

## Chapter 14.06

### MANAGEMENT OF CULTURAL RESOURCES BASED ON PRIORITY DESIGNATIONS

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**14.06.010 Purpose.** The purpose of this chapter is to establish a process for providing consistent evaluation and management of cultural resources based on the National Register of Historic Places criteria. (Ord. 2280 § 17 (part), 1999).

**14.06.020 Management of cultural resources based upon cultural resource priority designations.** Priority designations shall be assigned to cultural resources based upon the criteria established in the National Register of Historic Places as described in Tables 14.06(B) and 14.06(C) and utilized as provided in this chapter. (Ord. 2280 § 17 (part), 1999).

**14.06.025 Historic Preservation Review Commission use of priority designations.** The cultural resource priority designations, based either on already completed evaluations conducted by qualified professionals, as described in Section 14.06.100 or by evaluating cultural resources which have not been previously evaluated, based upon the criteria established in Section 14.06.110, shall also be utilized by the historic preservation review commission to:

A. Determine whether to approve or conditionally approve a building permit for demolition and to determine the mitigation measures appropriate for such permit pursuant to Chapter 14.08.

B. Recommend to the board of supervisors whether to approve or conditionally approve conditional use permits for demolition of cultural resources within the H zoning district pursuant to Sections 17.44.050 and 17.44.080, including consideration of deferring the effective date of the permit and determination of the mitigation measures appropriate for such demolition.

C. Recommend to the board of supervisors whether to approve or conditionally approve conditional use permits for relocation of cultural resources within the H zoning district pursuant to Section 17.44.100, including determination of appropriate mitigation measures for such relocation. (Ord. 2280 § 17 (part), 1999).

**14.06.030 Applicability of priority designations.** Cultural resources priority designations shall govern the management of cultural resources according to Table 14.06(A) for the following activities:

A. Applications for building permits for demolitions.

B. Applications for discretionary entitlements subject to the California Environmental Quality Act.

C. Qualifying buildings or structures to use the State Historic Building Code.

D. Qualifying projects for participation in the Mills Act program.

E. Applications for conditional use permits in the H and HDP zoning districts.

(Ord. 3035 § 2, 2009; Ord. 2280 § 17 (part), 1999).

**14.06.040 Building permits for demolition.** The cultural resources priority designations established in accordance with Tables 14.06(B) and 14.06(C) shall be utilized by the historic preservation review commission demolition review committee in considering approval or conditional approval of a building permit for demolition of cultural resources 50 years old or older and in determining appropriate mitigation measures for such demolition in accordance with Section 14.08.090. (Ord. 3035 § 3, 2009; Ord. 2280 § 17 (part), 1999).

**14.06.050 Applications for discretionary entitlements.** The cultural resources priority designations established in accordance with Table 14.06(B) may be utilized to determine the significance of a resource that may be potentially impacted as a result of the approval of an application for a discretionary entitlement in accordance with Chart 14.10(B) as follows:

A. Priority 1, 2 and 3 cultural resources which cannot be avoided or will otherwise be impacted shall be evaluated through a reconnaissance study. An evaluative survey may also be required based upon the results of a reconnaissance study.

B. Priority 4 cultural resources are exempt from reconnaissance survey reports. (Ord. 2280 § 17 (part), 1999).

**14.06.060 Use of State Historic Building Code.** The State Historic Building Code may be used at the property owner's discretion for qualifying cultural resources based upon priority designations as follows:

A. All cultural resources in the H zoning district.

B. Priority 1, 2, and 3 cultural resources in the HDP zoning based upon a completed evaluation as described in Section 14.06.100 or through evaluation criteria in Section 14.06.110 as determined by the historic preservation review commission or qualified professional.

C. Priority 1, 2, and 3 cultural resources in the all zoning districts, in addition to H and HDP districts, based upon a completed evaluation as described in Section 14.06.100 or through evaluation criteria in Section 14.06.110 as determined by the historic preservation review commission or qualified professional.

