendment to the Cultural Heritage Ordinance.

I appreciate your correspondence and it seems to us that there is a clear delineation, at long last, as to the disconnect. In this regard, we refer you to the California Historical Building Code as described by the California State Office of Historic Preservation which, as you know, is a state agency and thus preempts local ordinance:

“One of California’s most valuable tools for the preservation of historic resources is the California Historical Building Code (CHBC) which is defined in Sections 18950 to 18961 of Division 13, part 2.7 of Health and Safety Code. The CHBC is intended to save California’s architectural heritage by recognizing the unique construction issues inherent in maintaining and adaptively reusing historic buildings. The CHBC provides alternative building regulations for permitting, repairs, alterations and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use or continued use of qualified historical buildings or structures.” (Emphasis added.)

As you will note, the language is clear. The CHBC is not limited to wiring, wall sockets, plumbing and similar. The overriding purpose of the state statute and the regulations associated is to accomplish adaptive reuse of historic buildings, including repurposing.

Camarillo Location:

4055 Mission Oaks Blvd., Suite A
Camarillo, CA 93012

T: 805.987.4975
F: 805.987.4980



Mr. David Ward
July 11, 2022
Page 2

There is no way to read the state statute, given its specific intent as articulated by the Legislature and the Office of Historic Preservation, in a manner that would allow a local zoning ordinance to be applied as you and your staff are seeking to apply it to Billiwhack Ranch. Neither is there any way to read the CHBC to allow you and your staff to use the Cultural Heritage Board and the application of the ordinance to delay, obstruct and impede the rehabilitation and repurposing of the 100 year old structures on our client's property as has occurred. A reading of all the materials from the Office of Historic Preservation, as well as the legislative intent and the statutes themselves make clear that when the County of Ventura took our client's project to the CHB and it was denied, at the end of 180 days the County was required to allow the project to proceed. There is no path permissible to what the County did – take our client to the CHB, obtain a denial, wait 180 days and then deny the project. That was a fundamental violation of our client's rights and constitutes a continued taking as a matter of law.

We have repeatedly stated to you that we view our client's property to be in the situation of a round peg with a square hole. You and your staff are unwilling to recognize that and insist on applying the current zoning limitations in a manner that prohibits the restoration, preservation, rehabilitation, change of use and continued use of a series of 100 year old buildings that are worthy of protection.

The letter I wrote you, to which you responded, asked several questions and while we appreciate your letter, it does not directly change this other than to say that you do not believe the proposed amendments (fundamentally alter the procedures in place). Maybe they do and maybe they do not but my question was direct: do these amendments apply to our client's long delayed project. You claim that you are unable to comment on this. Thus, you and your staff are presenting amendments to a County ordinance while an existing project is pending and neither you or your staff are willing to commit one way or the other on this important issue. Unfortunately, we find that to be quite concerning. Please ensure that this correspondence, along with all the other applicable communications, are provided to the Board of Supervisors in connection with the pending ordinance proposed change.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation



By: PETER A. GOLDENRING

PAG:nc
Ward7/11/2022



July 8, 2022

Mr. Goldenring
6050 Seahawk Street
Ventura, CA 93003-6622

SUBJECT: Billiwhack Ranch LLC, 2275 Alison Canyon Road – Proposed Cultural Heritage Ordinance (CHO) Inquiry

Dear Mr. Goldenring,

Thank you for your correspondence dated July 6, 2022. I wanted to reach out to clarify that your client originally submitted a cultural heritage Certificate of Appropriateness application (CH19-0021) for demolition of structures at the Billiwhack Ranch, a designated County Site of Merit located at 2275 Aliso Canyon Rd., Santa Paula, back in 2019. This Certificate of Appropriateness was reviewed by the Cultural Heritage Board (CHB) at hearings held on August 12, 2019 and September 9, 2019. The CHB denied the Certificate of Appropriateness request on September 9, 2019. The mandatory 180-day waiting period following denial of the Certificate of Appropriateness ended on March 8, 2020. This concluded the process with the CHB for this application.

As of this writing, the Planning Division has not received a subsequent Certificate of Appropriateness or Certificate of Review application that is known to still be pending for this site due to project revisions and site plan clarifications necessary to conform to the regulations of the Non-coastal Zoning Ordinance (NCZO). We are therefore unable to comment on how the new proposed CHO would impact a scope of work that has not yet been defined or submitted.

