



MARIPOSA COUNTY

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RESOLUTION - ACTION REQUESTED 2018-73

MEETING: February 20, 2018
TO: The Board of Supervisors
FROM: Sarah Williams, Planning Director
RE: CC Amendment No. 2017-169; Historic Sites and Records Preservation Commission

RECOMMENDATION AND JUSTIFICATION:

PUBLIC HEARING: Adopt a Resolution with Findings, Approving County Code Amendment Application No. 2017-169 Amending Provisions for the Historic Sites and Records Preservation Commission.

The proposed amendments update and clarify county code text governing the functioning of this Commission. The recommended action is based on the Planning Commission's recommendation, made at the conclusion of a public hearing on January 26, 2018. The recommended action is also based on the Historic Sites and Records Preservation Commission's recommendation, made at their meeting on October 16, 2017.

See Staff Report for additional information (Staff Report is prepared for MT Item No. 7963 [Resolution] and MT Item No. 7964 [Ordinance]).

BACKGROUND AND HISTORY OF BOARD ACTIONS:

8/29/17: Board discussed Historic Sites and Records Preservation Commission and code provisions.

10/3/17: Board adopted Resolution No. 2017-671 initiating County Code Amendment Application No. 2017-169.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternative: Make amendments to the text of the County Code Amendment project. May necessitate the project being routed back to the Planning Commission for review and recommendation.

Negative action: Do not approve amendments. There would be no changes to the County Code provisions for the Historic Sites and Records Preservation Commission. Required membership would include representation from an organization which is no longer functioning.

Resolution - Action Requested 2018-73

ATTACHMENTS:

180220 Board Staff Report CCA No. 2017-169 (DOC)

Attach. 1. PC Resolution 2018-004 for CCA No. 2017-169 (DOC)

Attach. 2. 180220 Draft Board Resolution for CCA No. 2017-169 (DOC)

Attach. 3. 180220 Draft NOE for CCA No. 2017-169 (DOC)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS**

Resolution
No 2018-073

**A Resolution approving County Code Amendment Application
No. 2017-169, Amendments to Chapter 2.90 (Historic Sites and
Records Preservation Commission) of Title 2 of Mariposa
County Code; Administration and Personnel**

WHEREAS, the Historic Sites and Records Preservation Commission (HSRPC) performs a vital role in implementing the goals, policies and implementation measures in the Mariposa County General Plan relating to identifying and preserving the county's historic resources and preserving the character of historic districts; and

WHEREAS, the HSRPC serves in an important advisory capacity by rendering recommendations to the Planning Department and to the Planning Commission and Board of Supervisors on issues within its purview; and

WHEREAS, the county recognizes the HSRPC's important role and seeks to ensure the rules and procedures governing the commission are adequate and effective for the execution of the commission's mission; and

WHEREAS, the county seeks to ensure that the HSRPC performs its mission in a fair and equitable manner and that all interested parties receive an adequate hearing before the commission; and

WHEREAS, many of the rules and procedures contained in Chapter 2.90 of Title 2 have not been updated since the ordinance establishing the HSRPC was adopted; and

WHEREAS, it is the desire of the county to bring the rules and procedures governing all of the county's advisory committees into consistency to the maximum extent feasible; and

WHEREAS, on October 3, 2017 the Board of Supervisors adopted Resolution No. 2017-671 initiating amendments to Chapter 2.90 of Title 2 to update and clarify county code text governing the functioning of the HSRPC; and

WHEREAS, this project is known as County Code Amendment Application No. 2017-169; and

WHEREAS, on October 16, 2017 the HSRPC recommended approval of County Code Amendment Application No. 2017-169 with one amendment to Section 2.90.020.A. relating to the order in which organizations commission members are drawn from are listed in the text; and

WHEREAS, a duly noticed Planning Commission public hearing on the project was scheduled for the 26th day of January 2018; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet, and the recommendation from the HSRPC. There was no public testimony. The Planning Commission adopted Resolution No. 2018-004 recommending the Board of Supervisors adopt a resolution approving County Code Amendment Application No. 2017-169 with recommended findings, including a finding the project is exempt from environmental review, and waive the first reading and introduce an ordinance amending County Code pursuant to County Code Amendment Application No. 2017-169; action includes findings; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the project for the 20th day of February 2018; and,

WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Acty and local administrative procedures; and,

WHEREAS, a Staff Report packet was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and,

WHEREAS, the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet, testimony presented by the public, the Planning Commission's and HSRPC's recommendations and the proposed environmental determination.

