

Ordinance No. _____

Date

BEFORE THE CITY COUNCIL OF THE CITY OF ISLETON

ORDINANCE NO. _____

AN ORDINANCE OF THE ISLETON CITY COUNCIL AMENDING CHAPTER 8.17 OF THE ISLETON MUNICIPAL CODE

WHEREAS, the City of Isleton adopted Chapter 8.17 (Historic Preservation Ordinance) of the Isleton Municipal Code to identify, preserve, and protect buildings, structures, and sites of historical, architectural, cultural, and archaeological significance; and

WHEREAS, Chapter 8.17 currently establishes the Isleton Historic Review Board with jurisdiction over historic preservation matters and authority to review applications, issue recommendations, and approve or deny certain actions; and

WHEREAS, the City desires to streamline administrative procedures and reduce regulatory burden by removing the Historic Review Board as a formally created City body; and

WHEREAS, the City Council further finds that striking references to the Historic Review Board and transferring its responsibilities to the City Council is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ISLETON ORDAINS AS FOLLOWS:

SECTION 1. Repeal of Historic Review Board.

Chapter 8.17.020 of the Isleton Municipal Code (Establishment of Historic Review Board), including subsections A through D, is hereby repealed in its entirety. No advisory body or board is created or authorized under Chapter 8.17.

SECTION 2. Amendment of Chapter 8.17.

Chapter 8.17 of the Isleton Municipal Code is amended as shown in Attachment A to:

1. Transfer all duties and decision-making authority related to the designation of historic landmarks and historic districts, the issuance of certificates of appropriateness, and the issuance of certificates of hardship to the City Council;
2. Authorize the building official to conduct administrative review and approval of minor alterations and to implement related procedures;
3. Remove all references to the Historic Review Board and replace such references with “city council” or “building official,” as applicable;

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4. Revise and clarify the criteria for designation of historic landmarks and historic districts to ensure consistency with recognized historic preservation standards and to eliminate ambiguity;
5. Establish a presumption of historical significance for properties listed in the National Register of Historic Places or the California Register of Historic Resources, while requiring local designation to occur only through the procedures set forth in Chapter 8.17; and
6. Make related and conforming updates throughout Chapter 8.17 to ensure consistent terminology, improve clarity, and enhance administrative efficiency.

SECTION 3. Administrative Authority.

The building official is authorized to develop and utilize administrative checklists, design guidelines, and procedures consistent with Chapter 8.17 to determine whether a proposal is “minor” or “major,” and to review and approve minor certificates of appropriateness. All major alterations, demolitions, and certificates of hardship shall be reviewed and decided by the City Council.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the chapter. Every section, subsection, sentence, clause, or phrase of this chapter is severable from all other sections, subsections, sentences, clauses, or phrases.

SECTION 5. CODIFICATION.

Chapter 8.17, as amended by this ordinance and set forth in Attachment “A,” incorporated pursuant to Section 2, shall be codified. The remaining provisions of this ordinance shall not be codified.

SECTION 6. EFFECTIVE DATE AND PUBLICATION.

This ordinance shall become effective thirty (30) days from the date of adoption by the City Council. The Clerk is directed to publish this Ordinance or a summary thereof within fifteen (15) days pursuant to Government Code § 25124.

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Introduced on December 9, 2025, and **DULY PASSED AND ADOPTED** by the Isleton City Council on the ____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

David Kent, Mayor
Isleton City Council

ATTEST:
Clerk of the City Council

APPROVED AS TO LEGAL FORM:
City Attorney's Office

By: _____
Nate Anderson, Deputy City Clerk

By: _____
Sean Cameorn, City Attorney

ATTACHMENT A

CHAPTER 8.17 – HISTORIC PRESERVATION ORDINANCE

8.17.010 – Purpose

The purpose of this chapter is to promote the public health, safety, and welfare by providing for the identification, protection, enhancement, and perpetuation of buildings, structures, signs, features, and sites within the city that reflect Isleton's historical, architectural, archaeological, and cultural heritage.

All duties and decision-making authority under this chapter, including the designation of historic landmarks and districts, issuance of certificates of appropriateness, and issuance of certificates of hardship, are vested in the City Council, with administrative review and approval of minor alterations conducted by the building official.

