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# CLARK COUNTY HISTORIC PRESERVATION PROGRAM



*Clark County  
Historic Preservation Commission*

## Rules & Procedures



Adopted by the Clark County Historic Preservation Commission  
April 8, 2008

Clark County Department of Community Planning  
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## REFERENCE GUIDE

One of the primary purposes of the Clark County's Historic Preservation program as stated in the Historic Preservation Ordinance is to "provide for the identification, evaluation, and protection of historic and prehistoric resources within Clark County and preserve and rehabilitate eligible historic and or cultural resources within the county for future generations." (Clark County Historic Preservation Ordinance 40.250.030) One of the most efficient, effective methods of reaching this goal is the incorporation of historically relevant information into the County's planning and building processes. If information on what properties or what features of properties are historically significant is present at early stages of project planning, impact to those features or properties can be avoided, minimized, or mitigated.

Historically relevant information can best be indicated by the inclusion of an HI- for properties identified in the Clark County Cultural Resources Inventory, excluding specific archaeological sites or an HR – for properties listed in the Clark County Heritage Register, Washington Heritage Register and/or National Register of Historic Places, also excluding specific archaeological sites. These designations are included in Clark County's and the City of Vancouver's department records and are triggering devices for processes within the Clark County Department of Community Development, City of Vancouver Development Review Services or other municipality's development review department.

This section of the document addresses three questions:

1. How to enter HI and HR information into the county and cities' department records.
2. How to maintain HI and HR in county and cities' department records.
3. When and how to use the HI and HR information.

### Entering HR & HI Information:

The Clark County Historic Preservation Commission (CCHPC) staff:

1. Forwards a list of HI and HR properties to the county's Assessment and GIS staff.
2. Enters the HI or HR designation by address and/or tax parcel number in Clark County or city's permit system.

### Maintaining HR & HI Information:

This information must be maintained in three separate forms (1) the HR/HI designations entered into the permit system and (2) the original inventory and register forms kept on file and (3) the locations identified in the county's Geographic Information System.

#### A. Maintaining Computer Files

1. CCHPC staff
  - a. Forwards the additions or subtraction's of HI and HR properties to the Assessment and GIS staff.
  - b. Enters or subtract the HI or HR designations by address or tax parcel number from the Clark County or city's permit system.

B. Maintaining Originals

Original Clark County Cultural Resources Inventory and Clark County Heritage Register and National Register forms are to be kept with the Clark County Department of Community Planning. Original City of Vancouver Cultural Resources Inventory and City of Vancouver Heritage Register and National Register forms are to be kept with the City of Vancouver's Development and Review Services.

1. CCHPC staff will:
  - a. Update information to the forms on a periodic basis. Information may be added directly to the form or on an addendum sheet.
  - b. Check all inventory forms at five year intervals for possible rewrite.

How and When to Use HR/HI information

CCHPC staff usage of HR/HI information is included in rules and procedures for specific review processes.

A. Building Permit Process

On receipt of a Building Permit application, Clark County Department of Community Development staff, City of Vancouver Development Review Services' staff or other cities' permit review staff will:

1. Check appropriate permit and/or Geographic Information System (GIS) database.
2. If an HI is displayed:
  - a. Inform the applicant that the property is on the Historic Inventory.
  - b. Refer the applicant to the CCHPC staff (Clark County Department of Community Planning/City of Vancouver Development Review Services) for information on how the property could be entered on the Register.
  - c. Inform CCHPC staff of pending permits.
3. If an HR is displayed:
  - a. Inform the applicant that the property is on a Historic or Heritage Register and refer to the CCHPC staff on how to initiate the Design Review procedure.
  - b. Continue processing but not issue the permit.
  - c. Notify the CCHPC planning staff.
  - d. Not issue the permit until the CCHPC determination is received.
  - e. Upon receipt of the determination, issues or denies the permit.

B. Pre-Application, Development Review and Site Plan Review Process

During the Pre-Application Conference, Development Review or Site Plan Review process the responsible staff person should:

1. Check the permit and GIS database for the affected property for the HI or HR designation and/or check a map of HI/HR properties.
2. Provide the CCHPC copies of all applications for approvals, permits, environmental assessments or impact statements, and other similar documents that may potentially affect HR or HI designated properties.
3. Solicit CCHPC staff determination of significance or non-significance of historic properties for the proposed project.

### **Plan for Copying, Distributing and Implementing the Rules**

Rules and procedures for conducting various historic preservation processes will be reviewed by the Clark County Historic Preservation Commission (CCHPC). If any major changes are specified during the course of this examination, the documents will be returned to the Washington State Department of Archaeology and Historic Preservation for a review of the changes. The documents will then be returned to the CCHPC. A simple majority is necessary for acceptance of the rules and procedures by the CCHPC.

