

ORDINANCE NO. 3974

KIM

AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS
AMENDING DIVISION 1, CHAPTER 3, ARTICLE 5 OF
THE VENTURA COUNTY ORDINANCE CODE,
BEGINNING AT SECTION 1360,
DEALING WITH CULTURAL HERITAGE

(REENACTED 11/20/73 ORD. 2737)

The Board of Supervisors does ordain as follows:

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

Sec. 1361. PURPOSE. The purpose of this Ordinance is to promote the economic and general welfare of the County of Ventura by preserving and protecting landmarks, and points of interest as defined in Section 1368 and Section 1368.1, be they public or private ownership and having a special historical or aesthetic character or interest; or relocating or recreating a historical landmark for the use, education, and view of the general public; all of this in order to make the citizens of this County, and visitors and tourists mindful of the rich historical, cultural, and natural heritage of the County.

(AM. ORD. #3568-10/6/81).

Sec. 1362. APPLICABILITY OF ORDINANCE. The Cultural Heritage Ordinance shall have force and effect only in the unincorporated areas of the County. However, any declared landmarks or points of interest existing as of the effective date of this Ordinance, regardless of their location in the County, shall retain their declared status. ✓

The property owner of a landmark, designated, declared or found by the Cultural Heritage Board to exist on or before the date this Ordinance takes effect, shall be prohibited from defacement, addition, alteration, or removal of such landmark without obtaining a Certificate of Appropriateness from the Cultural Heritage Board.

At any time in the future, if the territory upon which a dedicated landmark or point of interest is situated is annexed to any city, it shall also retain its declared status. (AM. ORD. #3568-10/6/81; AM. ORD. #3808-4/21/87).

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

Sec. 1363-1. Supervisory Appointees. One person who has demonstrated interest in and knowledge of historic preservation and the cultural resources of the County shall be selected by each of the five members of the Board of Supervisors, thus providing representation from each Supervisorial District.

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

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

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

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

Supervisor from that area appoints a replacement member.

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

Sec. 1364. FUNCTIONS AND POWERS. The functions and powers of the Cultural Heritage Board shall be:
(AM. ORD. #3568-10/6/81)

Sec. 1364-1. Evaluation. Inspect and investigate any item in Ventura County which it has reason to believe should be declared as a Ventura County landmark or point of interest. (AM. ORD. #3568-10/6/81)

Sec. 1364-2. Public Hearings. Hold public hearings for the purpose of identifying landmarks or points of interest or removing previously declared landmarks or points of interest, with such hearings being held 15 days or more after the property owner has been notified by certified mail.
(AM. ORD. #3568-10/6/81; AM. ORD. #3776-6/7/86)

Sec. 1364-3. Recommendations. If the conclusion of the Cultural Heritage Board is that a landmark or point of interest does exist which meets the criteria as established in Sections 1368 and 1368-1 of this Ordinance, and should be declared as such, it shall make its recommendation to 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 landmark, 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. If the property owner objects to the designation of his property as a landmark or point of interest, such objection shall be filed with the Board of Supervisors not later than 15 days following the date the Cultural Heritage Board makes its recommendation.

(AM. ORD. #3568-10/6/81; AM. ORD. #3808-4/21/87)

Sec. 1364-4. Inventory. Maintain a current list of all historical,

cultural, and natural landmarks, and points of interest which shall have been declared. This information shall be made available to the public.

(AM. ORD. #3568-10/6/81)

Sec. 1364-5. State Registration. Recommend to the Board of Supervisors that the County apply to the appropriate state agency for state registration of landmarks or sites which have historical significance, which meet state registration criteria, and where the registration would assist in preservation. (AM. ORD. #3568-10/6/81)

The Cultural Heritage Board may find that a landmark or site is significant for declaration as a "state point of interest", but does not warrant registration as a "state historical landmark". The Cultural Heritage Board shall determine the appropriate state registration, and so advise the Board of Supervisors. (AM. ORD. #3568-10/6/81)

Sec. 1364-6. Markers. Determine which designated landmarks and points of interest shall be marked with uniform and distinctive markers.

(AM. ORD. #3568-10/6/81)

Sec. 1364-7. Zoning. Recommend to the Board of Supervisors, if indicated, that a specific landmark or point of interest be designated a historic or scenic landmark zone or that an area be designated a historic or scenic zone. (AM. ORD. #3568-10/6/81)

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

(AM. ORD. #3568-10/6/81; AM. ORD. #3924-1/16/90)

Sec. 1364-9. Amendments. Recommend to the Board of Supervisors amendments to this Ordinance when circumstances indicate. (AM. ORD. #3568-10/6/81)

Sec. 1364-10. Preservation of Landmarks and Points of Interest. Take steps necessary to preserve such landmarks and points of interest not in conflict with the public health, safety, and general

welfare. Such steps may include the creation of civic and citizens' committees; the establishment of a private fund for the acquisition or restoration of declared landmarks or points of interest; recommendations that such declared landmarks or points of interest be acquired by a governmental agency where private acquisition is not feasible; and recommendations regarding applications for, and administration of, historical property contracts pursuant to Government Code section 50280 et seq.
(AM. ORD. #3568-10/6/81)

Sec. 1364-11. Surveys. Establish criteria and conduct or cause to be conducted comprehensive surveys in conformance with state survey standards and guidelines of cultural heritage resources within the boundaries of the County. Publicize and periodically update the surveys' results.