D. Priority 4 cultural resources do not qualify. (Ord. 2280 § 17 (part), 1999).

**14.06.070 Mills Act program.** The Mills Act tax incentive program is available for qualifying cultural resources as follows:

A. Priority 1 and 2 cultural resources are eligible with qualifying rehabilitation or maintenance proposals, as determined by the historic preservation review commission.

B. Priority 3 cultural resources require evaluation by a qualified professional to determine eligibility and qualifying rehabilitation or maintenance proposals, as determined by the historic preservation review commission. (Ord. 2280 § 17 (part), 1999).

**14.06.080 Determination of priority.**

Determination of the priority based on criteria in Section 14.06.110 shall only be made by the historic preservation review commission or a qualified professional. (Ord. 2280 § 17 (part), 1999).

**14.06.090 Implementation of cultural resources management activities.** Implementation of cultural resources management activities referenced in this chapter based upon cultural resource priorities, are summarized in Table 14.06(A). (Ord. 2280 § 17 (part), 1999).

**TABLE 14.06(A)  
MANAGEMENT ACTIVITIES FOR CULTURAL RESOURCES BASED ON CULTURAL RESOURCE PRIORITY DESIGNATIONS**

	DEMOLITION or RELOCATION	CONSTRUCTION, ALTERATION OR REHABILITATION	COMPLIANCE WITH SECRETARY OF THE INTERIOR STANDARDS (Applies to Exterior Standards Only)	USE OF STATE HISTORIC BUILDING CODE	MILLS ACT
Priority 1	<p>Subject to CEQA/a/ Conditional Use Permit Required in H district Historic Preservation Review Commission Review Required for all zoning districts Potential 6 mos. waiting period for effective date of building permit for demolition</p>	<p>Subject to CEQA review Conditional Use Permit Required in H District except as otherwise provided Historic Preservation Review Commission Review Required for H or HDP District or county-owned property</p>	<p>Incentive programs available with the use of the Secretary of the Interior Standards</p>	<p>Qualifies for use of Code.</p>	<p>Eligible with qualifying rehabilitation or maintenance project as determined by the Historic Preservation Review Commission.</p>
Priority 2	<p>Subject to CEQA Conditional Use Permit Required in H district Historic Preservation Review Commission Review Required for all zoning districts Potential 6 mos. waiting period for effective date of building permit for demolition</p>	<p>Subject to CEQA Conditional Use Permit Required in H or HDP District except as otherwise provided Historic Preservation Review Commission Review Required for H or HDP District or county-owned property</p>	<p>Incentive programs available with the use of the Secretary of the Interior Standards</p>	<p>Qualifies for use of Code.</p>	<p>Eligible with qualifying rehabilitation or maintenance project as determined by the Historic Preservation Review Commission.</p>
Priority 3	<p>Subject to CEQA Conditional Use Permit Required in H district Historic Preservation Review Commission Review Required for all zoning districts</p>	<p>Subject to CEQA Conditional Use Permit Required in H or HDP District except as otherwise provided Historic Preservation Review Commission Review Required for H or HDP District or county-owned property</p>	<p>Incentive programs available with the use of the Secretary of the Interior Standards</p>	<p>Requires determination of eligibility to be listed on local, state, or national register by the Historic Preservation Review Commission.</p>	<p>Requires professional evaluation to determine eligibility and qualifying rehabilitation or maintenance project as determined by the Historic Preservation Review Commission.</p>
Priority 4	<p>Exempt from CEQA review. Conditional Use Permit Required in H district. Requires photodocumentation and completion of DPR 523 prior to issuance of building permit for demolition Historic Preservation Review Commission Review Required for all zoning districts</p>	<p>Exempt from CEQA review Conditional Use Permit for H and HDP District except as otherwise provided</p>	<p>Incentive programs available with the use of the Secretary of the Interior Standards only if compliance with the standards increases the priority of the resource from a Priority 4 to a Priority 1, 2 or 3 based upon an evaluation by the Historic Preservation Review Commission.</p>	<p>Ineligible.</p>	<p>Ineligible.</p>

/a/ California Environmental Quality Act.

