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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 Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, is hereby repealed and the subject matter therein is reenacted to read as follows: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 ~~C~~county, and visitors, and tourists mindful of the rich historical, cultural, and natural heritage of the ~~C~~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 ~~C~~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 ~~a 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~~ Certificates 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 ~~Section 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