

Chapter 14.04

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14.04.010 Archaeological Excavations. See excavation, archaeological. (Ord. 2280 § 17 (part), 1999).

14.04.020 Archive. "Archive" means the official repository, located within Tuolumne County, for cultural resources artifacts and documents. (Ord. 2280 § 17 (part), 1999).

14.04.030 Area of Disturbance. "Area of disturbance" includes, but is not limited to, for projects located outside of defined communities or on parcels of 2 or more gross acres, areas which shall be disturbed by building pads, septic areas, driveways, utility lines, grading and vegetation removal plus 300 feet. Within defined communities or on parcels of less than 2 gross acres, the area of disturbance equals the boundaries of the project parcel. (Ord. 2280 § 17 (part), 1999).

14.04.040 Association. "Association" means one of the seven criteria established by the National Register of Historic Places to evaluate the integrity of a cultural resource. "Association" of a cultural resource refers to the resource's direct link to an important historic event or person. For example, a Gold Rush era trail whose natural and constructed elements have remained intact and in continuous use since 1850 will retain its quality of association as a transportation route between the communities it connects. (Ord. 2280 § 17 (part), 1999).

14.04.050 Bona fide effort. "Bona fide effort" means the process undertaken by a project proponent to find alternatives to demolition or relocation of a cultural resource including but not limited to:

A. Marketing the property for sale or lease; or

B. Pursuing alternative funding sources for preservation such as local tax incentives and state and/or federal tax credits, loans, redevelopment agency loans, CDBG grants or similar financial incentives; and

C. Obtaining written statements from licensed building contractors or architects detailing the actual costs to rehabilitate the property. (Ord. 2280 § 17 (part), 1999).

14.04.060 Building. "Building" means any structure having a roof supported by columns or walls, used or intended to be used for the shelter

of or enclosure of persons, animals or property. "Building" includes houses, barns, stables, sheds, garages, courthouses, social halls, commercial buildings, libraries, mills, factories, stationary mobile homes, train depots, hotels, theaters, schools, stores, and churches. (Ord. 2280 § 17 (part), 1999).

14.04.070 California Historical Resources Information System (CHRIS). "California Historical Resources Information System (CHRIS)" means that collection of cultural resource records, historic inventory forms, and all information on historical resources which has been acquired and managed by the State Office of Historic Preservation since 1975. CHRIS includes the Historic Resources Inventory, the California Archaeological Site Inventory, properties listed on the National Register of Historic Places, California Registered Historical Landmarks, California Points of Historical Interest and the California Register of Historical Resources. (Ord. 2280 § 17 (part), 1999).

14.04.080 California Register of Historical Resources. "California Register of Historical Resources" means the comprehensive listing of California's historical resources including, but not limited to, any object, building, structure, site, area, or place which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. The California Register of Historical Resources includes resources of local, state and national significance which satisfy the listing criteria established by the State Historical Resources Commission. Public Resources Code Sections 5020.1, 5020.5, 5020.7, 5024.1, 5024.5, 5024.6, 21084 and 21084.1. (Ord. 2280 § 17 (part), 1999).

14.04.090 Central California Information Center of the California Historical Resources Information System. "Central California Information Center of the California Historical Resources Information System" means the regional center containing Tuolumne County's cultural resources information located in the Department of Anthropology at the California State University, Stanislaus, in Turlock. (Ord. 2280 § 17 (part), 1999).

14.04.100 Cultural Resource. "Cultural resource" means any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering or architectural significance to the citizens of Tuolumne County, the State of California, or the nation which is 50 years of age or older or has been listed on the National Register of Historic Places, the California Register of Historical Resources, or the Tuolumne County Register of Cultural Resources. The term "cultural resource" includes historical resources and historic properties. (Ord. 2280 § 17 (part), 1999).

14.04.110 Cultural Resources Inventory. "Cultural resources inventory" means an inventory of cultural resources prepared by a qualified professional(s) based on the evaluation of cultural resources using the criteria established by the National Register of Historic Places. (Ord. 2280 § 17 (part), 1999).

14.04.120 Cultural Resources Management Plan. "Cultural resources management plan" means the document prepared by a qualified professional which:

A. Establishes methods for avoiding impacts to cultural resources identified on a project parcel by a reconnaissance survey.

B. Establishes the mitigation measures required to compensate for the disturbance to cultural resources which have been determined to be significant pursuant to an intensive survey and which cannot feasibly be avoided.

14.04.130 Cultural Resources Study. "Cultural resources study" means one, both, or a combination of the following:

A. The performance of a reconnaissance survey with recordation of identified cultural resources and may also include the preparation of a cultural resource management plan to detail resource avoidance measures.

B. The performance of an evaluative survey and often including the preparation of a resource management plan which establishes mitigation measures required to compensate for the disturbance or destruction of cultural resources which have been determined to be significant. (Ord. 2280 § 17 (part), 1999).

