

RESOLUTION 2010-XXX

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3 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF**
4 **NAPA, STATE OF CALIFORNIA APPROVING A MILLS ACT PROGRAM TO**
5 **IMPLEMENT THE MILLS ACT (CALIFORNIA STATE GOVERNMENT CODE SECTION**
6 **50280 ET SEQ.) IN THE CITY OF CALISTOGA AND DIRECTING PREPARATION OF A**
7 **HISTORIC PRESERVATION ORDINANCE.**

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9 **WHEREAS, WHEREAS,** pursuant to Government Code Section 50280 et seq. ("the
10 Mills Act"), the City Council may establish a program providing for a historical property
11 preservation agreement ("preservation agreement") with an owner of a historic property for
12 the purpose of preservation, rehabilitation, and maintenance of a designated historic
13 resource in accordance with the United States Secretary of the Interior's Standards for
14 Rehabilitation, the State Historical Building Code, and applicable City codes ("Mills Act
15 program"). The preservation agreement allows the owner to receive a reduction in property
16 taxes in exchange for the property owner's commitment to specific repair, restoration, and/or
17 rehabilitation improvements and satisfactory maintenance of the historic property; and

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19 **WHEREAS,** the Community Identity Element of the City's General Plan calls for
20 conservation of Calistoga's historic, architectural and cultural resources and sets forth
21 policies promoting the use of proactive techniques to encourage owners to preserve and
22 maintain their historic properties; and

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24 **WHEREAS,** adoption of a Mills Act program will implement the directives of the
25 Community Identity Element of the General Plan by providing a significant economic incentive
26 for owners to participate in the rehabilitation, restoration, preservation and maintenance of
27 their historic property; and

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29 **WHEREAS,** the Planning Commission considered the proposed Mills Act program at
30 a regular meeting held on August 25, 2010, and prior to taking action the Planning
31 Commission received written and oral reports by the staff, and received public testimony.
32 After considering the proposed program, the Planning Commission passed a Motion
33 recommending establishment of a Mills Act program and preparation of a historic
34 preservation ordinance to encourage preservation of historic properties within the City; and

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36 **WHEREAS,** the City Council has reviewed and considered the draft Mills Act
37 program at its regular meeting on September 7, 2010, and prior to taking action on the
38 program received written and oral reports by the staff and received public testimony; and

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40 **WHEREAS,** it has been determined that this action is not subject to the California
41 Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15378(b)(4) of the
42 CEQA Guidelines.

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44 **THEREFORE, BE IT RESOLVED** by the City Council of the City of Calistoga that:

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46 1. A Mills Act program is hereby established to implement the Mills Act in the City of
47 Calistoga ("the Mills Act Program"). The Mills Act Program shall go into effect as of
48 September 7, 2010 and shall continue in effect unless terminated or cancelled in accordance
49 with the Mills Act.

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51 2. To limit the fiscal impact of the Mills Act program on the City, the City shall not enter
52 into or execute more than three (3) preservation agreements per calendar year. Applications
53 for preservation agreements shall be processed on a first-come, first-served basis to the first
54 three qualifying, completed applications received in a calendar year. If less than three

55 preservation agreements are recorded during a calendar year, the remainder may be rolled
56 over to the next calendar year.

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58 3. The City Council hereby delegates to the Planning and Building Director of the City of
59 Calistoga or his or her designee, with review by the City Attorney, the authority and
60 responsibility to develop and maintain and application, administrative guidelines, and form of
61 preservation agreement for properties seeking qualification and participation in the Mills Act
62 program. The terms of the preservation agreement shall comply with Government Code
63 Section 50280 et seq. The maintenance, repair, rehabilitation, and/or restoration standards
64 applicable to the subject property shall be set forth in the preservation agreement. In
65 consideration for abiding with the terms of the preservation agreement, the owner of the
66 subject property shall be entitled to qualify for a reassessment of the historic property
67 pursuant to Revenue and Taxation Code Section 439 et seq.

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69 4. The City Council shall be the final authority on the authorization and approval of
70 preservation agreements pursuant to the Mills Act program.

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72 5. No preservation agreement shall be cancelled without compliance with Government
73 Code Section 50280 et seq., including proper notice and a public hearing.

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75 6. A "qualified historic property" for the purposes of the City of Calistoga's Mills Act
76 program shall be a residential or commercial property that is:

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78 (a) Located within city limits of the City of Calistoga; and
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80 (b) Privately owned; and
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82 (c) Not exempt from property taxation; and
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84 (d) Listed in the National Register of Historic Places or located in a registered
85 historic district; OR
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87 (e) Listed in any state, city, county, or city and county official register of historical
88 or architecturally significant sites, places, or landmarks.

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90 **BE IT FURTHER RESOLVED** that, based on the recommendation of the Planning
91 Commission and General Plan goals and objectives calling for the preservation of the City's
92 historic resources, the City Council of the City of Calistoga directs staff to prepare a historic
93 preservation ordinance that would set forth the necessary procedures and criteria for
94 establishing a local register of historic places.

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96 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of Calistoga
97 at a regular meeting held this **7th day of September, 2010**, by the following vote:

98
99 **AYES:**

100 **NOES:**

101 **ABSENT/ABSTAIN:**

JACK GINGLES, Mayor

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103
104 **ATTEST:** _____

SU SNEDDON,
City Clerk