The master copies of all historic preservation related rules and procedures, application standards, criteria, and standard forms will remain on file with the Clark County Community Planning Department. Copies will be made available to interested individuals, agencies and groups.

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## **Historic Preservation Commission Meetings**

### Bylaws

These Bylaws establish the rules and procedures under which the Clark County Historic Preservation Commission (CCHPC) executes those duties and functions set forth in Clark County Title 40.250.030, the County Historic Preservation Ordinance and any amendments thereafter.

#### A. MEMBERSHIP

1. The Board shall consist of at least five (5) members, appointed by the Board of County Commissioners. Terms shall be as stated on CCC Title 40.250.030(D). Members shall be selected without respect to political affiliation.
2. The CCHPC will, by majority vote, elect a Chairperson and Vice Chair at the regular meeting in July of each year who will serve throughout that year.
  - a. The Chairperson may appoint committees as necessary to investigate and report on matters before the commission. In addition, the Chairperson decides all points of order and procedural matters subject to rules and bylaws.
  - b. The Vice Chair will serve in place of the Chairperson in case of his/her absence and will have the same powers and duties.
  - c. The Chairperson and Vice Chair (pursuant to CCC 40.250.030(D)) shall have the authority to sign the appropriate forms for local registration designation and special valuation.
  - d. A Chairperson may be designated, by the Chairperson or Vice Chairperson, to serve in place of the Chairperson or Vice Chairperson in case of both of their absences and will have the same powers and duties.

#### B. CCHPC STAFF MAY CONSIST OF:

1. The staff of the Clark County Community Planning Department who may be responsible for grant-related activities and notification of meetings, Certified Local Government (CLG) responsibilities as determined, receiving applications, dispensing application packets and information, reviewing applications for completeness, preparing staff reports, meeting with applicants and owners, executing agreements, monitoring properties and providing recommendations, maintaining the Historic Inventory and Heritage Register, preparing the agenda, impact review, forwarding recommendations and determinations and documentation as required, arranging property visitations, secretarial and administrative support as necessary and other responsibilities as determined.
2. The staff of the City of Vancouver's Department of Development Review Services who may be responsible for receiving applications, dispensing application packets and information, reviewing applications for completeness, preparing staff reports, meeting with applicants and owners, executing agreements, monitoring properties and providing recommendations, impact review, forwarding recommendations and determinations and documentation as required, arranging property visitations, secretarial and administrative support as necessary and other responsibilities as determined for those properties within Vancouver's incorporated area.

3. Committees of the Commission who may be responsible for forwarding recommendations, determinations and documentation as required and other responsibilities as determined.
4. Hired consultants who will be responsible for those duties as specified in A and B.

The CCHPC members shall not receive any salary or other compensation for services rendered on the Commission.

- C. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms. Members may be removed by the Board of County Commissioners for inefficiency, neglect of duty or malfeasance in office. Reasons for removal may include:
  1. Absence from three consecutive regular meetings or six regular meetings in a twelve month period which shall be regarded as constituting resignation from the Commission. This information will be forwarded to the Board of Commissioners by staff. Reinstatement may be sought through a hearing by the Board of County Commissioners.
  2. Participation in a legally demonstrable case or conflict of interest.

Excused absence (sickness, death in the family, business trips or emergencies) will not affect the member's status as in 1, above, except in the case of extended illness or long absence in which case the member shall be replaced. When a member is approaching the maximum number of absences he/she will be notified by the CCHPC staff. Verification of attendance will be based exclusively on the minutes of each meeting.

- D. The Board shall always include at least two (2) professionals in accordance with CCC 40.250.030(D).
- E. No member of the CCHPC shall represent the Commission in its official actions except as specifically authorized by majority vote.
- F. Members shall refrain from discussing or expressing opinions on matters on the Commission's agenda outside of Commission meetings or with Commission members except as authorized in (E), or on direction from the Chairperson.
- G. To avoid conflict of interest, no commission member shall vote on the determination of any case in which he/she or members of his/her immediate family have a direct financial interest.
- H. Commission members shall not vote on any application or determination unless he/she has been in attendance at previous deliberations on the subject or shall have the approval of the Chairperson contingent on the Chairperson's determination that the member has familiarized himself/herself with the subject and the minutes or any electronic recording(s) of any meetings where the subject was discussed.