However, it's worth noting that the proposed CHO amendments do not fundamentally alter the procedures in place for review of potential historic resource impacts to County Sites of Merit. Any future projects proposed at Billiwhack Ranch would be evaluated for conformance with the NCZO and to determine whether a Certificate of Appropriateness or a Certificate of Review is required. In the case of a Certificate of Review, this consists of comments/feedback from the CHB or Planning staff. In the case of a Certificate of Appropriateness, a denial of proposed alterations or demolition would result in another mandatory 180-day waiting period before issuance of any Planning and/or building permits.

As always, the California Historic Building Code (CHBC) remains available as a potential avenue for your client as far as alternative building regulations for permitting repairs, alterations and additions necessary for the preservation, rehabilitation,

relocation, or continued use of a qualified historical structure – so long as that proposed activity has been reviewed and acted upon by the CHB. Please note that the CHBC does not negate County zoning regulations. Application of the CHBC to this site does not fall within the purview of the CHB or the Planning Division. Rather, the County's Chief Building Official, Ruben Barrera, and his staff administer this program as it impacts the application of current building and safety codes.

The Clerk of the Board has posted the agenda package for the July 12, 2022 Board hearing. This item is No. 59 and those materials may be accessed at the following link: <https://www.ventura.org/board-of-supervisors/agendas-documents-and-broadcasts/>. If the Board gives direction to adopt, and the ordinance receives a second reading on July 26, 2022 then the ordinance effectiveness date is anticipated to be August 25, 2022.

If you have any questions about this letter and the draft CHO ordinance amendment, please contact Dillan Murry at 805-654-5042 or Dillan.murry@ventura.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Ward", is positioned above a horizontal line.

Dave Ward, AICP, Planning Director

c: Franca Rosengren, Senior Planner
Dillan Murry, Assistant Planner
Billiwhack File

Attachment: July 6, 2022 Goldenring Letter

PACHOWICZ | GOLDENRING

A Professional Law Corporation

Mailing Address:
6050 Seahawk Street, Ventura, CA 93003-6622

T: 805.642.6702
F: 805.642.3145

July 6, 2022

Via Email dave.ward@ventura.org

Mr. David Ward

Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Our Client: Billiwhack Ranch, LLC
Property Address: 2275 Aliso Canyon Road
APN: 064-0-130-145

Dear Mr. Ward:

It has come to our attention, without any affirmative effort of communication from the Planning Division, that the Planning Division has been in the process of a material revision of the Cultural Heritage Ordinance. When we learned of this, we asked several questions to your staff, including:

1. Is this retroactive such that it would cover our client's long delayed application and processing?
2. How or in what manner do these changes affect our client's property and application?
3. If there are changes that will affect our client, what are they and why would that be appropriate to be applied to a pending application when our client was never given any notice or advisement of this amendment process and an opportunity for input?

There has been no response from you or your staff.

Given that this matter is being presented to the Board of Supervisors momentarily, we ask for these questions to be clearly answered in writing within the next two business days. While we appreciate that two business days is relatively short, these requests and inquiries have been outstanding since we first learned of this modification weeks ago yet no one has bothered to follow up at all.

Camarillo Location:

4055 Mission Oaks Blvd., Suite A
Camarillo, CA 93012

T: 805.987.4975
F: 805.987.4980

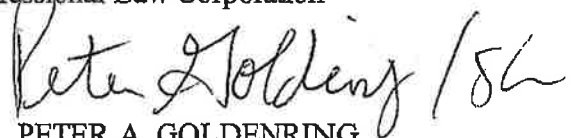


Mr. David Ward
July 6, 2022
Page 2

We reserve all rights on behalf of our client in connection with this matter.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation

By:  /s/ PETER A. GOLDENRING

PAG:nc
cc: John Hecht, jhecht@sespe.com
Ward7/6/2022

PACHOWICZ | GOLDENRING

A Professional Law Corporation

Mailing Address:
6050 Seahawk Street, Ventura, CA 93003-6622

T: 805.642.6702
F: 805.642.3145

July 6, 2022

Via Email dave.ward@ventura.org
Mr. David Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Our Client: Billiwhack Ranch, LLC
Property Address: 2275 Aliso Canyon Road
APN: 064-0-130-145

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T: 805.987.4975
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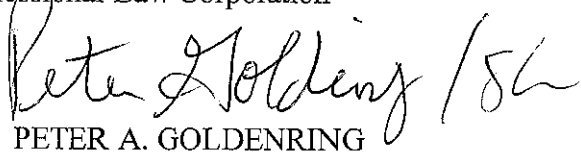


