

ORDINANCE NO. 315-800

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
AMENDING TRINITY COUNTY ZONING ORDINANCE NO. 315
PERTAINING TO ARCHITECTURAL REVIEW AND PRESERVATION
(Trinity County Planning Department, PW-11-01)**

The Board of Supervisors of the County of Trinity, State of California, ordains as follows:

SECTION 1. That the Trinity County Zoning Ordinance is hereby amended by deleting Section 29.5 (Architectural Review and Preservation: Special Treatment (ST)) in its entirety and substituting herewith the following:

"SECTION 29.5. ARCHITECTURAL REVIEW AND PRESERVATION:
SPECIAL TREATMENT (ST)

A. Purpose

The purpose of this Section is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuations, and use of improvements, buildings, structures, signs, objects, features, sites, places, and areas within the architectural, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage for the following reasons.

1. To safeguard the County's heritage as embodied and reflected in such resources;
2. To encourage public knowledge, understanding, and appreciation of the County's past;
3. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of cultural resources;
4. To promote the enjoyment and use of cultural resources appropriate for the education and recreation of the people of the County;
5. To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the County's history and to encourage complementary contemporary design and construction;
6. To enhance property values and to increase economic and financial benefits to the County and its inhabitants;
7. To protect and enhance the County's attraction to tourists and visitors (thereby stimulating business and industry);

8. To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses;
9. To integrate the preservation of cultural resources into public and private land management and development processes;
10. To conserve valuable material and energy resources by ongoing use and maintenance of the existing historic environment.

B. Areas of Application

This section shall apply to: (a) all Districts or sites listed in the National Register of Historic Places; (b) to other sites of historic significance upon application of the property owner. Said areas or sites shall be zoned as "Special Treatment" (ST), or "Special Treatment Area" (STA) (which shall be applied as an overlay zone) upon approval of the Board of Supervisors.

C. District Boundaries

District I:

Siskiyou/Trinity County line, Shasta/Trinity County line, divide between Grass Valley Creek and Indian Creek, divide between Vitzhum Gulch and Tom Lang Gulch, unnamed ridge, Lime Kiln Gulch, Browns Mountain, Rush Creek Road, Highway 3, Rush Creek, divide between Canyon Creek and Stuart Fork, to the point of beginning.

District II:

Humboldt/Trinity County line, Siskiyou/Trinity County line, divide between Canyon Creek and Stuart Fork, Rush Creek, Highway 3, Rush Creek Road, Browns Mountain, Lime Kiln Gulch, unnamed ridge, divide between Vitzhum Gulch and Tom Lang Gulch, divide between Grass Valley Creek and Indian Creek, Shasta/Trinity County line, Hayfork divide, Hells Half Acre Creek, to the point of beginning.

District III:

Hells Half Acre Creek, Hayfork divide, Shasta/Trinity County line, Tehama/Trinity County line, Mendocino/Trinity County line, Humboldt/Trinity County line, to the point of beginning.

(Reference map attached hereto as Exhibit "A")

D. Per mitted Uses

All uses permitted in the underlying zone shall be permitted in the "ST" or "STA" overlay zone provided that review and approval is obtained from the appropriate

Architectural Review and Preservation Committee for any proposal to tear down, demolish, construct, alter or remove any improvement, or any portion thereof, which lies within a Historical District or Special Treatment Area or which has been designated as a Landmark, or Special Treatment Site in agreement with the provisions of this Section; or to alter in any manner an exterior architectural element of any improvement within a Historical District or Special Treatment Area or Special Treatment Site; or to place, erect, alter or relocate any sign within a Historical District or on a Special Treatment Site; or to remove trees (larger than 3 inches diameter at breast height); or to locate, alter or remove any item affecting the general appearance of a Historical District or Special Treatment Area or Special Treatment Site.

E. Establishment of Architectural Review and Preservation Committee

There are established in the County three Architectural Review and Preservation Committees, each consisting of five members appointed by the Board of Supervisors. The members of each committee shall be residents of the County.

Each committee shall consist of a Planning Commission member from the affected district, an architect or contractor or builder, a Historical Society Member, a member of the business community (who owns a business within a Special Treatment Area under the committee's jurisdiction), and a representative of the artistic community. A Planning Department Staff Member shall serve as Secretary. Said Planning Staff Member shall be a non-voting member of the Committee.