Procedures for Conducting Meetings

A. PRE-MEETING

1. If there are agenda items, regular meetings will be held at 6:00 p.m. on the first (1<sup>st</sup>) Wednesday of every month at the Clark County Public Service Center, 6<sup>th</sup> Floor Hearing Room, 1300 Franklin St, Vancouver, WA, unless notice of an alternate location is mailed or transmitted by electronic mail (e-mail) to CCHPC members, and a newspaper of general circulation in the community and posted on the entrances of the regular meeting place. In case of scheduling conflicts the meeting place may be changed at the discretion of the Chairperson with three days advance notice given to CCHPC members and the public. If the first (1<sup>st</sup>) Wednesday of the month falls on an official holiday or in case of scheduling conflicts, the meeting may be changed to a time and place as determined by the CCHPC at the preceding month's meeting. If such a change occurs, the regular meeting place will be posted as to the new time and place, and public notice may be given via newspaper.
2. If there are no agenda items, the Chairperson may cancel the regular meeting after giving all CCHPC members and the public 24 hours advance notice. However, if a majority of CCHPC members express the desire to hold the meeting it shall convene as scheduled. If the meeting is canceled, a notice to that effect will be posted at the regular meeting place at the regular time, and public notice may be given via newspaper or posted on the Historic Preservation program's website.
3. Special meetings may be called by the Chairperson or by a majority of CCHPC members. Commission members and the public will be given at least 48 hours advance notice of the time and place of such meetings. Public notice may be given via faxing or emailing of an agenda to a newspaper of general circulation or by posting the notice on the Historic Preservation program's website.
4. All regular and special meetings will be open to the public and the date, place and agenda will be publicized in accordance with the Open Public Meetings Act (RCW Chapter 42.30) except when a majority of Commission members determine that an executive session is necessary as detailed in the Open Public Meeting Act (RCW Chapter 42.30.110). The agenda for regularly scheduled meetings shall be posted and notice mailed and/or emailed to the applicants, commission members and any other interested parties, five (5) days prior to the regularly scheduled meetings.
5. The order of agenda items may be determined by their order of receipt. All technically complete applications, including register review, special valuation review and certificate of appropriateness review must be filed at least 30 days before the meeting at which the case is to be considered. This allows staff sufficient time to copy and distribute materials to CCHPC members. The Commission or applicant may ask for an extension of time.
6. Staff shall be responsible for notifying principals in each case as specified under the procedures in CCC 40.250.030.

B. REGULAR ORDER OF BUSINESS FOR MEETINGS

1. Business will be conducted under Robert's Rules of Order except where this contradicts with the Bylaws or other special rules adopted by the CCHPC which then take precedence. All issues will be decided by simple majority vote except amendments to the Bylaws which require a vote of two-thirds of the membership.



2. Fifty-one (51) percent of the non-vacant membership of the CCHPC constitutes a quorum. Meetings without a quorum will be recessed to the earliest possible date.
3. Summary minutes will be provided of all CCHPC proceedings. All meetings will be electronically taped to further clarify the minutes.
4. The regular order of business shall be as follows, unless modified by vote of the Commission:
  - a. Roll call & Introductions
  - b. Discussion and adoption of minutes
  - c. Public comment
  - d. Public Hearing or other main business of the meeting
  - e. Report of committees
  - f. Unfinished business
  - g. New business/Announcements
  - h. Adjournment
5. The regular order of business concerning review of applications for local or National Register review, certificate of appropriateness review and special valuation review shall be as follows:
  - a. The Chairperson or Chairperson designated person shall offer a preliminary statement concerning the application.
  - b. The staff report is presented.
  - c. The applicant or the designated agent of the applicant presents statements in favor of the application including relevant pictures, models, architectural plans and drawings, etc.
  - d. Statements in opposition to the application.
  - e. Comments by CCHPC staff, interested persons, organizations, or legal entities.
  - f. Rebuttal by all concerned parties.
  - g. Summary of above by Chairperson or designated person.
  - h. Closing of public comment.
  - i. Deliberation by Commission.
  - j. Vote

The submission of written, pictorial or other evidence should be prepared with at least 7 copies (reprographic) to be submitted to the CCHPC staff for distribution to the Commission at the hearing. However, oversized exhibits do not have to be reproduced. The exhibits become the property of the Commission until all hearings and appeals therefrom become final at which time they may be returned to the submitting party.

During the course of the meeting, the above procedure may be temporarily modified by the concurrence of all parties and the CCHPC.