Sec. 1364-12. Reviews. Adopt standards for the use of reviewing applications for permits to construct, change, alter, modify, remodel, remove or significantly affect any cultural, natural, and/or historical resources.

- (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 survey results;
- (b) 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 potential landmarks. The County Resource Management Agency shall forward all such documents to 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 potential landmarks.

Potential Landmarks

Sec. 1365. DECLARATION OF LANDMARKS. The authority to declare landmarks or points of interest shall be vested solely in the Board of Supervisors.

Upon the recommendation of the Cultural Heritage Board, and at least 15 days after such recommendation is made, the Board of Supervisors may declare those items listed in Section 1368 as County landmarks or points of interest. If the property owner has filed an objection to the designation of his property as a landmark or point of interest, the Board of Supervisors shall schedule a public hearing to consider the objection, after which it shall determine whether or not to declare.

Sec. 1365-1. ~~Certificate of Appropriateness (Permits)~~ If the conclusion of the Board of Supervisors is that a landmark does exist, the following shall apply:

(AM. ORD. #3568-10/6/81; AM. ORD. #3808-4/21/87)

- (a) All permits for alteration, restoration, rehabilitation, remodelling, addition, change of use, demolition or relocation of designated County landmarks shall require a Certificate of Appropriateness from the Cultural Heritage Board;
- (b) All requests for Certificates of Appropriateness shall be submitted to the Cultural Heritage Board for approval. The County Resource Management Agency shall report any application for a permit to work on a designated County landmark to the Cultural Heritage Board and its staff;
- (c) In evaluating requests for Certificates of Appropriateness, the Cultural Heritage Board shall consider the existing architectural style, design, arrangement, texture, materials, and any other factors with regard to the original distinguishing characteristics of the County landmark. ~~Using the Secretary of the Interior's Standards For Historic Preservation Projects~~ as a guide, the Cultural Heritage Board shall approve the issuance of a Certificate of Appropriateness, for any proposed work if, and only if, one of the following findings exists:
 - (1) The proposed work will neither adversely affect the

significant architectural features of the County landmark nor adversely affect the character of historical, architectural or aesthetic interest or value of the County landmark and its site.

- (2) In the case of construction of a new improvement, addition, building or structure upon a County landmark or its site, the use and exterior of such construction will not adversely affect, and will be compatible with the use and exterior of the County landmark and its site.
 - (3) 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.
 - (4) If the applicant presents facts and clear evidence demonstrating that failure to approve the request for a Certificate of Appropriateness will cause a hardship because of conditions peculiar to the structure or other feature involved, or damage to the property owner is unreasonable in comparison to the benefit conferred to the community, the Board may conditionally approve such Certificate, even though it does not meet the standards set forth herein.
- (d) Requests for Certificates of Appropriateness shall be filed with the County's Resource Management Agency for processing, when a permit is required to perform work on a County landmark. Requests shall include plans and specifications, and the relationship of the proposed work to the surrounding environs. The request shall be accompanied by any other information the Cultural Heritage Board determines is required to make an informed judgment of the proposed work according to the standards of review in Section 1364-12;
- (e) If the Cultural Heritage Board fails to consider a request for a Certificate of Appropriateness within ninety (90) days of the date of submission, the Director of the Resource Management Agency or his designee shall issue the Certificate of Appropriateness;

- * (f) If no building or other permit is required to pursue work on a designated County landmark, whoever is responsible for the work, whether it is the tenant, resident or property owner, shall apply for a Certificate of Appropriateness to the Cultural Heritage Board staff directly;
- (g) The Cultural Heritage Board may disapprove the issuance of said Certificate or Certificates for any proposed work if, and only if, it makes the following findings:
 - (1) The proposed project is to remove or demolish a County landmark that is determined by the Cultural Heritage Board to be significant and important to the history of the County.
 - (2) The proposed project would adversely affect the historical significance of the County landmark or would not be compatible with the use and/or exterior of the County landmark or its site.
- (h) If the request for a Certificate of Appropriateness is disapproved by the Cultural Heritage Board the property owner shall be prohibited from taking action for 180 days from the date the Cultural Heritage Board disapproved such action.

Sec. 1365-2. Non-Action After Certificate of Appropriateness. If the Cultural Heritage Board finds that the property owner has not acted on the Certificate of Appropriateness within one year and 180 days from the date the Cultural Heritage Board approved such action, the Cultural Heritage Board may notify the property owner that the Certificate of Appropriateness shall be considered void, and the landmark will be protected in accordance with this Ordinance.