14.04.135 Cultural Resources Survey. "Cultural resources survey" means the gathering of

information concerning cultural resources in a two phase process; the first phase is the reconnaissance survey to identify the presence of cultural resources on a site and the second phase is the evaluative survey to provide additional evaluation or research on the cultural resources of a site. The goal of the cultural resource survey is to produce a report documenting information available about the cultural resource, such as the age of the resource, the location of the resource, its context or association with important events, people or periods of time. It includes a map of the location of the resource and a recording form completed in a manner approved by the State Office of Historic Preservation, in accordance with criteria established in the National Register and is completed by a qualified professional. (Ord. 2280 § 17 (part), 1999).

14.04.140 Demolition. "Demolition" means any intentional act or process which results in the destruction of 50% or more of an individual building, structure, object, or site. Demolition excludes maintenance and repair, activities that involve interior features only, and activities that do not require a building permit. (Ord. 2280 § 17 (part), 1999).

14.04.150 District. "District" means a grouping of resources (including historic properties, historical resources, and cultural resources) linked either by geography or by association and function; the district may have been planned or designed as a unit (e.g., a neighborhood or college campus) or through association has been historically united (e.g., central business districts, transportation networks). Other examples of districts are residential neighborhoods, commercial areas, industrial complexes, civic centers, defined communities, water distribution systems, groups of habitations and associated activity areas, large ranches or estates, and large parks. (Ord. 2280 § 17 (part), 1999).

14.04.160 Eligible. "Eligible" means a cultural resource which has been assigned a designation of 1, 2, 3, or 4 pursuant to the National Register of Historic Places pursuant to an evaluation by a professional archaeologist, historian, or other cultural resource professional; or a resource for which an application for listing on the Tuolumne County Register of Cultural Resources has been

recommended for approval to the board of supervisors by the historic preservation review commission; or a resource for which the State Historical Resources Commission has accepted a nomination and has been designated as eligible for listing in the California Register of Historical Resources. (Ord. 2280 § 17 (part), 1999).

14.04.170 Evaluated. "Evaluated" means the assessment of a resource by a qualified professional according to the criteria established in the National Register of Historic Places or California Register of Historical Resources. (Ord. 2280 § 17 (part), 1999).

14.04.180 Evaluative survey. "Evaluative survey" means a survey undertaken to evaluate the significance of cultural resources which have been identified on a project parcel. An evaluative survey may require fieldwork in addition to that performed for the reconnaissance survey and may include test excavations, but also may be limited to archival research as necessary to determine significance of a cultural resource. A cultural resources management plan is often prepared in conjunction with an evaluative survey to document the significance of the cultural resource and to establish mitigation measures as necessary to compensate for impacts to cultural resources which are determined to be significant and which cannot feasibly be avoided. An evaluative survey is often undertaken in response to the discovery of cultural resources as a result of a reconnaissance survey. An evaluative survey, is also called an intensive survey, per the National Register of Historic Places. (Ord. 2280 § 17 (part), 1999).

14.04.190 Excavations, archaeological. See excavation, presence/absence; excavation, test; and excavation, data recovery. (Ord. 2280 § 17 (part), 1999).

14.04.200 Excavation, presence/absence. "Excavation, presence/absence" means an excavation undertaken to determine the absence of a cultural resource or the presence (and sometimes boundaries) of a cultural resource often using relatively non-intrusive methods including shovel tests, probes or limited subsurface testing near the perimeter of the resource. (Ord. 2280 § 17 (part), 1999).

14.04.210 Excavation, test. "Excavation, test" means an excavation undertaken to evaluate the significance of a cultural resource. (Ord. 2280 § 17 (part), 1999).

14.04.220 Excavation, data recovery. "Excavation, data recovery" means an excavation undertaken to recover data, often as mitigation to compensate for the disturbance or complete destruction of a resource which cannot be feasibly avoided. (Ord. 2280 § 17 (part), 1999).

14.04.230 Feasible. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal and technological factors. (Ord. 2280 § 17 (part), 1999).

14.04.240 Feeling. "Feeling" means the criterion established by the National Register of Historic Places to evaluate the integrity of a cultural resource. Feeling is the cultural resource's expression of the historic or aesthetic sense of a particular period of time, and may be particularly relevant to historic landscapes, districts, and other groupings of resources which convey a sense of time. (Ord. 2280 § 17 (part), 1999).

14.04.250 Historical Resource. "Historical resource" means a cultural resource which has been evaluated pursuant to the criteria for listing on the California Register of Historical Resources. (Ord. 2280 § 17 (part), 1999).

14.04.260 Historic Property. "Historic property" means a cultural resource which has been evaluated pursuant to the criteria for listing on the National Register of Historic Places. (Ord. 2280 § 17 (part), 1999).

