



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

TOM BURNS, PLANNING DIRECTOR

March 13, 2006

AGENDA DATE: April 12, 2006

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz CA 95060

**SUBJECT: PROPOSED CHANGES TO COUNTY CODE CHAPTER 16.42 REGARDING
RECORDATION OF NOTICES OF HISTORIC RESOURCE DESIGNATION**

Commissioners:

On September 20, 2005, the Board of Supervisors considered and denied a request to remove 226 Highland Drive, Rio del Mar, from the County's Inventory of Historic Resources and, among other things, directed Planning to research issues and procedures related to disclosure of designation of a property as an historic resource and recordation of notice of historic resource designation.

County Code states that when a property is designated an historic resource, a Notice of Historic Resource Designation is to be recorded describing the resource, its historic/architectural value, and a statement that the resource is subject to County Code Chapter 16.42, the Historic Resource Preservation ordinance. That ordinance gives no time within which the recordation is to take place.

The State Public Resources Code (PRC) mandates a somewhat different manner of recordation and notice. PRC subsections 5029 (b) and (c) state that a local agency shall submit a "certified resolution establishing the historical resources designation" to the County Recorder for recordation within 90 days of a property being designated as an historic resource (see Exhibit C).

In order to make Chapter 16.42 conform to applicable state law regarding recordation of historic resource designation, we are proposing changes to Chapter 16.42. First, we are proposing to add a definition of "certified resolution" and to delete the definition of "notice of historic resource" in Section 16.42.030, Definitions. Second, we are proposing to modify Subsection 16.42.080(g) by changing the wording from "notice of historic resource" to "certified resolution" and adding the state law-required 90 day window to record a certified resolution. The proposed changes are shown in Attachment 1 to Exhibit A.

On March 9, 2006, the Historic Resources Commission considered the proposed amendments

and approved a recommendation to your Commission and the Board of Supervisors to approve the changes to conform the County's ordinance to applicable state law (see Exhibit B).

California Environmental Quality Act (CEQA)

The proposed changes to County Code Chapter 16.42 are not subject to CEQA because the proposed changes will not result in a direct or reasonably foreseeable indirect physical change in the environment (see Exhibit D).

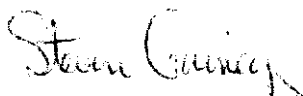
Conclusion and Recommendation

Both the Public Resources Code and County Code require recordation of a document providing notice of the designation of an historic resource. However, the language used in the County Code is inconsistent with the Public Resources Code in this regard. To ensure conformity with applicable state law, County Code Chapter 16.42 needs to be amended.


It is therefore RECOMMENDED that your Commission take the following actions:

1. Recommend to the Board of Supervisors approval of the proposed amendments to County Code Chapter 16.42 as discussed above and as shown in Attachment 1 to Exhibit A; and
2. Recommend to the Board of Supervisors adoption of the Notice of Exemption from further environmental review under the California Environmental Quality Act (Exhibit D).

Sincerely,



Steven Guiney, AICP
Planner IV
Policy Section



Glenda Hill, AICP
Principal Planner
Policy Section

Exhibits:

- A. Planning Commission Resolution
Attachment 1: Ordinance (strike-through version)
- B. Historic Resources Commission Resolution
- C. Public Resources Code 5029(b) and (c)
- D. CEQA Notice of Exemption

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the Motion of Commissioner
duly seconded by Commissioner
the following resolution is adopted

PLANNING COMMISSION RESOLUTION RECOMMENDING CHANGES TO
COUNTY CODE SECTIONS 16.42.030 AND 16.42.080 REGARDING
RECORDATION OF NOTICES OF HISTORIC RESOURCE DESIGNATION

WHEREAS, the Board of Supervisors, on May 24, 1994, adopted the County General Plan/Local Coastal Program Land Use Plan (GP/LCP) that contains policies which provide for the protection of the County's historic resources and further provides for the establishment of a Historic Resource Commission and the establishment and maintenance of an Historic Resources Inventory which specifies historic properties so designated by the Board of Supervisors for protection of their historic resource values; and