Mr. David Ward
July 6, 2022
Page 2

We reserve all rights on behalf of our client in connection with this matter.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation

186
By: PETER A. GOLDENRING

PAG:nc
cc: John Hecht, jhecht@sespe.com
Ward7/6/2022

Murray, Dillan

From: Murray, Dillan
Sent: Wednesday, July 6, 2022 11:39 AM
To: 'G&P Attorneys'
Subject: RE: FW: SHPO review of cultural heritage ordinance amendment

Hello,

As mentioned, SHPO staff raised issues related to the treatment of Ventura County sites listed in the National Register of Historic Places and California Register of Historical Resources. The tracked changes to the proposed ordinance following County staff's meeting with SHPO staff are noted in green below (Sections 1369 and 1371 of the proposed ordinance):

Sec. 1369. CULTURAL HERITAGE PROGRAM REQUIREMENTS AND PROHIBITIONS.

Sec. 1369-1. List of Properties Potentially Eligible for Cultural Heritage Site Designation. The County Resource Management Agency shall maintain record of known *Potential Cultural Heritage Sites* within its applicable land use permitting system. *Said list shall also include Ventura County sites listed in the National Register of Historic Places and California Register of Historical Resources.*

Sec. 1369-2. Survey Results. Any list of *Cultural Heritage* resources which may be eligible for designation as *Cultural Heritage Sites* resulting from a historic survey shall contain a statement indicating, where appropriate, that sites are private and not open to the public.

Sec. 1369-3. Local Register of Historic Places. The County Resource Management Agency shall maintain a register of designated *Cultural Heritage Sites*. *Said register shall also include Ventura County sites listed in the National Register of Historic Places and California Register of Historical Resources.*

Sec. 136671. PROCESS FOR CERTIFICATE OF APPROPRIATENESS

Sec. 1371-1. Certificates of Appropriateness shall be required for categories of sites only: 1. Landmarks; 2. Points of Interest; Demolition of Sites of Merit; 4. Demolition of Potential sites; Cultural Sites; and 5. Designated Cultural Heritage Sites seeking where Development Permit is being sought for the property pursuant to 37 (Cultural Heritage Sites Deviations) of the Ventura County Zoning Ordinance and 6. Sites listed on the National Register of Historic Places, Register of Historical Resources that require a permit from the Management Agency. A Certificate of Appropriateness (and a Conditional Certificate of Appropriateness) are is an authorization issued by the Cultural Heritage Board support staff or its designee in accordance with criteria adopted by the Board pursuant to Sec. 1371-4 which indicate that the proposed maintenance, restoration, rehabilitation, remodeling, addition, change of use, relocation, or subdivision of a designated Cultural Heritage Site will affect its cultural heritage values; or unduly compromise the potential site to become a designated Cultural Heritage Site. A Certificate of Appropriateness may be approved for a project as proposed, or with applicant modifications, or denied by the Cultural Heritage Board.

Thank you,



Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

Ventura County Resource Management Agency

P. (805) 654-5042 | F. (805) 654-2509

800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1700

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COUNTY of VENTURA
Resource Management Agency

Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Murray, Dillan

Sent: Wednesday, July 6, 2022 11:26 AM

To: G&P Attorneys <peter@gopro-law.com>

Subject: RE: FW: SHPO review of cultural heritage ordinance amendment

Hello,

I apologize for any confusion caused; please find re-attached the correspondence received from SHPO along with the PDF attachment referenced. This is the extent of comments received from SHPO on the proposed amendments.

Thank you,



Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

Ventura County Resource Management Agency

P. (805) 654-5042 | F. (805) 654-2509

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: G&P Attorneys <peter@gopro-law.com>

Sent: Wednesday, July 6, 2022 11:20 AM

To: Murray, Dillan <Dillan.Murray@ventura.org>

Subject: Re: FW: SHPO review of cultural heritage ordinance amendment

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

Since I know you to be competent I have to assume this is intentional.

1. you now attach a pdf transmittal email WITH NO ATTACHMENTS OR ENCLOSURES though those are referenced in the document.

2. you claim to have previously forwarded the attached June 28 email. Please provide proof thereof.

