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ORDINANCE NO. 4604

AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS REPEALING AND REENACTING ARTICLE 5 OF CHAPTER 3 OF DIVISION 1 OF THE VENTURA COUNTY ORDINANCE CODE, BEGINNING AT SECTION 1360, ADDRESSING CULTURAL HERITAGE

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

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 Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code, beginning at Section 1360, is hereby repealed and the subject matter therein is reenacted to read as follows:

Article 5 – Cultural Heritage

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 1365-1. Designation and Removal of Designation of Cultural Heritage Sites. Upon providing notice to the property *owner* and conducting a public hearing, the *Cultural Heritage Board* shall: (a) identify and designate *Cultural Heritage Sites*, and (b) when justified, remove such designations.

Sec. 1365-2. Forward Recommendations. The *Cultural Heritage Board* shall make recommendations to policy makers and related staff members on issues related to the preservation and enhancement of cultural, historic, and natural features in unincorporated Ventura County as well as its cities, pursuant to any adopted contract for cultural heritage services with the County.

Sec. 1365-3. Recommend Placement in the National Register of Historic Places or California Register of Historical Resources. The *Cultural Heritage Board* shall recommend to the *Board of Supervisors* that the County nominate to the

appropriate agency County designated *Cultural Heritage Sites* to be listed in the National Register of Historic Places or California Register of Historical Resources which have historical significance, which meet National or State Register criteria, and where the registration would assist in preservation.

Sec. 1365-4. Establish Markers. The *Cultural Heritage Board* shall determine which designated *Cultural Heritage Sites* shall be marked with uniform and distinctive markers, the text and design of which shall be approved by the *Cultural Heritage Board*.

Sec. 1365-5. Recommend Zoning. The *Cultural Heritage Board* shall recommend to the *Board of Supervisors* that a specific property or area be designated a historic or scenic zone, as set forth in the County's zoning ordinances.

Sec. 1365-6. Establish Bylaws. The *Cultural Heritage Board* shall adopt such Bylaws as are necessary to carry out the purpose and intent of this Article.

Sec. 1365-7. Recommend Amendments. The *Cultural Heritage Board* may recommend to the *Board of Supervisors* amendments to this Article as needed.

Sec. 1365-8. Preservation of Cultural Heritage Sites. The *Cultural Heritage Board* may take steps necessary to preserve *Cultural Heritage Sites* when not in conflict with the public health, safety, and general welfare. Such steps may include the designation of *Cultural Heritage Sites*; the creation of civic and citizens' committees; the establishment of a private fund for the acquisition or *restoration* of such sites; recommendations that such sites be acquired by a governmental agency where private acquisition is not feasible; and recommendations regarding applications for, and administration of, historical property contracts (Mills Act contracts) pursuant to Government Code section 50280 et seq.

Sec. 1365-9. Conduct Surveys. The *Cultural Heritage Board* or its designee may establish criteria for and conduct or cause to be conducted comprehensive surveys in conformance with Federal and State survey standards and guidelines for cultural heritage resources within the boundaries of the County which the *Cultural Heritage Board*, on the basis of information available or presented to it, has reason to believe may be eligible for designation. Said surveys shall include notification to all affected property owners prior to acceptance of the surveys by the *Cultural Heritage Board*. The *Cultural Heritage Board* may publicize and periodically update the surveys' results. Said surveys will include all Federal and State designated cultural heritage sites.

Sec. 1365-10. Issue Certificates of Appropriateness. The *Cultural Heritage Board* or its designee shall issue *Certificates of Appropriateness* for proposals to construct, change, alter, modify, remodel, remove, or significantly affect any potential or designated *Cultural Heritage Site* which require a *Certificate of Appropriateness* as provided in this Article.

Sec. 1365-11. Conduct Reviews. The *Cultural Heritage Board* or its designee shall, by *Certificate of Review*, review applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any potential or designated *Cultural Heritage Site*. This section applies only to sites not requiring a *Certificate of Appropriateness* and shall not apply in the case of *demolition*.

Sec. 1365-12. Conduct Environmental Reviews. The *Cultural Heritage Board* or its designee shall review all applications for discretionary permits pursuant to the County's adopted Initial Study Assessment Guidelines.

Sec. 1366. DESIGNATION OF CULTURAL HERITAGE SITES.

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

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

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

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

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

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

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

- a. Landmarks - Satisfy one or more of the below criteria of significance, in addition to retaining sufficient *integrity*. In evaluating *integrity*, the authenticity of the resource's physical identity shall be established by evidence of lack of deterioration and significant survival of the

characteristics that existed during its *period of significance*. This shall be evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association, consistent with applicable National Register of Historic Places Bulletins for evaluating historic properties.

- (1) It is associated with events that have made a significant contribution to the broad patterns of Ventura County history;
- (2) It is associated with the lives of significant persons in Ventura County's past;
- (3) It embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction;
- (4) It has yielded, or may be likely to yield, information important in history or prehistory.

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

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

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

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

d. Districts - Satisfy all of the following criteria:

- (1) Possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically

by plan or physical development;

- (2) Has precisely mapped and defined boundaries based upon a shared relationship among the properties constituting the *District*;
- (3) Has at least one of the criteria for significance of Sec. 1367(a); and
- (4) Retains sufficient *integrity* as described in Sec. 1367(a).

