



# COUNTY OF SANTA CRUZ

HISTORIC RESOURCES COMMISSION

PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060

(831) 454-2580 FAX: (831) 454-2131 TDD: CALL 711

KATHLEEN MOLLOY, PLANNING DIRECTOR

September 20, 2018

**AGENDA: October 1, 2018**

**Subject: Consider amending the Historic Resources Commission Bylaws to require Commissioners to disclose oral or written information regarding projects received outside of a public hearing or site visits to the subject property**

Members of the Historic Resources Commission:

The Historic Resources Commission (HRC) acts in a quasi-judicial capacity, reviewing historic resources preservation plan applications involving designated historic resources and applying local land use regulations to make a determination on the application. Under California Law, quasi-judicial decisions by hearing bodies are subject to procedural due process, and are to be made at a noticed public hearing based upon information presented at the hearing. This process allows all parties to be aware of the information on which a decision is to be based, and to have the opportunity to support or controvert any information presented.

In reviewing a Historic Resource Preservation Plan application, individual Commissioners may desire to visit the subject property to gain a more complete understanding of the proposed project and the existing historic resource. Site visits can help to support a more informed decision on applications. Santa Cruz County Code Chapter 16.42, Historic Preservation, also allows for site visits by commissioners. Under procedural due process, it is important that attendees at a public hearing be aware of all the information on which Commissioners are basing their decisions. The Santa Cruz County Planning Commission, which also acts in a quasi-judicial capacity, has a procedure in their Bylaws for declaring information received outside of a public hearing regarding pending land use application at the beginning of each hearing. Incorporating such a procedure into the HRC Bylaws and modifying future agendas to include declaration of any ex parte communications will help to ensure due process and public transparency for all decisions on land use applications. In accordance with Santa Cruz County Code Chapter 2.38.140, bylaws are adopted by each commission and submitted to the Board of Supervisors for final approval.

Therefore, it is **RECOMMENDED** that your Commission take the following actions:

1. Adopt the proposed amendment to the HRC Bylaws requiring Commissioners to disclose oral or written information regarding applications received outside of a public hearing or site visits to the subject property at the beginning of each meeting (Exhibit A); and
2. Request staff to submit the proposed amendment to the Bylaws to the Board of Supervisors for final approval.

Sincerely,

---

Annie Murphy, Planner IV  
Secretary to the Commission

Exhibits

A. Proposed amendment to the Historic Resources Commission Bylaws

**Proposed Amendment to the Historic Resources Commission Bylaws as Related to  
Ex Parte Communications**

The Historic Resources Commission Bylaws are hereby amended by adding the following provision to Section 9, "The Conduct of Meetings", following "Agenda Approval or Modification":

**RECEIPT OF INFORMATION OUTSIDE OF HEARING BY COMMISSIONERS**

A Commissioner who has received oral or written information outside of a hearing or has viewed the subject property, or is familiar with the subject property, shall fully disclose at the beginning of the meeting such information and his or her observations and familiarity with the property so that the applicant, opponents, interested persons, planning staff and other members of the Commission may be aware of the facts or information upon which he or she is relying and have an opportunity to support or controvert the facts or information. All written information received outside of the public hearing shall be filed with the Commission Secretary. This requirement shall not apply broad policy issues applicable County-wide as distinguished from projects affecting individual parcels of property or to factual inquiries made to and received from County staff.