8.17.020 – [Reserved]

8.17.030 – Designation of Historic Landmarks and Districts

A. Procedure for Designation of Historic Landmarks and Districts.

1. The development and amendment of the city's list of historic landmarks and districts may be initiated:
 - a. At the recommendation of staff;
 - b. By direction of the City Council; or
 - c. By application of the property owner.
2. Upon initiation, staff shall prepare a report and recommendation for consideration at a public hearing before the City Council, which will make the final decision concerning adoption or amendment of the list.
3. The City Council shall hold a public hearing noticed as follows in addition to the extent otherwise required by law:
 - a. In the case of a historic landmark, notice of the hearing shall be given to the owners and occupants (if any) of the historic landmark by mail based on the owner's address as listed on the county assessor roll and advertised in a newspaper of general circulation at least ten (10) days prior to the public hearing;
 - b. In the case of a historic district, notice of the hearing shall be given to the applicants and owners of all properties within the proposed historic district and advertised in a newspaper of general circulation at least ten days prior to the public hearing;

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c. At the conclusion of the public hearing City Council shall make a decision supported by written findings, and;

d. If City Council makes a designation, the city clerk will forthwith cause to be recorded notice that such property has been designated and placed on the city's register of historic landmarks and districts and said notice shall state that the designation runs with the land.

B. Criteria for Designation of Landmarks and Districts.

1. In designating a landmark or district as being of historical or cultural significance and worthy of protection under this article, the property must be found to have historical, architectural, cultural or archaeological significance.

2. The criteria to be used is that the place, site, building, structure, object, or improvement possesses integrity of location, design, setting, materials, and workmanship; and meets one or more of the following:

a. The proposed landmark or district reflects interest or value as part of the heritage of the city;

b. The proposed landmark or district was the location of a significant historic event;

c. The proposed landmark or district identifies with a person(s) who significantly contributed to the history and development of the city; or whose work has influenced the heritage of the city, state or country;

d. The proposed landmark or district contains outstanding or exemplary elements of attention to architectural design, detail, materials or craftsmanship of a particular historic period;

e. The proposed landmark or district is in a unique historic setting or contains one or more physical characteristics that constitute an established and familiar historical significance feature of the historic district or the surrounding historic context;

f. The proposed landmark or district is a source, site or repository of archeological interest; or

g. The proposed resource or district contains a natural setting that strongly contributes to the historic character, setting, feeling or association of the resource or district.

C. Additional Criteria for Districts. Where the designation of a historic district is being considered, the following additional criteria will be considered:

1. Whether it is a geographically definable area, urban or rural, possessing a significant concentration of objects, sites or structures unified by past events, or aesthetically by plan of development, or;

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2. Whether the collective value of the area is greater than the value of each individual component.

D. Presumed Designations. Any property listed in the National Register of Historic Places or the California Register of Historic Resources shall be presumed to have historical significance under this chapter; however, such property may only be designated as a historic landmark if processed pursuant to the procedures of this chapter.

E. Findings for Deletion of Historic Landmarks or Historic Districts. The deletion of any designated historic landmark or district may be approved only if City Council first finds that the historic landmark or district no longer qualifies as such based on the criteria in section 8.17.030 B (Criteria for Designation of Landmarks and Districts) or is otherwise entitled to a certificate of hardship.

8.17.040 - Certificates of Appropriateness

A. When Certificates of Appropriateness are Required. Except as provided herein, the following activities are only allowed after the city has issued a certificate of appropriateness:

1. Exterior alterations (e.g. exterior painting, roofing, fencing, landscaping, glazing, and installation of light fixtures) to a designated historic landmark which result in a change to the existing exterior;
2. New construction on the site of a designated historic landmark;
3. Moving of a historic landmark;
4. A lot split or subdivision of a historic landmark;
5. The erection or relocation of a sign in a historic district, and;
6. New construction on property in a historic district.

B. Applying for a Certificate of Appropriateness. Applications shall be made on a form prescribed by the building official and shall be accompanied by a fee set by resolution of the City Council. The application shall include information required by the building official including elevation drawings, proposed colors and materials, plan view of new construction, and color photographs of all sides of all existing onsite structures.

C. Processing of a Certificate of Appropriateness.

1. The building official will use a "preservation check list" to determine if a proposal is "minor" or "major," and shall use design guidelines to determine if the proposal is compatible with the existing surroundings. All requests for new construction, subdivision, lot splits, demolition, or moving of a historic landmark shall be considered a major alteration. Applications for a certificate of appropriateness for all major alterations, including demolition, shall be reviewed and decided by the City Council.

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2. A certificate of appropriateness for minor improvements may be approved by the building official.
3. The building official shall inform the City Council in writing of all decisions made regarding minor alterations within ten (10) calendar days thereafter.
4. To approve an application, the proposed activity must be found to be consistent with this section and with the secretary of interior's standards and not detrimental to a historic landmark or district.
5. The City Council's decision will be supported by written findings.
6. A certificate of appropriateness shall become void unless construction is commenced and diligently pursued within eighteen (18) months of the date of issuance. Certificates of appropriateness may be renewed for up to thirty-six (36) months through the building official.