At this point I have to believe county staff is for whatever reason making this purposefully difficult and absent an explanation I likely

will be communicating to certain supervisors what is going on in county planning

P

Peter Goldenring

Pachowicz | Goldenring APLC
6050 Seahawk Street
Ventura, CA 93003
Phone: (805) 642-6702
Fax (805) 642-3145

On Wed, Jul 6, 2022 at 11:15 AM Murray, Dillan <Dillan.Murray@ventura.org> wrote:

Hello,

Also attached is the email correspondence from SHPO transmitting their comment letter. The comment letter I provided previously is the extent of their comments. County Staff held a call with SHPO staff to discuss the proposed ordinance amendments on June 22, 2022. Per this meeting, revisions were made in two areas of the draft ordinance to address issues raised related to the treatment of Ventura County sites listed in the National Register of Historic Places and California Register of Historical Resources. Please let me know if you have any further questions.

Thank you,



Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

Ventura County Resource Management Agency

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: G&P Attorneys <peter@gopro-law.com>
Sent: Wednesday, July 6, 2022 11:00 AM
To: Murray, Dillan <Dillan.Murray@ventura.org>
Subject: Re: FW: SHPO review of cultural heritage ordinance amendment

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

your letter does NOT provide their comments nor include anything about a meeting referenced. please provide everything, not just the cover letter and nothing behind it.

Peter Goldenring

Pachowicz | Goldenring APLC
6050 Seahawk Street
Ventura, CA 93003
Phone: (805) 642-6702

Fax (805) 642-3145

On Wed, Jul 6, 2022 at 9:03 AM Murray, Dillan <Dillan.Murray@ventura.org> wrote:

Hello,

As requested, please find the SHPO response to the County attached. Apologies for the delay; I was out for a portion of last week due to covid matters.

Thank you,



Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

Ventura County Resource Management Agency

P. (805) 654-5042 | F. (805) 654-2509

800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1700

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: G&P Attorneys <peter@gopro-law.com>
Sent: Monday, May 23, 2022 12:13 PM
To: Murray, Dillan <Dillan.Murray@ventura.org>
Subject: Re: FW: SHPO review of cultural heritage ordinance amendment

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

thx for your prompt response and courtesy

Peter

Peter Goldenring

Pachowicz | Goldenring APLC
6050 Seahawk Street
Ventura, CA 93003
Phone: (805) 642-6702

Fax (805) 642-3145

On Mon, May 23, 2022 at 11:44 AM Murray, Dillan <Dillan.Murray@ventura.org> wrote:

Hello,

As of this writing, Planning Division staff has not received any response from OHP or any further communications from their office. I will keep you apprised on any developments.

Thank you,



Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

Ventura County Resource Management Agency

P. (805) 654-5042 | F. (805) 654-2509

800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1700

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: G&P Attorneys <peter@gopro-law.com>

Sent: Monday, May 23, 2022 10:36 AM

To: Murray, Dillan <Dillan.Murray@ventura.org>

Subject: Re: FW: SHPO review of cultural heritage ordinance amendment

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

thx for the below. please advise if you have rec'd any response from Sacramento or any further communication as of today? and if not, then kindly make sure that if and when any communication is rec'd I get a copy concurrently. hope that can happen without my having to continue to request it.

thx

Peter

Peter Goldenring

Pachowicz | Goldenring APLC
6050 Seahawk Street
Ventura, CA 93003
Phone: (805) 642-6702

Fax (805) 642-3145

On Tue, May 17, 2022 at 8:15 AM Murray, Dillan <Dillan.Murray@ventura.org> wrote:

Hello,

Please see the below email message and attachments per your request.

Thank you,



Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

Ventura County Resource Management Agency

P. (805) 654-5042 | F. (805) 654-2509

800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1700

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Murray, Dillan
Sent: Wednesday, April 13, 2022 2:30 PM
To: Pries, Shannon@Parks <Shannon.Pries@parks.ca.gov>
Subject: RE: SHPO review of cultural heritage ordinance amendment

Hi Shannon,

By this email I am providing the draft ordinance amendments for your review. Please find attached the following:

- Exhibit 1: Ventura County's current Cultural Heritage Ordinance No. 4225
- Exhibit 2: The Draft CHO Amendment (legislative version)
 - Within Exhibit 2, staff proposed text amendments are shown in red font color, Ventura County Cultural Heritage Board (CHB)-proposed text amendments following their March 14, 2022 hearing on the draft amendments are shown in blue font color, and CHB-proposed text amendments following their March 28, 2022 hearing are shown in purple font color.
- Exhibit 3: The Draft CHO Amendment (clean version)

This item is anticipated to go before the Ventura County Board of Supervisors for their review and approval in July 2022.