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

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

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

Sec. 1369. CULTURAL HERITAGE PROGRAM REQUIREMENTS AND PROHIBITIONS.

Sec. 1369-1. List of Properties Potentially Eligible for Cultural Heritage Site Designation. The County Resource Management Agency shall maintain record of known *Potential Cultural Heritage Sites* within its applicable land use permitting system. Said list shall also include Ventura County sites listed in the National Register of Historic Places and California Register of Historical Resources.

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

Sec. 1369-3. Local Register of Historic Places. The County Resource Management Agency shall maintain a register of designated *Cultural Heritage Sites*.

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

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

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

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

Landmark or District Contributor and the interior portions thereof when such maintenance is necessary to prevent deterioration, decay, or degradation of the exterior.

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

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

- a. The contract term shall be 10 years minimum, with automatic renewal yearly on the anniversary of the contract date;
- b. The contract agreement is to assist the *preservation* of the historic resource; therefore, *restoration*, and *rehabilitation* of the property shall conform to the rules and regulations of the State of California Office of Historic Preservation, the *Secretary of the Interior's Standards*, and the *California Historical Building Code*;
- c. The *owner* agrees to permit periodic examination of the interior and exterior of the premises by the County Assessor, the Department of Parks and Recreation, the State Board of Equalization, and the County, as may be necessary to verify the *owner's* compliance with the contract agreement, and to provide any information requested to ensure compliance with the contract agreement;
- d. The contract shall be binding on all successors-in-interest of the *owner* to the benefits and burdens of the contract; and
- e. The procedure for notice of non-renewal by the *owner* or the County, shall be as identified in State law (Government Code sections 50280 et seq., or any successor statutes).

In addition, the contract shall state that the County may cancel the contract if it determines that the *owner* has breached any of the conditions of the contract or has allowed the property to deteriorate to the point that it no longer meets the significance criteria under which it was designated. In addition, the contract shall

state that if the County cancels the contract for any of these reasons the *owner* shall pay a cancellation fee of twelve and one-half percent of the full value of the property at the time of cancellation, as determined by the County Assessor without regard to any restriction on the property imposed by the Historical Property Contract. The Planning Director, or designee, shall issue administrative guidelines for implementation of the Historical Property Contract process.

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

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

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

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

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

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

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

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

Sec. 1371. PROCESS FOR CERTIFICATE OF APPROPRIATENESS.

Sec. 1371-1. *Certificates of Appropriateness* shall be required for the following categories of sites only: 1. *Landmarks*; 2. *Districts*; 3. *Demolition of Sites of Merit*; 4. *Demolition of Potential Cultural Heritage Sites*; and 5. *Designated Cultural Heritage Sites* where a Planned Development Permit is being sought for the property pursuant to Section 8107-37 (Cultural Heritage Sites Deviations) of the Ventura County Zoning Ordinance. A *Certificate of Appropriateness* is an authorization issued by the *Cultural Heritage Board* or its designee in accordance with criteria in Sec. 1371-4. A *Certificate of Appropriateness* may be approved for a project as proposed, or approved with applicant modifications, or denied by the *Cultural Heritage Board*. A *Certificate of Appropriateness* shall only be required for projects affecting the exterior of a structure, site, or object, except in the case of a *Cultural Heritage Site* subject to a Mills Act contract, in which case it shall be required for any change affecting the interior *character-defining features* thereof.

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

- a. obtained a *Certificate of Appropriateness* from the *Cultural Heritage Board* or its designee, as the *Cultural Heritage Board* may delegate such authority, or
- b. filed for a *Certificate of Appropriateness* and waited the time specified in Sec. 1371-6 without any action being taken on the request for a *Certificate*

of Appropriateness; or

- c. filed for a *Certificate of Appropriateness* and the relevant time specified in Sec. 1371-8 has expired.

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

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

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

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

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

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

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

Sec. 1371-8. If the request for a *Certificate of Appropriateness* for a specific project proposal is denied by the *Cultural Heritage Board* or its designee, the property *owner* of a designated *Cultural Heritage Site* shall be prohibited from taking action for 180 days from the date of the disapproval. Notwithstanding the provisions of Sec. 1371-4 or any other provision of this Article, following the denial of a complete *Certificate of Appropriateness* application by the *Cultural Heritage Board* or its designee, or the *Board of Supervisors* on appeal, a *Certificate of Appropriateness* shall no longer be necessary for a permit application to proceed according to the following: (a) in the case of a designated *Cultural Heritage Site* or designated interim basis

Cultural Heritage Site, one hundred eighty (180) days beyond; and (b) in the case of an undesignated site, immediately following such denial.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 1377-4. Inform the *Cultural Heritage Board* of all County records of historical significance which are to be disposed of or destroyed.

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

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

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

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

Passed and adopted this 26 day of July 2022, by the following vote:

AYES: Supervisors Laversé, Parks, Long, Huber + Ramirez

NOES: none

ABSENT: none

ATTEST: Carmen Ramirez
CHAIR, BOARD OF SUPERVISORS

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

By: Sevet Johnson
Deputy Clerk of the Board