14.04.270 Information Center. "Information center" means the same as "Central California Information Center of the California Historical Resources Information System." (Ord. 2280 § 17 (part), 1999).

14.04.280 Intensive survey. "Intensive survey" means the same as "evaluative survey." (Ord. 2280 § 17 (part), 1999).

14.04.290 Inventory. "Inventory" means the same as "cultural resources inventory." (Ord. 2280 § 17 (part), 1999).

14.04.300 Maintenance and repair.

"Maintenance and repair" means:

A. Any work for which a building permit is not required by law; or,

B. Work for which a building permit is required by law where the purpose and effect of such work is to correct any deterioration or damage to an improvement or natural feature or any part thereof to restore the same to its condition prior to the occurrence of such deterioration or damage including replacement of doors, windows, porches or similar architectural features. (Ord. 2280 § 17 (part), 1999).

14.04.310 Mills Act. "Mills Act" means the historic property preservation incentive program established pursuant to Government Code Section 50280.1 et. seq. and implemented in Tuolumne County pursuant to Resolution 171-92 to provide local property tax reductions for maintenance, rehabilitations and/or remodels of qualifying structures, buildings, objects, sites, or districts consistent with the Secretary of the Interior's standards and guidelines. (Ord. 2280 § 17 (part), 1999).

14.04.320 National Register of Historic Places, The. "The National Register of Historic Places" means the official inventory of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, and culture which is maintained by the Secretary of the Interior [16 U.S.C. 470 (1966)] under the authority of the Historic Sites Act of 1935 [16 U.S.C. 461-467 (1935) (amended) and the National Historic Preservation Act of 1966 [16 U.S.C. 470 (1966)(amended)]. (Ord. 2280 § 17 (part), 1999).

14.04.330 National Register of Historic Places Determination. "National Register of Historic Places determination" means the number designated to a cultural resource reflecting its status with respect to the National Register of Historic Places. To be eligible for listing on the National Register of Historic Places, resources must be associated with events that have made significant contributions to the broad patterns of history; be associated with the lives of persons significant in our past; embody the distinctive

characteristics of type, period, or method of construction, or represent the work of a master, or possess a high artistic value, or represent a significant and distinguishable entity whose components may lack individual distinction; or have yielded or may be likely to yield, information important in prehistory or history. Cultural resources inventories often assign a numerical designation reflecting the significance of resources pursuant to the National Register of Historic Places as follows:

National Register of Historic Places Designation of 1: listed on the National Register of Historic Places.

National Register of Historic Places Designation of 2: determined eligible for listing by formal process involving federal agencies.

National Register of Historic Places Designation of 3: appears to be eligible for listing in the judgement of the persons completing the form.

National Register of Historic Place Designation of 4: might become eligible for listing.

National Register of Historic Places Designation of 5: ineligible for listing, but of local interest and eligible for the Tuolumne County Register of Cultural Resources.

National Register of Historic Places Designation of 6: appears ineligible for designation.

National Register of Historic Places Designation of 7: resource was not evaluated. (Ord. 2280 § 17 (part), 1999).

14.04.340 Object. "Object" means a construction which is either small in scale, simply constructed, and although potentially moveable, is associated with a specific setting or environment. Examples of objects include public sculptures, monuments, boundary markers, steam donkeys on their skids, and statuary and fountains in town squares. (Ord. 2280 § 17 (part), 1999).

14.04.350 Photodocument, Photodocumentation. "Photodocument" or "photodocumentation" means the preparation of a photographic record of all elevations of a cultural resource. (Ord. 2280 § 17 (part), 1999).

14.04.360 Qualified Professional. "Qualified professionals" means those persons meeting the

following standards necessary to conduct cultural resource studies:

A. For projects requiring archaeological expertise, qualified professionals are:

1. Archaeologists included on the California Historical Resources Information System Central California Information Center list or with ROPA (Register of Professional Archaeologists) certification; or

2. Persons with a graduate degree in anthropology or archaeology or closely related field with at least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management and **all** of the following:

a. At least four months of supervised field and analytic experience in general North American Archaeology; and

b. Demonstrated ability to carry research to completion; and

c. At least one year of full-time experience at a supervisory level in the study of archeological resources of either the prehistoric period or historic period. An archaeologist shall be certified to conduct either prehistoric or historic archaeological investigations only unless demonstrated experience is in both fields.

B. For projects requiring historical expertise, qualified professionals shall have:

1. A graduate degree in history or closely related field, or

2. A bachelors degree in history or closely related field plus two years full-time experience in history; or

3. A bachelors degree in history or closely related field plus substantial contribution through research and publication to the body of scholarly knowledge in history.