NOW BE IT THEREFORE RESOLVED THAT, the Board of Supervisors does hereby approve County Code Amendment Application No. 2017-169, an ordinance to amend Chapter 2.90 of Title 2. The proposed amendment text is included as Exhibit 1.

BE IT THEREFORE FURTHER RESOLVED THAT, project approval is based on the following findings supported by substantial evidence in the public record.

1. **Finding:** The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

Evidence: The amendment is in the general public interest in that it updates and clarifies rules and procedures for the Historic Sites and Records Preservation Commission thereby making the commission process more responsive to community needs and consistent with other advisory committees in Mariposa County. The amendment has no potential to have an adverse effect on the general public health, safety, peace, and welfare.

2. **Finding:** The amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for county development and a short term basis for day-to-day decision making.

Evidence: The Mariposa County General Plan places great emphasis on the identification and preservation of the county's historic resources and districts. The

General Plan contains a Historic and Cultural Resources Element. The Historic Sites and Records Preservation Commission (HSRPC) plays an integral role in fulfilling the General Plan's goals, policies and implementation measures relating to historic resources. Updating and clarifying the rules and procedures of the HSRPC allows the commission to be more responsive to the needs of the county's communities and to adequately execute its vital advisory function.

3. **Finding:** That amendment conforms to the requirements of state law and county policy.

Evidence: This project has been processed in accordance with State law and county policy. The amendment will ensure consistency in the rules and procedures for the county's advisory committees. The Historic Sites and Records Preservation Commission plays a key function in promoting the county's policy of identifying and preserving historic resources in the county.

4. **Finding:** County Code Amendment Application No. 2017-169 is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2), (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and CEQA Guidelines Section 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). The amendment updates and clarifies the rules and procedures for the functioning of the Historic Sites and Records Preservation Commission through amending text in the specific county code chapter governing the commission.

BE IT THEREFORE FINALLY RESOLVED THAT, the Board of Supervisors directs staff to file a Notice of Exemption for the project.

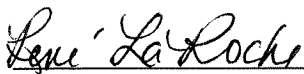
ON MOTION BY Supervisor Cann, seconded by Supervisor Jones, this resolution duly passed and adopted this 20th day of February 2018 by the following vote:

AYES: Smallcombe, Jones, Long, Cann, Menetrey
NOES: None
ABSENT: None
ABSTAIN: None



Rosemarie Smallcombe, Chair
Mariposa County Board of Supervisors

Attest:


René La Roche
Clerk of the Board of Supervisors

APPROVED AS TO FORM:



Steven W. Dahlem
County Counsel

Exhibit 1

(Additions in underlined, italicized font;
deletions in ~~strikethrough~~ font

Chapter 2.90

HISTORIC SITES AND RECORDS PRESERVATION COMMISSION

Sections:

- 2.90.010 Establishment of commission.
- 2.90.020 Membership.
- 2.90.030 Officers.
- 2.90.040 Commission meetings.
- 2.90.050 Public participation.
- 2.90.060 Duties and responsibilities.
- 2.90.070 Staff support.

2.90.010 Establishment of commission.

There is hereby established a commission to be known as the "Historic Sites and Records Preservation Commission", hereinafter referred to as the "commission". (Ord. 870 Sec.I, 1994).

2.90.020 Membership.

A. The commission shall consist of nine (9) voting at-large members. ~~consisting of the following members:~~ At least one (1) member should represent each of the following: ~~one (1) member representing the Northern Mariposa County History Center, one (1) member representing the Butterfly Garden Club, one (1) member representing the Mariposa Museum and History Center, Incorporated, one (1) member representing the Native American Indian Community of Mariposa County, and the construction industry (preferably a licensed contractor)., and five (5) at-large members.~~ There shall additionally be five (5) alternate members. There shall be one (1) alternate member for each of the above specified groups and one (1) alternate at large. ~~Alternate members shall only be permitted to vote when the respective alternate's regular member is absent. (By way of example, if the regular member representing the Mariposa Museum and History Center, Inc. is absent, the alternate representing the Mariposa Museum and History Center, Inc. may vote, but the same alternate may not vote if the regular member representing~~