**14.06.100 Determining cultural resource priority designations for resources which already have been evaluated by a qualified professional.** For cultural resources which already have been evaluated by a qualified professional, the criteria in Table 14.06(B) shall be used to establish the cultural resource priority designation for the management of cultural resources as established in Table 14.06(A) and Sections 14.06.030 through 14.06.090. (Ord. 2280 § 17 (part), 1999).

**TABLE 14.06(B)**  
**DETERMINING CULTURAL RESOURCE PRIORITY DESIGNATIONS**  
**FOR RESOURCES WHICH ALREADY HAVE BEEN**  
**EVALUATED BY A QUALIFIED PROFESSIONAL**

<b>PRIORITY DESIGNATION</b>	<b>CRITERIA FOR ASSIGNING CULTURAL RESOURCE PRIORITY DESIGNATIONS</b>
Priority 1	A resource listed on the National Register of Historic Places (National Register of Historic Places designation of 1)
Priority 2	<p>A resource:</p> <ol style="list-style-type: none"> <li>1. Determined to be eligible for or potentially eligible for listing on the National Register of Historic Places based upon an inventory of the resource resulting in a National Register of Historic Places designation of 2, 3, or 4; or</li> <li>2. Listed on or officially designated as eligible for the California Register of Historical Resources; or</li> <li>3. Listed on the Tuolumne County Register of Cultural Resources; or</li> <li>4. A resource listed as a contributing resource in a cultural resource inventory within an existing HDP zone or which is eligible to be included within an HDP zone.</li> </ol>
Priority 3	A resource determined to be eligible for listing in the National Register of Historic Places based upon an inventory of the resource resulting in a National Register of Historic Places designation of 5.
Priority 4	A resource determined to be ineligible for listing on the National Register of Historic Places based upon an inventory of the resource resulting in a National Register of Historic Places designation of 6; and determined to be ineligible for listing on the California Register of Historical Resources; and determined to be ineligible for listing on the Tuolumne County Register of Cultural Resources.

**14.06.110 Determining cultural resource priority designations for resources which have not yet been evaluated by a qualified professional.**

A. Resource priority designations for cultural resources which have not yet been evaluated by a qualified professional shall be determined by the historic preservation review commission or qualified professional, based upon the criteria established in Table 14.06(C).

B. Resources exhibiting Priority 1 characteristics for any one of the factors in Table 14.06 ( C ) are considered a Priority 1 resource regardless of the ranking of the resource characteristics in any of the remaining seven factors. Determination of a Priority 2, 3, or 4 resource is based upon a total score for the resource in all eight factors from Table 14.06(C). The total score for the eight factor categories is totaled and divided by eight to determine the resource score which is translated into the resource priority as follows:

<b>AVERAGE SCORE</b>	<b>PRIORITY</b>
N/A - A Priority 1 ranking in any one of the eight categories.	Priority 1
2.0 - 2.5	Priority 2
2.6 - 3.5	Priority 3
3.6 - 4.0	Priority 4

(Ord. 2280 § 17 (part), 1999).

TABLE 14.06(C) - CRITERIA FOR ESTABLISHING CULTURAL RESOURCES PRIORITY DESIGNATIONS FOR RESOURCES WHICH HAVE NOT PREVIOUSLY BEEN EVALUATED