D. Additional Criteria for Moving a Historic Landmark or Structure. Approval of a certificate of appropriateness for the moving of a historic landmark or structure in a designated historic district may only be granted if, in addition to the above, the City Council determines that:

1. The moving will not have a significant negative effect on the applicable goals and objectives of this section; and
2. The structure in its original setting is not of such interest or quality that it would reasonably meet federal or state criteria for designation as a historic landmark.

E. Additional Criteria for Demolishing a Historic Landmark or Structure. Approval of a certificate of appropriateness for the demolition of a historic landmark or structure in a designated historic district may only be granted if, in addition to the above, the City Council determines that:

1. The demolition will not have a significant negative effect on the applicable goals and objectives of this chapter;
2. The structure is not of such unusual design, texture or materials that it cannot be reproduced or can only be reproduced with great difficulty and expense;
3. The structure is not of such interest or quality that it would reasonably meet federal or state criteria for designation as a historic landmark; and
4. Conversion to a new use, rehabilitation and preservation are unfeasible.

F. Demolition Mitigation Measures. Prior to the issuance of a certificate allowing demolition the following mitigation measures in addition to any others required by law shall be completed by the applicant:

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1. Each historic structure shall be documented as follows:
 - a. Plans shall be prepared which include a site plan, floor plans, elevations, and detailed drawings of character defining features such as moldings, light fixtures, trim patterns and stairs, and given to the city for preservation; and
 - b. Photographs shall be taken which include the exterior and interior of the structure, along with interior and exterior character defining features, and given to the city for preservation.
2. In an effort to preserve features and artifacts from historic structures, a determination whether items within or on the building should be salvaged will be made by the city prior to the issuance of a demolition permit.

8.17.050 - Certificates of Hardship

A certificate of hardship permitting demolition, moving, subdivision, or a lot split, new construction, or alteration, etc., for which a certificate of appropriateness has been refused, may be granted by the City Council under the conditions described below. Application shall be made in the form required by the building official, and the same procedure required for a certificate of appropriateness shall be followed. A certificate of hardship may only be granted if the City Council finds:

1. Reasonable use or return on the property is not feasible under the requirements of this chapter; and
2. Alternative plans in keeping with this section are infeasible.

8.17.060 - Appeals

A. Appeal of Building Official's Decision. A member of the public may appeal a decision of the building official made pursuant to this section within five (5) business days thereafter. The appeal must be in writing, explain the basis and be delivered to the city clerk within that time.

B. Appeal of City Council Decision. A member of the public may appeal a decision of the City Council made pursuant to this section within five (5) calendar days thereafter. The appeal must be in writing, explain the basis, and be delivered to the city clerk within that time.

C. Stay of Approval. All approvals shall be stayed pending the outcome of an appeal.

8.17.070 - Duty to Maintain.

The owner, or other person in charge of a historical landmark or a contributing structure in a historic district has a duty to keep in good repair all of the exterior features of such landmark, and all interior features thereof which, if not maintained, may cause or tend to cause the exterior features of such resource to deteriorate, decay, become damaged, or fall into a state of disrepair.

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8.17.080 - Unsafe or Dangerous Conditions

Nothing in this section shall be interpreted to prohibit the construction, alteration, restoration, demolition, or relocation of any historical resource if such would jeopardize public safety or result in an unsafe or dangerous condition which cannot be satisfactorily rectified in the professional opinion of the building official.

8.17.090 – Penalties

A. Misdemeanor. Violation of any provision in this chapter shall constitute a misdemeanor.

B. Nuisance. The unauthorized alteration or demolition of a historical landmark in violation of this section is expressly declared to be a nuisance and shall be abated by restoring or reconstructing the property to its condition prior to the violation.

C. Civil Penalties. Any person or entity which demolishes or substantially alters or causes substantial alteration or demolition of a structure, in violation of the provisions of this section, shall be liable for a civil penalty. In the case of demolition, the civil penalty shall be one-half the assessed value of the landmark or structure prior to demolition. In the case of alteration, the civil penalty shall be one-half the cost of restoration of the altered portion of the landmark or structure.

D. Moratorium. Alteration or demolition of a landmark or structure in violation of this section shall authorize the city to issue a temporary moratorium for the development of the subject property for a period not to exceed twenty-four (24) months from the date the city becomes aware of the unauthorized alteration or demolition. The purpose of the moratorium is to provide the city an opportunity to study and determine appropriate mitigation measures for the alteration or removal of the landmark or structure, and to ensure measures are incorporated into any future development plans and approvals for the subject property.

END OF ATTACHMENT A