~~the Mariposa Museum and History Center, Inc. is present.) In the absence of a regular member, when his or her alternate is present the alternate shall be counted as a member for purposes of establishing a quorum. The specified members and alternates shall be appointed by the board of supervisors. The All members and alternates representing the Native American Indian Community and the the at large members of the commission shall be appointed to the commission and shall have a demonstrated interest and/or knowledge of Mariposa County history and/or historic preservation. (Ord. 1106 Sec.V, 2014; Ord. 1058 Sec.I, 2009).~~

B. The terms of office of the commission members shall be three years expiring on the last day of February in the appropriate calendar year. A commissioner whose term of office is expiring may be reappointed, and shall continue to serve until an appointment or reappointment is made.

1. As of (insert the effective date of this section), all existing commission members' terms shall expire on February 28, 2018. When commission appointments or re-appointments are made in 2018, members shall be appointed to either a one-year, two-year or three-year term so that not more than three (3) members have terms expiring in the same year. In 2019 and each year thereafter, appointments or reappointments shall be for three (3) year terms. continuous until resignation or removal by a majority vote of the board of supervisors.

C. The board of supervisors may remove a commissioner who is absent A member's absence without cause for from two (2) consecutive meetings, who has recurring absences with cause (excused absence) or who is absent for any reason for three (3) or more meetings in any six (6) month period. is grounds for removal action by the board of supervisors. The alternative member position is not subject to these provisions if the corresponding voting member position is filled. (Ord. 1106 Sec.V, 2014).

D. The members of the commission shall serve without compensation. (Ord. 956 Sec.I, 2000; Ord. 870 Sec.I, 1994).

2.90.030 Officers.

The members of the commission shall elect a chair and vice-chair ~~by a majority vote at the first meeting of the commission~~ each calendar year. The chair and vice-chair who shall serve for a period of one (1) year or until a successor is selected. The chair, when present, shall preside at all meetings of the commission and shall conduct the business of the commission. The vice-chair, in the absence of the chair, shall perform all the functions and duties of the chair. (Ord. 1106 Sec.V, 2014; Ord. 870 Sec.I, 1994).

2.90.040 Commission meetings.

A. The commission shall meet as necessary to perform the duties and responsibilities of the commission. ~~Meetings shall be held when necessary to act on matters requiring review by the commission.~~ At the last meeting held during the calendar year, the commission shall establish their meeting schedule for the next calendar year. Commission meetings shall be scheduled at least one time per month and additional meetings may be scheduled as needed. Commission meetings shall be open to the public with published agenda and minutes and shall be held in a public place and advertised in advance in accordance with the California Open Meeting Act. The published agenda shall be mailed or emailed in advance of meetings to individuals and organizations who have requested such notice and to all property owners and applicants who may be affected by any item on the agenda. Written minutes of commission meetings shall be kept on file in the Mariposa County planning department and be available for public review.~~inspection.~~

B. ~~Meetings shall be scheduled by the chair after conferring with the director regarding the agenda items and necessary noticing and advertising.~~

C. A quorum shall consist of a majority of appointed five ~~(5) members.~~ ~~In the absence of a quorum, a meeting may be canceled or continued to a date, time, and place certain by the members present.~~ All actions and decisions of the commission shall result from a motion fully stated by the moving party, followed by a second, and passed by majority of appointed members.~~five (5) votes.~~ (Ord. 1106 Sec.V, 2014; Ord. 870 Sec.I, 1994).

2.90.050 Public participation.

The commission shall provide for adequate public participation in the local historic sites preservation program. The commission shall provide opportunities for and encourage public participation in all responsibilities and duties assigned to it, in accordance with appropriate regulations, standards, and guidelines. (Ord. 870 Sec.I, 1994).