Please let me know if you have any questions or need additional information or alternative formats. Thank you for your time on this review.



Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

Ventura County Resource Management Agency

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Pries, Shannon@Parks <Shannon.Pries@parks.ca.gov>

Sent: Wednesday, April 13, 2022 1:26 PM

To: Murray, Dillan <Dillan.Murray@ventura.org>

Subject: RE: SHPO review of cultural heritage ordinance amendment

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

Hi Dillan,

Yes, our unit can review the draft amendments to the County's preservation ordinance, and we will be able to provide feedback within three weeks. Do you have a sense of when you will be sending the draft for review?

Best,

Shannon

Shannon Lauchner Pries

Historian II

Local Government & Environmental Compliance Unit

California Office of Historic Preservation

1725 23rd Street, Suite 100

Sacramento, CA 95816

www.ohp.parks.ca.gov

From: Murray, Dillan <Dillan.Murray@ventura.org>

Sent: Wednesday, April 13, 2022 11:11 AM

To: Pries, Shannon@Parks <Shannon.Pries@parks.ca.gov>

Subject: RE: SHPO review of cultural heritage ordinance amendment

Hi Shannon,

I wanted to follow up on this request from a while back. My office is ready for OHP's review of the draft ordinance amendments. Are you still in a position to provide this review? If so, is a review period of 3 weeks anticipated to be workable?

Thank you for your time.



Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

Ventura County Resource Management Agency

P. (805) 654-5042 | F. (805) 654-2509

800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1700

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From: Pries, Shannon@Parks <Shannon.Pries@parks.ca.gov>
Sent: Wednesday, September 8, 2021 1:53 PM
To: Murray, Dillan <Dillan.Murray@ventura.org>
Subject: RE: SHPO review of cultural heritage ordinance amendment

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Hi Dillan,

I just spoke with Cindy (Lucinda) and she suggested that I take on the review of your ordinance. Please feel free to email me with a copy of the existing ordinance and a draft of the updated ordinance when you are ready. I also recommend suggesting deadline for our comments.

Let me know if you have any questions.

All the best,

Shannon

Shannon Lauchner Pries

Historian II

Local Government & Environmental Compliance Unit

California Office of Historic Preservation

1725 23rd Street, Suite 100

Sacramento, CA 95816

916.445.7013

From: Murray, Dillan <Dillan.Murray@ventura.org>
Sent: Wednesday, September 8, 2021 11:50 AM
To: Woodward, Lucinda@Parks <Lucinda.Woodward@parks.ca.gov>; Pries, Shannon@Parks <Shannon.Pries@parks.ca.gov>
Subject: RE: SHPO review of cultural heritage ordinance amendment

Hello,

Following up on this. The County of Ventura CLG Agreement contains the following provision regarding our historic preservation ordinance:

5) The Participant shall enforce its historic preservation ordinance, a copy of which is incorporated herein as Exhibit B; the Participant shall obtain the prior approval of the SHPO for any amendments to said ordinances.

The County is now initiating an update to our cultural heritage ordinance. I'd like to understand your office's role in reviewing the draft changes, including review loop, time necessary, etc. I would appreciate any information you can provide on that front.

Thank you for your time.

Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

Ventura County Resource Management Agency

P. (805) 654-5042 | F. (805) 654-2509

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From: Murray, Dillan
Sent: Wednesday, July 7, 2021 5:42 PM
To: 'Woodward, Lucinda@Parks' <Lucinda.Woodward@parks.ca.gov>
Subject: RE: SHPO review of cultural heritage ordinance amendment

Hi Lucinda,

I wanted to follow up on this in case you had any information to provide.

Thanks!

Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

Ventura County Resource Management Agency

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From: Murray, Dillan

Sent: Wednesday, June 16, 2021 2:15 PM

To: Woodward, Lucinda@Parks <Lucinda.Woodward@parks.ca.gov>

Subject: SHPO review of cultural heritage ordinance amendment

Hello,

I understand per the County of Ventura's CLG agreement that the County is required to obtain the prior approval of the SHPO for any amendments to our Cultural Heritage Ordinance (CHO).

The County is planning to prepare an amendment to our CHO this year. I'm wondering if you can provide me any additional information on what SHPO's needs are in terms of materials (and transmission thereof), review time, etc so that I can build that into the project schedule.

Thank you,

Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

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