

ARTICLE 38

SEC. 21-38 REGULATIONS FOR HISTORIC PRESERVATION OR “HP” COMBINING DISTRICTS.

38.1 Purpose: To provide special conditions or regulations for the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, and other objects having special character or special historical value, and to protect cultural and archeological sites with potential for listing on the National Register of Historic Places and/or designation as a State Historic Landmark. Such sites may be of local or state-wide significance and have anthropological, cultural, military, political, architectural, economic, scientific, religious, or other values.

Within the “HP” combining district, all uses of land shall comply with the regulations of the base zoning district and with the additional regulations of the “HP” combining district. All uses shall be subject to review by the Cultural Resource Commission prior to any development or issuance of any permit pursuant to this Chapter.

38.2 Applicability: The Historic Preservation district “HPD” or Historic Preservation site “HPS” designation may be applied upon the request of the property owner or by the Board of Supervisors, and recommendation by the Cultural Resource Commission to:

- (a) Sites, structures, or districts which have been officially designated as significant by local, state, or federal agencies; or
- (b) Other sites, buildings, or structures having a special character or special historic value.

38.3 Definitions:

- (a) Cultural Resource Commission: A decision-making body consisting of five members appointed by the Board of Supervisors and responsible for officially registering significant cultural sites which have not been designated by state or federal authority and responsible for reviewing and making recommendations on proposals for establishment of historical preservation districts and historical preservation sites.
- (b) Registered cultural resource or site: An historic or prehistoric site, or group of sites, where cultural significance has been determined through listing on or by the National Register of Historic Places, State Inventory of Historic Resources, Lake County Historical Society Registry of Historical Sites, or which has been officially registered by the Cultural Resource Commission.
- (c) Alteration: Any exterior change, modification, or demolition through public or private action, of any registered cultural site including, but not limited to: Exterior changes or modification of structures, architectural details or visual

characteristics such as paint color and surface texture; grading, paving, new structures, surface or subsurface disturbance of archeological sites, the placement or removal of any exterior objects such as signs, plaques, light fixtures, walls, fences, steps, trees and rock outcrops affecting the exterior visual qualities or general setting of the resources.

38.4.1 Uses permitted: All uses permitted in the base zoning district subject to the following regulations: **(Ord. No. 1749, 7/7/1988)**

- (a) The alteration of any registered cultural resource or site within an “HP” combining district shall require a major use permit. No feature of any property zoned “HP” which gives the property its special historical, archaeological, or architectural character shall be altered or demolished except in accordance with the provisions of such a major use permit.
- (b) When a lot or parcel contains a registered cultural resource or site, or is within an “HP” district listed on one of the registers defined in Section 38.3(b), then permit applications which may result in the alteration of such a cultural resource or site shall be referred by the Planning Department to the Cultural Resource Commission for review and comment. Such review and comment shall relate to the cultural significance as set forth in Section 38.3. Failure of the Cultural Resource Commission to report within forty (40) days after the referral shall be deemed to be their approval of the permit application. The Planning Commission shall not issue any permit until they have received and reviewed the Cultural Resource Commission evaluation. The Planning Director shall also refer to the Cultural Resource Commission applications which, in the opinion of the Director, may affect a potentially significant cultural resource or site which has not yet been listed on one of the lists defined in Section 38.3(b). **(Ord. No. 1749, 7/7/1988)**

38.4.2 Exceptions: (Ord. No. 1749, 7/7/1988)

- (a) Customary agricultural activities such as plowing, disking, grading, ditching, harrowing, seeding, fencing, grazing of livestock, burning of tules and stubble, the planting of pastures, orchards, vineyards and field crops. Also animal husbandry, maintenance and operation of existing flood control, irrigation and drainage facilities, including maintenance dredging, and digging of ditches for underground irrigation pipelines shall be exempt from the additional regulations of the “HP” combining district.
- (b) The Planning Director may waive the submission of or the requirement for a major use permit if the Director finds that: 1) all the purposes of this Article have been fulfilled by the approval of any other permit required by this Chapter; or 2) the project involves only interior alterations not materially changing the character of the property; or 3) the project involves only minor exterior alterations not materially changing the

character of the property; or 4) the project is a residential accessory use or structure that in the opinion of the Planning Director will not be inconsistent with the purpose of this Article. (Ord. No. 1749, 7/7/1988)