Each committee shall have the power and authority to perform all the duties as described and provided in Subsection F. The original appointment of the members of the Committee shall be made for four-year staggered terms. If a member is unable to fulfill his/her term, the Board of Supervisors shall make an interim appointment to fill the unexpired term of that member and, where the member is required to have special qualifications, such vacancy shall be filled by interim appointment, in the manner described in this Section, with a person having those qualifications. Members may continue to serve upon reappointment by the Board of Supervisors.

In the event that the position has been posted and a qualified person has not applied within sixty (60) days of the position being posted then the Clerk of the Board shall re-post the vacancy. The public notice shall state that a qualified person has not applied for the position; therefore, the Board of Supervisors will accept applications from any individual having interest or experience in a similar field to the position being posted.

F. Committee Authority

1. The Committee shall have the following authority:

- (a) To conduct any survey of local properties within the boundaries of the County, complying with all applicable standards and criteria of the statewide survey undertaken by the State Historic Preservation Office;
- (b) To serve in an advisory capacity to the Board of Supervisors when conducting studies and/or retaining consultants for projects within the Historic Districts or Special Treatment Areas.
- (c) To adopt specific guidelines for Landmarks, Special Treatment Sites, improvements within the Historical Districts or Special Treatment Areas.
- (d) To cooperate with Federal and State governments in the pursuit of the objectives of historic preservation;
- (e) To participate in the review and approval of land use, renewal, community or County improvements and other planning undertaken or approved by any agency or official of the County, State or Federal governments. (Applies only to areas or sites affected by this section)
- (f) To establish and maintain a detailed inventory or improvements, structures and buildings within the Historical Districts and Special Treatment Areas and of Landmarks, Landmark Sites and Special Treatment Sites within the County;
- (g) To establish rules and regulations which are necessary for the effective conduct of the business of the Committee;
- (h) To adopt guidelines for trees greater than three (3) inches in diameter;
- (i) To perform all other duties, responsibilities and functions outlined in this Section, and all other duties which are proper or necessary to the purpose of this Section. The Committee shall obtain approval from the Board of Supervisors prior to entering into any contractual relationship or incurring any expenses.

G. Review Criteria

The Architectural Review and Preservation Committee may approve a project or proposal for work as described in Subsection D if it determines that:

1. The proposed construction, removal, rehabilitation, alteration, remodeling, excavation, placement or exterior alteration conforms with the purposes of this section and specifically emphasizes the preservation of architectural

styles existing in the County circa 1900 (i.e., 1890-1910), or emphasizes other distinct or noteworthy architectural styles of the area or site.

H. Design Guidelines

Subject to approval by the Board of Supervisors, the Committee shall by resolution adopt minimum Design Guidelines to use in its review of applications within Special Treatment Areas and Special Treatment Sites relating to new construction, rehabilitation, preservation, restoration or reconstruction of any improvements, signs, streetscapes, trees, buildings or structures. Any such guidelines shall not be adopted or amended by the Committee without prior public hearing. Notice of the date, place and time and a general description of the proposal shall be published at least ten (10) days prior to such hearing in the local newspaper. There shall be guidelines for commercial improvements and residential improvements. These Design Guidelines shall pertain to the type of construction as it relates to historic use of property (e.g.: a house used for commercial purposes would need to meet guidelines for residential structures).

I. Application Procedures

Applications for approval of activities covered by this Section shall be accompanied by the following materials in addition to other information that the Committee may deem appropriate in making its decision:

1. An elevation of each exposed side of the existing or proposed building or buildings, drawn at a scale of one-eighth (1/8) of an inch equals one foot (1'), or larger, identifying all materials, textures and colors to be used;
2. Samples of all materials, including paint chips of the proposed exterior colors;
3. A site plan indicating existing topography, vegetation, structures and adjacent development, drawn at a scale of one-eighth (1/8) of an inch equals one foot (1') or larger;
4. Drawings of exterior details on buildings include: light standards and fixtures; screens for mechanical equipment or trash, meters and meter boxes; existing and proposed signs; and such other details as may exist on any building or property;
5. Drawings of the exterior of structures, displays (including window coverings, treatments or screening) or furniture or merchandise (located outside of a structure) to be located upon sites within the Special Treatment Area or Site, including fences, signs and lighting;
6. Site photographs indicating topography, vegetation, existing structures and adjacent development;