WHEREAS, Chapter 16.42 of the Santa Cruz County Code establishes criteria for the designation of historic resources and establishes a procedure for recording a notice of the historic resource designation; and

WHEREAS, the State of California Public Resources Code Section 5029(b) and (c) requires recordation of a certified resolution establishing the historical resources designation within 90 days after designation; and

WHEREAS, County Code Chapter 16.42 does not conform to Public Resources Section 5029(b) and (c) in the type of document to be recorded and in the timing of the recordation; and

WHEREAS, it is the intent of the County of Santa Cruz that Chapter 16.42 conform to applicable state law; and

WHEREAS, on March 9, 2006, the Historic Resources Commission held a duly noticed public hearing and recommended to the Planning Commission and the Board of Supervisors approval of the proposed changes to County Code Chapter 16.42; and

WHEREAS, on April 12, 2006, the Planning Commission held a duly noticed public hearing to consider the proposed amendments to County Code Chapter 16.42; and

WHEREAS, the Planning Commission finds that the proposed amendments are not subject to review under the California Environmental Quality Act (CEQA) as specified under CEQA Guidelines Section 15060(c).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends to the Board of Supervisors approval of the amendments to Chapter 16.42, to conform County Code to the Public Resources Code, as shown in Attachment 1.

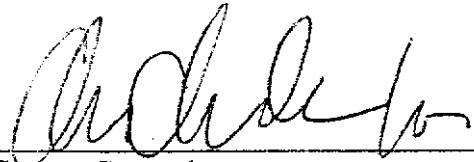
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, on this _____ day of _____, 2006, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson

ATTEST: _____
Cathy Graves, Secretary

APPROVED AS TO FORM:



County Counsel

cc: County Counsel
Planning Department

ORDINANCE AMENDING SECTION 16.42.030 AND SUBDIVISION (g) OF SECTION 16.42.080 OF THE SANTA CRUZ COUNTY CODE RELATING TO RECORDATION OF NOTICE OF HISTORIC RESOURCE DESIGNATION

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Section 16.42.030 of the Santa Cruz County Code is hereby amended by adding a definition of Certified Resolution after the definition of Artifact and before the definition of Contributing Historic Structure or Object, to read as follows:

Certified Resolution. A resolution of the Board of Supervisors establishing the historical resources designation of a structure, object, site, property, or district which has a special historical, archaeological, cultural or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation, and which either has been listed in the County General Plan, or has been listed in the Historic Resources Inventory adopted pursuant to Section 16.42.080 of this Chapter and has a rating of significance of NR-1, NR-2, NR-3, NR-4, or NR-5.

SECTION II

Section 16.42.030 of the Santa Cruz County Code is hereby amended by deleting the definition of Notice of Historic Resource after the definition of Non-contributing Structure or Object and before the definition of Planning Director, to read as follows:

~~Notice of Historic Resource. A document filed on record with the County Recorder specifying the assessor's parcel number and property owner name(s) of a parcel containing a designated historic resource, a description of the historic resource, and a statement that the historic resource is subject to the provisions of the County Code, Chapter 16.42, Historic Resource Preservation.~~

SECTION III

Subdivision (g) of Section 16.42.080 of the Santa Cruz County Code is hereby amended to read as follows:

~~(g) Recording of Notice of Certified Resolution Establishing the Historic Resource Designation. Whenever~~ Within 90 days after an historical resource has been included in the Santa Cruz County Historic Resources Inventory by the Board of Supervisors, the Planning Director shall cause to be filed for record with the County Recorder, a Notice of Certified Resolution Establishing the Historic Resource Designation specifying the names of the owners of record, a legal

description of the property, a description of the historic resource and its historic and/or architectural value, and a statement that the historic resource **so** described is subject to the provisions of the County Code, Chapter 16.42, Historic Resource Preservation. A copy of the recorded notice-certified resolution shall be sent to the property owner. ~~Failure to record a Notice of Historic Resource Designation with the County Recorder does not invalidate the requirements of this Chapter.~~

SECTION IV

This ordinance shall become effective on the 31st day following its adoption by the Board of Supervisors.

