RESOLUTION - ACTION REQUESTED 2020-479

MEETING: August 4, 2020

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Initiate Amendments to Chapter 2.90 for Historic Sites and Records Preservation Commission

RECOMMENDATION AND JUSTIFICATION:
Adopt a Resolution of Intention Initiating Amendments to Mariposa County Code, Chapter 2.90 for the Historic Sites and Records Preservation Commission (HSRPC). This requested action is based on a recommendation by the HSRPC that was voted on at their July 13, 2020 meeting.

The resolution of intention directs and authorizes staff to spend time processing amendments to county code, which includes scheduling and conducting a noticed public hearing. Future review will be by the Board of Supervisors (Planning Commission review is not mandated for amendments to Title 2). This action by the Board of Supervisors to initiate amendments does not approve the amendments or commit the Board to approving the amendments in the future.

The proposed amendment:

1. Reduces the number of members of the HSRPC from nine (9) to seven (7);
2. Applies a specific time frame for updates of identified and surveyed cultural and historic resources; changing text from “periodic” and “on a regular basis” to “10-year intervals”;
3. Adds text stating that such surveys are to be conducted by qualified consultants chosen by the Board of Supervisors;
4. Specifies that the master list of historically or architecturally significant buildings and structures be located at the Mariposa County Planning Department;
5. Grants the HSRPC the authority to nominate properties directly to the National Register; current text does not grant that authority.

Staff notes that amendment item 5, granting the HSRPC the authority to nominate properties directly to the National Register, is a significant change to current code. This has potential implications to future permitting processes for private properties, as a nominated structure or site has an "elevated" status with respect to California Environmental Quality Act (CEQA) review for discretionary actions.

HISTORY OF HSRPC ACTIONS ON RECOMMENDED AMENDMENTS:
The HSRPC discussed potential amendments to Chapter 2.90 at their meetings on November 4 and December 9, 2019, and January 13, 2020. The commission voted to recommend a reduction in the number of commission members at the November 4, 2019 meeting. The impetus for the reduction in members is the continued difficulty in achieving a quorum at HSRPC meetings and in filling positions on the commission.

Discussion continued on other potential amendments to Chapter 2.90 at the December 9, 2019 meeting, with a focus on the “Duties and Responsibilities” section of the chapter. At that meeting, then-Commissioner Jeff Miller offered to develop a list of recommendations to that section.

Commissioner Miller’s recommendations were discussed by the HSRPC at their January 13, 2020 meeting and final action on the recommended amendments was taken by the HSRPC at their July 13, 2020 meeting.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
2014: Ordinance 1106
2000: Ordinance 956
1994: Ordinance 870
2018: Ordinance 1132

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Alternatives: Change text in draft ordinance amendments

Negative action: Not adopting resolution of intention will mean that no amendments are processed for Chapter 2.90.

ATTACHMENTS:
200804 HSRPC Recommended Amendments (PDF)
Excerpts from HSRPC minutes (PDF)

RESULT: ADOPTED AS AMENDED [4 TO 1]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Miles Menetrey, District V Supervisor
AYES: Merlin Jones, Marshall Long, Kevin Cann, Miles Menetrey
NAYS: Rosemarie Smallcombe
2.90 Historic Sites and Records Preservation Commission

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”.

HISTORY
Adopted by Ord. 870 on 2/15/1994

2.90.020 Membership
A. The commission shall consist of nine (9) voting at-large members: At least one (1) member should represent each of the following: the Northern Mariposa County History Center, the Mariposa Museum and History Center, Incorporated, the Native American Indian Community of Mariposa County, and the construction industry (preferably a licensed contractor). The specified members shall be appointed by the board of supervisors. All members shall have a demonstrated interest and/or knowledge of Mariposa county history and/or historic preservation.

B. The terms of office of 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 April 5, 2018, all existing commission members’ terms shall expire on February 28, 2019. When commission appointments or reappointments are made in 2019, 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 2020 and each year thereafter, appointments or reappointments shall be for three (3) year terms.

C. The board of supervisors may remove a commissioner who is absent without cause for 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.

D. The members of the commission shall serve without compensation.

HISTORY
Adopted by Ord. 870 on 2/15/1994
Amended by Ord. 956 on 11/14/2000
Amended by Ord. 1058 Sec. I on 8/11/2009
Amended by Ord. 1106 Sec. V on 6/24/2014
Amended by Ord. 1132 Sec. I on 3/6/2018

2.90.030 Officers
The members of the commission shall elect a chair and vice-chair at the first meeting of the commission each calendar year. The chair and vice-chair 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.

HISTORY
Adopted by Ord. 870 Sec. I on 2/15/1994
Amended by Ord. 1106 on 6/24/2014
Amended by Ord. 1132 on 3/6/2018

2.90.040 Commission Meetings
A. The commission shall meet as necessary to perform the duties and responsibilities of 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.

B. A quorum shall consist of a majority of appointed members. 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.

HISTORY
Adopted by Ord. 870 Sec. I on 2/15/1994
Amended by Ord. 1106 Sec. V on 6/24/2014
Amended by Ord. 1132 Sec. I on 3/6/2018

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.

HISTORY
Adopted by Ord. 870 on 2/15/1994

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 at 10-year intervals 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. Surveys shall be conducted by qualified consultants chosen by the board of supervisors.

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 master list shall be located at the Mariposa County Planning Department. 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 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. If the commission determines that additional information is needed to formulate a recommendation, the project application may be continued to a future meeting.

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.

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.

HISTORY
Adopted by Ord. 870 on 2/15/1994
Amended by Ord. 1132 on 3/6/2018

2.90.070 Staff Support
Staff support to the commission shall be provided by the Mariposa County planning 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 department shall be approved by the board of supervisors.

HISTORY
Adopted by Ord. 870 on 2/15/1994
Amended by Ord. 1132 on 3/6/2018