7. True, correct and complete copies of old photographs or historical records if available pertaining to the existing building site or area;
8. Where the application involves grading or drainage work, a plan indicating existing (solid line) and proposed (dashed line) contours, at two foot (2') or five foot (5') intervals, and all existing features of the grade;
9. Conceptual landscape plans, including lighting, general type of vegetation, size and location of ground covers, trees and other vegetation, where changes of landscaping are proposed;
10. Development which will alter or interrupt in a significant manner views or vistas from a public street or way shall be visually apparent on the site plan. Documentation shall be submitted indicating that alternative ways of preserving sightlines have been considered;
11. Applications for signs shall include: a site plan showing the location of the building upon which the sign will be attached; an elevational drawing showing the location on the building where the sign showing the location on the building where the sign will be placed (drawn to scale); a rendition (drawn to scale) of the proposed sign, including size (length, width, depth), design height from ground, distance from other nearby signs; lighting, colors (paint chips); and lettering styles;
12. Any or all of the application requirements as written in this subsection may be waived at the discretion of the Committee.

J. Demolition or Removal

No improvement, structure, or building located within a Historic District, Special Treatment Area or Special Treatment Site shall be torn down, demolished or removed unless such improvement, structure or building is or has become so damaged or dilapidated, either from fire or other elements or from natural deterioration, that it is unusable and cannot reasonably be repaired or restored. Approval to demolish, tear down or remove shall be obtained from the Committee and is subject to the issuance of a demolition permit required by the County Building Department.

K. Signs - General Requirements

1. Lighting and signage located inside of windows and associated display areas designed to be seen from the building exterior shall be subject to the committee's review and approval.
2. All signs shall be constructed of wood or other materials commonly used in the affected district or general area circa 1900; provided, however, that composite board is an allowable sign material if painted.

3. Indirect light sources may be used, as approved by the Committee, but internally illuminated, (e.g.: flashing, neon, LED, colored light) animated or moving signs are specifically prohibited.
4. All signs shall be consistent in color, design, lettering and style traditionally used in the affected Special Treatment Area. Examples of pre-approved lettering styles and colors are available at the Trinity County Planning Department.

L. Non-Architectural Decorations

1. Holiday/Special Event Specific:

Holiday or special event specific decorations shall be removed within seven (7) days following the holiday or special event.

2. Non-holiday or Non-special Event Specific:

Non-holiday or non-special event specific decorations (e.g.: pin wheels, pennants, wind socks, and other decorations placed outdoors) are prohibited.

M. Variation from Building Code Requirement and Encroachments

The Building Inspector is authorized and directed, where applicable, to administer and enforce as alternative building regulations, those rules and regulations adopted in agreement with the Park and State Historical Building Code of Title 24 and building standards of California Code of Regulations as authorized in Sections 18950 through 18960 of the Health and Safety Code. Said direction shall apply to any area or site subject to the provisions of the Section.

N. Ordinary Maintenance and Repair

Nothing in this Section shall be construed to prevent the ordinary maintenance and repair of any improvement, sign or exterior architectural feature, which was constructed, placed, erected or located in conformance with this Section, in or on any property covered by this Section that does not involve a change in design, materials or exterior appearance; nor does this Section prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature, including trees greater than three (3) inches in diameter, when the appropriate authority (e.g.: Chief Building Inspector, certified arborist) certifies to the Committee that such action is required for the public safety due to unsafe or dangerous conditions and cannot reasonably be restored or repaired.

O. Disclosure


It shall be the landlord's duty to disclose to his/her tenants information regarding the standards and guidelines applied to the Special Treatment Areas.

SECTION 2. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have adopted this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrases be declared invalid.

SECTION 3. This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once in the Trinity Journal, a newspaper of general circulation published in the County of Trinity, State of California.

Introduced, passed and enacted by the Board of Supervisors of the County of Trinity after a public hearing duly noticed, on the 26th day of March, 2013, by motion, second (Fenley/Pflueger), and the following vote:

AYES: Supervisors Pflueger, Fenley, Fisher, and Chapman
NOES: Supervisor Morris
ABSENT: None
ABSTAIN: None
RECUSE: None


DEBRA CHAPMAN, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

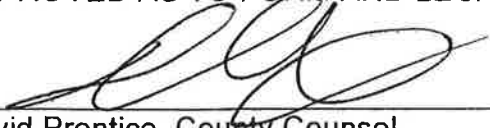
ATTEST:

WENDY G. TYLER
Clerk of the Board of Supervisors

By: _____

Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:


David Prentice, County Counsel