38.5 Site selection criteria:

- (a) A cultural resource is any material remains of past human life or activities which are of historical, archeological or cultural value or interest, or of special character or special historic interest or value. Such remains are from prehistoric or historic periods and occur either below or above ground.
- (b) Historical sites and structures are areas where artifacts, features, or structures can be tied to a particular time period. The types of sites in this category include, but are not limited to, historic structures and buildings representing mining, farming, residential and industrial uses; bridges, wagon roads, and other historic transportation routes, and other areas, without structures, which provide evidence of historic cultural use.
- (c) Prehistoric cultural sites include, but are not limited to: Native American village sites; seasonal campsites; hunting or butchering sites; quarries or tool manufacturing sites; various types of rock paintings and carvings; and resource collection sites used today for the gathering of traditional Native American resources.

These sites usually contain some or all of the following characteristics: obsidian and/or chert flakes, evidence of stone tool making; dietary remains such as fishbone, animal bone, and shells; artifacts; darkened soil, stained by charcoal from cooking fires; depressions in the ground which may be ruins of house or ceremonial structures; and Indian burial grounds which can occur by themselves or within village or campsite areas.

38.6 Findings required for rezoning: The Review Authority shall only approve a rezoning to “HP” when it finds that the registered cultural resource or site has one or more of the following qualities as defined by the U.S. Department of Interior (36 CFR 800.10):

- (a) Identification or association with persons, eras or events that have contributed to local, regional, state, or national history in a distinctive or important way; or
- (b) Identification as, or association with, a distinctive or important work or vestige:
 - 1. Of an architectural style with historic value, design, or method of construction, or notable architect, engineer, builder, artist or craftsman; or

2. The totality of which comprises a distinctive or important work or vestige whose component parts may lack the same attributes; or
3. That has yielded or is likely to yield information of value about history, archaeology or culture, or that provides for existing and future generations an example of the physical surroundings in which past generations worked.

* The factor of age alone does not necessarily confer a special historical, cultural, architectural or archeological value or interest upon a resource, but it may have such effect if a more distinctive or important example thereof no longer exists.

38.7 Designation of districts: Sectional district maps approved pursuant to this article shall take one of the following forms:

- (a) The designation “HPD” Historic Preservation district for entire lots or aggregations of lots, where the intent is to regulate all uses on a lot; or
- (b) The designation “HPS #” Historic Preservation Site, for individual structures or buildings or small areas of lots, where the intent is to regulate uses of individual buildings, structures or small portions of lots and not entire lots or aggregations of lots. The assigned number (#) shall represent the site on the Lake County Cultural Resource Commission Registry of Cultural Sites. The regulations of this Article shall apply to those structures or areas as identified in the zoning file of the Planning Department; or
- (c) A combination of “HPD” and Historical Preservation Site numbers (#). In this case, regulation of development shall be as set forth in Subsection (a) above.

38.8 Incentives:

- (a) Tax preference: The Historic Preservation “HP” combining district when used in conjunction with Section 50280 et. seq. of the California Government Code and Section 439.1 of the Revenue and Taxation Code is designed to preserve significant historic and cultural resources or sites by providing the availability of tax incentives to those landowners in the community who voluntarily agree to preserve such resources on their property by entering into a contract with the County.
- (b) Building code exemptions: The owners of historic structures which have obtained the status of “registered cultural site” may no longer need to conform to the Uniform Building Code (UBC) but may opt instead to meet the requirements of the State Historic Building Code (HBC) in order to maintain the historic character of the structure.