(AM. ORD. #3776-6/17/86; AM. ORD. #3808-4/21/87)

Sec. 1365-3. Removal of Landmark Status. If the landmark or point of interest is defaced, demolished, added to, altered or moved, and the Cultural Heritage Board determines that the landmark or point of interest no longer exists, the Cultural Heritage Board may

recommend to the Board of Supervisors that the property lose its designation as a landmark or point of interest.

If the property owner of the landmark or point of interest objects to the removal of landmark status of this property, such objection shall be filed with the Board of Supervisors not later than 15 days following the date of mailing to the property owner of the Cultural Heritage Board's recommendation to the Board of Supervisors.

(ADD. ORD. #3776-6/17/86)

Sec. 1366. ACQUISITION OF LANDMARKS. If the decision is made that the historical significance of any declared landmark or point of interest justifies the expenditure of public funds, acquisition proceedings may be initiated. If the Board of Supervisors finds a landmark or point of interest 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. (AM. ORD. #3568-10/6/81)

Sec. 1367. MUNICIPAL CULTURAL HERITAGE. The Cultural Heritage Board, at the request of a city, may serve as the city's Cultural Heritage Board. However, the provisions of this Ordinance, unless adopted by the City Council, shall have force and effect only in the unincorporated area of the County.

Sec. 1368. LANDMARK DEFINITION AND DESIGNATION CRITERIA. For purposes of this Article, an improvement, natural feature or site may be designated a County landmark if it meets the following criteria, based solely on the National Register of Historic Places:

- ✓ (1) It exemplifies or reflects special elements of the County's social, aesthetic, engineering, architectural or natural history;
- (2) It is identified with persons or events which are significant in national, state or local history;
- ✓ (3) It shows evidence of habitation, activity or the culture of prehistoric man;
- (4) It embodies elements of architectural design, detail, materials or craftsmanship which represent a significant structural or architectural achievement or innovation;

- (5) It is representative of the work of a master builder, designer, artist or architect;
- (6) It is imbued with traditional or legendary lore; (AM. ORD. #3568-10/6/81; AM. ORD. #3808-4/21/87)
- ✓ (7) It has a unique location or singular physical characteristics or is a view or vista representing an established and familiar feature associated with a neighborhood, community or the County of Ventura;
- (8) It is one of the few remaining examples in the County possessing distinguishing characteristics of an architectural or historical type or specimen.

Sec. 1368-1. Definition of a Point of Interest. A historical, cultural or natural point of interest is any real property or object: (AM. ORD. #3568-10/6/81)

- (a) 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
- (b) 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
- (c) 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.
(AM. ORD. #3568-10/6/81)

Sec. 1369. STANDARDS. In recommending and declaring any County landmark or point of interest as worthy of protection under this Article, the Cultural Heritage Board and the Board of Supervisors shall be subject to the following standards:

- (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. (AM. ORD. #3568-10/6/81)

Sec. 1370. 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. 1371. COOPERATION. 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 Article and shall

- (a) Notify the Cultural Heritage Board of the discovery of items of historical significance, such as burial grounds, prehistoric artifacts or historical foundations;
- (b) Inform the Board of proposed alteration, demolition or relocation of designated landmarks or points of interest;
- (c) Inform the Board of proposed changes of all road and geographical names; and
- (d) Inform the Board of all County records of historical significance which are to be disposed of or destroyed. (AM. ORD. #3568-10/6/81)

The Cultural Heritage Board shall cooperate with all County departments and officers when requested, and shall recommend for this consideration matters covered by this Article.

(AM. ORD. #3568-10/6/81)

Sec. 1372. EXPENSES. The necessary and reasonable expenses to the operation of the Cultural Heritage Board, as outlined in Section 1364, shall be the responsibility of the County. Included shall be the installation and maintenance of markers.

Sec. 1373. STRUCTURES OF MERIT.

- (a) The Board may recommend approval of a list of structures 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. The said list may be added to from time to time. The purpose of this list shall be to recognize and encourage the protection, enhancement, perpetuation, and the use of such structures. The Board may maintain a record of historical structures in the County which have been officially designated by agencies of the state or federal government and, as appropriate, shall cause such structures to be added to the aforesaid list; and
- (b) Nothing in this Article shall be construed to impose any regulations or controls upon such structures of merit included on the said list.

(AM. ORD. #3568-10/6/81)

Sec. 1374. 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 landmark in the County's building permit procedure.

PASSED AND ADOPTED this 30th day of April
1991, by the following vote:

AYES: Supervisors

LACEY, VANDERKOLK, FLYNN

AND ERICKSON KILDEE

NOES:

NONE.

ABSENT:

HOWARD

s/Maggie Erickson Kildee
CHAIR, BOARD OF SUPERVISORS

ATTEST:

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

By: s/Roberta Rodriguez
Deputy Clerk

Section 1364-10 amended by
Board of Supervisors 6/7/94.