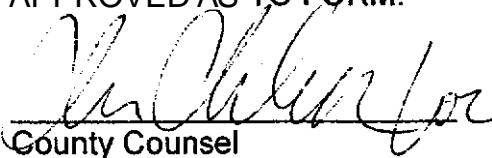
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this _____ day of _____, 2006, **by** the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:


County Counsel

Copies to: Planning
County Counsel

BEFORE THE HISTORIC RESOURCES COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 06-01

On the Motion of Commissioner Fisher
duly seconded by Commissioner Borg
the following resolution is adopted:

**HISTORIC RESOURCES COMMISSION RESOLUTION RECOMMENDING
CHANGES TO COUNTY CODE SECTIONS 16.42.030 AND 16.42.080 REGARDING
RECORDATION OF NOTICES OF HISTORIC RESOURCE DESIGNATION**

WHEREAS, the Board of Supervisors, on May 24, 1994, adopted the County General Plan/Local Coastal Program Land Use Plan (GP/LCP) that contains policies which provide for the protection of the County's historic resources and further provides for the establishment of a Historic Resource Commission and the establishment and maintenance of an Historic Resources Inventory which specifies historic properties so designated by the Board of Supervisors for protection of their historic resource values; and

WHEREAS, Chapter 16.42 of the Santa Cruz County Code establishes criteria for the designation of historic resources and establishes a procedure for recoding a notice of the historic resource designation; and

WHEREAS, the State of California Public Resources Code Section 5029(b) and (c) requires recordation of a certified resolution establishing the historical resources designation within 90 days after designation; and

WHEREAS, County Code Chapter 16.42 does not conform to Public Resources Section 5029(b) and (c) in the type of document to be recorded and in the timing of the recordation: and

WHEREAS, it is the intent of the County of Santa Cruz that Chapter 16.42 conform to state law.

NOW, THEREFORE, BE IT RESOLVED that the Historic Resources Commission recommends to the Planning Commission and to the Board of Supervisors approval of amendments to Chapter 16.42 to conform to the Public Resources Code, as shown in Exhibit A.

PASSED AND ADOPTED by the Historic Resources Commission of the County of Santa Cruz, State of California, on this 9th day of March, 2006, by the following vote:

AYES: COMMISSIONERS Borg, Fisher, Kennedy, Manning
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS Low
ABSTAIN: COMMISSIONERS

Patricia J. Manning
Chairperson

ATTEST: Steven Guiney
STEVEN GUINEY AICP, Secretary

APPROVED AS TO FORM:

County Counsel
County Counsel

cc: County Counsel
Planning Department

PUBLIC RESOURCES CODE SECTION 5029(b) and (c)

5029(b) Any local agency, or unit thereof, shall, within 90 days of an historical resources designation by the local agency or unit for an individual property, submit to the county recorder for recordation, and the county recorder shall record, a certified resolution establishing the historical resources designation. For historical resources designations made prior to March 15, 1993, the local agency, or unit thereof, may submit for recordation, and the county recorder shall record, a certified resolution of historical resources designation.

(c) The resolution shall include the name of the current property owner, the designating entity, the specific historical resources designation, and a legal description of the property.

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: N/A
Assessor Parcel Number: County-wide
Project Location: County-wide

Project Description: Amend County Code Chapter 16.42 regarding recordation of historic resource designation to conform to Public Resources Code 5029(b) and (c).

Person or Agency Proposing Project: County of Santa Cruz

Contact Phone Number: (831) 454-3172

- A. _____ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. XX _____ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060(c).
C. _____ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
D. _____ Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

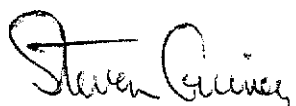
- E. _____ Categorical Exemption

Specify type:

F. Reasons why the project is not subject to CEQA

The proposal is to change County Code regarding the timing and type of document that is recorded after a property has been designated a historic resource, to conform to the requirements of Public Resources Code Subsections 5029 (b) and (c). This will not affect the actual designation of the resource and the proposed changes will not result in a direct or reasonably foreseeable indirect physical change in the environment.

In addition, none of the conditions described in Section 15300.2 apply to this project.



Steven Guiney AICP, Project Planner

Date: 03 March 2006