FACTOR	PRIORITY 1 (See preceding page)	PRIORITY 2 (2 points)	PRIORITY 3 (3 points)	PRIORITY 4 (4 points)	SCORE
<p><b>INTEGRITY</b> (retention of essential qualities of historic character):</p> <ul style="list-style-type: none"> <li>● <b>Location</b> - remains in original location</li> <li>● <b>Design</b> - accurately reflects original plan or components of the resource as a whole reflect design compatibility; retains much of its original feeling</li> <li>● <b>Setting</b> - buildings, structures, sites, or objects associated with a later development period have not intruded on surrounding area to extent that original context is lost</li> <li>● <b>Materials</b> - physical elements present during period(s) of significance remain, or, if replaced, replacements are compatible with period(s) of significance</li> <li>● <b>Workmanship</b> - original character of construction details remains and have not deteriorated or been disturbed to the extent that their value as examples of craftsmanship have been lost</li> <li>● <b>Restoration</b> - feasibility of restoring resource, if necessary</li> <li>● <b>Feeling</b> - resource expresses the historic or aesthetic sense of a particular period of time</li> </ul>	Pristine in all 7 integrity categories, almost entirely unmodified from original exterior appearance, original design features peculiar to style still in place	Superior integrity in at least 3 categories, limited modification from its original exterior appearance, capable of being easily restored to near original exterior appearance	Moderate integrity in at least one category, in average or below average physical condition with no more than a moderate level of modification from its original exterior appearance, could be restored with moderate effort to original appearance	Fair to poor integrity in all categories, in poor physical condition, and/or has had major alterations from original appearance, cannot be restored to original appearance without reconstruction of more than half of the resource.	
<b>AGE</b>	140 years old or older	100 years old or older	75 years old or older	50 years old or older	
<p><b>CONTEXT/ASSOCIATION</b> - Associated with broad themes, persons, events, movements, organizations, or patterns associated with the cultural, social, political, economic, religious, scientific, educational, military, agricultural, engineering, or industrial history important to the county, state, or nation. These associations will often be linked to one of the following six themes: transportation and communication; mining; water; ethnicity and social systems; agriculture; industry, commerce and tourism.</p>	Resource has central association with theme(s)	Resource has a direct association with theme(s)	Resource has an indirect association with theme(s)	Resource has distant association with theme(s)	
<p><b>DESIGNER</b> - Designed or built by architect, engineer, notable master builder, artist, or other designer who has made an important contribution to the county, state or nation. Emphasizes overall designer contributions rather than the aesthetic merits of the design itself.</p>	Designer who made important contributions to county and to state or nation	Designer who made important contributions to the county	Designer known, nonprofessional associated with single resource	Designer unknown	
<p><b>ARCHITECTURAL STYLE OR BUILDING TYPE</b> - Associated with a particular architectural style or building type, including the vernacular, important to the county, state, or nation.</p>	Retains all attributes associated with its style or type or is a good example of its style if few survive	Retains most of the attributes associated with its style or type or is remodeled in a recognized style that does not destroy the original style or type	Retains few, but sufficient attributes associated with its style or type	Undecipherable as a style or type or is one of many examples of its style or type	
<p><b>CONSTRUCTION MATERIALS</b> - Embodies elements demonstrating outstanding attention to design, detail, craftsmanship; or outstanding use of particular structural material--especially the use of indigenous materials, surface, or method of construction or technology.</p>	Outstanding or very early example if few survive (e.g., adobe)	Outstanding or very early example if many survive; good example if few survive	Good example if there are many examples of any material(s) and/or method(s) not generally in current use	Common example of any method(s) and/or material(s)	
<p><b>TRADITIONAL LIFE WAYS</b> - Traditional LIFE WAYS pertain to the association between a tradition, or cultural pattern, and the cultural resource which recalls the tradition and the age in which the tradition or cultural pattern was practiced.</p>	Resource has a central association with a tradition spanning three or more generations.	Resource has a direct association with a tradition spanning three or more generations.	Resource has a direct association with a tradition spanning two generations or an indirect association with a tradition spanning two or more generations.	Resource has a distant association with a tradition spanning two or more generations.	
<p><b>CONVEYS IMPORTANT SENSE OF TIME AND PLACE</b> - The resource has prominence which contributes to a historic, visual, or environmental continuity. A typical resident of the area would notice the resource and remember it/them.</p>	An individual resource or a unified urban or rural landscape which defines a period 100 or more years ago.	An individual resource or a unified urban or rural landscape which defines a period 75 or more years ago.	An individual resource or a unified urban or rural landscape which defines a period 50 or more years ago.	An individual resource which does not define a period 50 or more years ago.	
<b>TOTAL SCORE (TOTAL OF INDIVIDUAL SCORES DIVIDED BY 8)</b>					