C. For projects requiring architectural expertise, a qualified professional shall have:

1. A graduate degree in architectural history including course work in American architectural history, or

2. A bachelors degree in architectural history and 2 years full-time experience in American architectural history or American restoration architecture with a professional institution, or

3. A bachelors degree in architectural history and substantial contribution through research and publication to the body of scholarly knowledge in American architectural history, or

4. A graduate or bachelors degree in art history, historic preservation or closely related

field and course work in American architectural history or,

5. A graduate or bachelors degree in art history, historic preservation or closely related field and 2 years full-time experience in American architectural history or American restoration architecture with a professional institution, or

6. A graduate or bachelors degree in art history, historic preservation or closely related field and substantial contribution through research and publication to the body of scholarly knowledge in American architectural history, or

7. A professional degree in architecture and at least one year of graduate study in architectural preservation, American architectural history, preservation planning or closely related field, or

8. A professional degree in architecture and at least one year full time professional experience on historic preservation projects including the following: detailed investigations of historic structures, preparation of historic structures research reports, preparation of plans and specifications for preservation projects, or

9. A state license to practice architecture and at least one year graduate study in architectural preservation, American architectural history, preservation planning or closely related field, or

10. A state license to practice architecture and at least one year full-time professional experience on historic preservation projects, including the following: detailed investigations of historic structures, preparation of historic structures research reports, preparation of plans and specifications for preservation projects. (Ord. 2280 § 17 (part), 1999).

14.04.370 Reconnaissance survey.

"Reconnaissance survey" means a complete inspection of the project parcel to identify cultural resources located on the parcel. Reconnaissance surveys require, at a minimum, thorough field inspections of the potential area of disturbance. Identified resources are recorded in conjunction with the survey. A cultural resources management plan may be prepared in conjunction with a reconnaissance survey to identify avoidance measures for identified cultural resources. If identified cultural resources cannot be avoided, then a subsequent survey, the evaluative survey, is often required. (Ord. 2280 § 17 (part), 1999).

14.04.380 Resource. "Resource" means the same as "cultural resource." (Ord. 2280 § 17 (part), 1999).

14.04.390 Secretary of the Interior Standards. "Secretary of the Interior Standards" means those standards identified in the *Secretary of the Interior Standards and Guidelines for Historic Preservation Projects* (36 C.F.R. 67), the *Secretary of the Interior's Standards for Rehabilitation*, and the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation*, with accompanying interpretive guidelines. (Ord. 2280 § 17 (part), 1999).

14.04.400 Site. "Site" means a location of a prehistoric or historic activity, which may include buildings and structures, but is important because the location itself possesses historic, cultural, or archaeological values regardless of the values of existing above-ground features. Examples of sites include habitation and village sites; rock shelters; hunting and fishing sites; petroglyphs and rock carvings; grounds and gardens; places where hostilities occurred; campsites; cemeteries and funerary sites; ruins of historic buildings and structures; natural features such as springs, rock formations, and other land areas having cultural significance; designed landscapes; trails, ruins of canals, ditches, flumes, pipelines, roads, utility lines, fences, rock walls and railroad grades. (Ord. 2280 § 17 (part), 1999).

14.04.410 State Historical Building Code (SHBC). "State Historical Building Code" means those regulations contained in Part 8 of Title 24 of the State Building Standards Code which applies to all qualified buildings, structures, objects, districts, and sites designated under federal, state, or local authority as eligible for listing on local, state or national registers of cultural resources. It provides alternatives to the California Building Code in cases consistent with building regulations for the rehabilitation, preservation, restoration, or relocation of qualified cultural resources designated as historic. (Ord. 2280 § 17 (part), 1999).

14.04.420 Structure. "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined

together in some definite manner and created primarily for purposes other than sheltering human activity. "Structure" includes bridges, tunnels, dredges, fire lookouts, turbines, dams, power plants, windmills, kilns, mounds, earthworks, cairns, railroad locomotives and cars, telescopes, bandstands, gazebos, aircraft, canals, ditches, flumes, pipelines, roads, utility lines, fences, rock walls, railroad grades, and historic footpaths. (Ord. 2280 § 17 (part), 1999).

14.04.430 Study, cultural resource. "Study" means the same as "cultural resources study." (Ord. 2280 § 17 (part), 1999).

14.04.440 Survey, cultural resource. "Survey" means the same as "cultural resources survey." (Ord. 2280 § 17 (part), 1999).

14.04.450 Tuolumne County Register of Cultural Resources. "Tuolumne County Register of Cultural Resources" means Tuolumne County's local register of significant cultural resources established pursuant to Resolution 171-92 on July 7, 1992. (Ord. 2280 § 17 (part), 1999).

14.04.460 Tuolumne County Database of Cultural Resources. "Tuolumne County Database of Cultural Resources" means the organized collection of cultural resources information for Tuolumne County maintained by the Tuolumne County community development department. (Ord. 2280 § 17 (part), 1999).