2.90.060 Duties and responsibilities.

The commission is charged with the following duties and responsibilities:

A. The commission shall maintain a system for survey and inventory of historic properties. The commission shall be responsible for organizing, developing, and administering an inventory of cultural and historic resources within the County of Mariposa and shall develop procedures for conducting an inventory of such resources. The commission shall adopt state guidelines for conducting surveys and compiling inventories of

historic properties and shall use state-approved inventory forms (DPR 523), encoding sheets (DPR 660), and the California Historic Resources Inventory Survey Workbook. Procedural standards for evaluation of properties shall be consistent with the National Register of Historic Places criteria. As part of an on-going survey effort, such procedural standards shall provide for periodic updates of identified and surveyed resources on a regular basis as the condition and importance of historic sites may change. Survey activities to update previously surveyed resources and identify non-inventory resources shall be coordinated with and complementary to the state program and Mariposa County Historic and Cultural Resources Inventory to ensure that survey results produced by the commission will be readily integrated into the statewide comprehensive historic preservation planning process and Mariposa County Historic and Cultural Resources Inventory. The commission shall make recommendations to the board of supervisors on county procedures to facilitate the use of survey results in the planning process by county officials and departments and other governmental agencies. The commission shall submit and file survey results with the Mariposa County planning and building department where such surveys shall be deposited and maintained. Copies of the surveys shall be forwarded to the State Office of Historic Preservation.

B. The commission shall be responsible for overseeing the compiling, recording, and updating of information on cultural and historic resources within the county. The information shall be based on comprehensive surveys of historic properties and shall be in a form that collates the survey results into a usable document. This information shall be available to the public to the extent that historic properties will not be vandalized or harmed by the release of such information as determined by the commission.

C. The commission shall maintain the official "Mariposa County List of Buildings or Structures, Sites and other Historical Resources with Special Historical or Architectural Significance" which shall list all buildings and structures determined by the board of supervisors to be historically or architecturally significant. The commission may nominate buildings, sites, structures, and other historical resources for listing to the board of supervisors.

D. The commission may publish procedural rules for registering historic properties which are identified in the county historic and cultural resources survey program in the National Register of Historic Places in accordance with the requirements of the National Historic Preservation Act, section 101(c)(2). However, the commission does not have the authority to nominate properties directly to the National Register. The

commission shall review all nominations to the National Register which involve county property.

E. The commission shall review all discretionary private development projects which may impact an historic or archaeological site in the county upon referral from the board of supervisors, planning commission, or a county department head. The commission shall determine the significance of the site and the project's impact on the site, if any, and recommend appropriate mitigation measures to mitigate any impact. The project shall be scheduled for the commission's review and recommendation at the first available meeting following the referral and following receipt by the planning department of a complete project application or project description. If the commission meeting is cancelled or not held due to a lack of a quorum, the planning director or other approval authority may take action on the project. ~~The commission shall formulate a recommendation to the referring body on these findings and shall make a recommendation. If the commission determines that additional information is needed to formulate a recommendation, the project application may be continued to a future meeting.~~ within three (3) weeks after referral.

F. The commission shall review all public projects undertaken by the county or other government agency which may impact an historic or archaeological site upon referral from the board of supervisors or a county department head. The project shall be scheduled for the commission's review and recommendation at the first available meeting following the referral and following receipt by the planning department of a complete project application or project description. If the commission meeting is cancelled or not held due to a lack of a quorum, the planning director or other approval authority may take action on the project. If the commission determines that additional information is needed to formulate a recommendation, the project application may be continued to a future meeting. ~~The commission shall formulate a recommendation to the board of supervisors within four (4) three (3) weeks after referral.~~

G. The commission may review county policies and ordinances which regulate or affect historic or archaeological sites and may make recommendations to the board on historic site preservation policies and ordinances.

H. The commission may review new names proposed for roads in the county-maintained system for historical significance and may make recommendations to the board of supervisors on the proposed road name.

I. The commission shall evaluate county records for measures to preserve such historical records.

J. The commission may recommend to the board of supervisors measures designed to preserve and/or restore the

integrity of historic buildings, structures, sites, and other historical resources. (Ord. 870 Sec.I, 1994).

2.90.070 Staff support.

~~Technical and secretarial~~ Staff support to the commission shall be provided by the Mariposa County planning ~~and building~~ department. Its responsibilities include the preparation of public notices, agendas, and minutes as can be reasonably provided; and the preparation of informational reports and board agenda packets and obtaining such information as the commission deems necessary for the discharge of its responsibilities. Substantial work or additional responsibilities which cannot be accommodated within the adopted budget of the planning ~~and building~~ department shall be approved by the board of supervisors. (Ord. 870 Sec.I, 1994).