6. The CCHPC shall act on each application at the meeting unless the Chairperson or a majority of the Commission decides to defer consideration to a later date. Request for continuance may be granted if all parties agree. The continuance will be publicly announced by the Chairperson, and the case automatically set on the agenda for the next regularly scheduled meeting. In such a case, no further notice is required for the principal participants in the case.

7. In the event of the uncontrollable disruption of the meeting the CCHPC may clear the meeting room and continue in executive session or may adjourn and reconvene at another location selected by majority vote of the members. In such a case, business shall be restricted to those items on the printed agenda. Persons or news media representatives not participating in the disturbance may be readmitted in this situation.

C. POST MEETING

1. Staff will be responsible for notifying participants as called for under rules for specific review procedures and CCC 40.250.030.
2. Staff will be responsible for forwarding materials to participants as called for under rules for specific review procedures and CCC 40.250.030.

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## CLARK COUNTY HERITAGE REGISTER

Under the provisions of the Clark County Historic Preservation Ordinance, the Clark County Historic Preservation Commission (CCHPC) is directed to initiate and maintain a Clark County Heritage Register (or other Register by interlocal agreement) and to review nominations to the Register (Clark County Historic Preservation Ordinance 40.250.030 and any amendments thereto).

- A. Any building, structure, site, object or district may be placed on the a Clark County Heritage Register if:
1. The CCHPC determines that it meets Clark County Heritage Register criteria.
  2. There is owner consent for placement and listing. There is no provision for historic districts in unincorporated Clark County. If reviewing an historic district for a jurisdiction other than Clark County, the applicable criteria shall be that which the jurisdiction has adopted.
  3. It is approved by the Clark County Historic Preservation Commission and/or other quasi-judicial body as identified in an interlocal agreement and adopted ordinance (such as a City Council).
- B. Any person may nominate a building, structure, site or object for inclusion on the Register with owner consent. A nomination form signed by the property owner(s) must be included in an application for designation.

### Procedures for Conducting Nomination Review Meetings

#### **A. PRE-MEETING**

1. The Applicant or Designated Agent:
  - a. Meets with CCHPC Staff concerning the application form and the necessary documentation.
  - b. Submits the completed application to Staff at least 30 days before the regularly scheduled meeting at which the application is to be considered.
2. Staff:
  - a. Meets with the applicant concerning the application form and the necessary documentation. Staff may require the applicant to provide additional information or research.
  - b. Obtain the owner's written permission for nomination of the property to the Register.
  - c. Reviews the application for completeness and includes the case on the agenda based on determination that the application is technically complete in accordance with the section entitled "Application Standards" in these Rules and Procedures. Staff review may include meetings with owners and adjacent property owners, interviews, historic research and examination of the property.
  - d. Prepares a report for the Commission based on the review.
  - e. Arranges with the property owners for an on-site inspection by the CCHPC or designated committee.
  - f. Notifies, in writing, the applicant, the owner (if different), and person, neighborhood organizations or surrounding legal property owners as specified in CCC 40.510.030(E)(3)(a),(b) & (c) at least 15 days prior to the meeting at which the application is to be considered. The date and time of the meeting will be specified in the announcement. In addition, notice shall be published in the local newspaper and posted on site.

**B. MEETINGS**

1. Nomination review will occur at regularly scheduled meetings as detailed in the rules for conducting Clark County Historic Preservation Commission meetings.
2. The regular order of business for consideration of applications to the Clark County Heritage Register shall be as follows:
  - a. The Chairperson or Chairperson-designee shall offer a preliminary statement concerning the application.
  - b. The staff report is presented.
  - c. The applicant or the designated agent of the applicant presents statements in favor of the application including relevant pictures, models, etc.
  - d. Statements in opposition to the application.
  - e. Comments by CCHPC staff, interested persons, organization, or legal entities.
  - f. Rebuttal by all concerned parties.
  - g. Summary of above by Chairperson or designated person.
  - h. Deliberation by Commission.
  - i. Vote

During the course of the meeting, the above procedure may be temporarily modified by the concurrence of all parties and the CCHPC.

3. Commission members apply the designation criteria, as outlined in the Ordinance, to the property or district to evaluate the nomination. The members should consider information related to the designation criteria as presented above during the designation meeting and from the site visit. The Commission:
  - a. Determines the category of historic property.
  - b. Establishes the context for evaluating the property.
  - c. Identifies the level of significance (National, State, Local).
  - d. Determines if there are special conditions that might make the property eligible.
  - e. Determines if property meets the criteria.
  - f. Votes on the decision.
4. If a CCHR nomination is heard in conjunction with a concurrent Type III land use case, the Hearing Examiner may conduct a joint hearing on the applicant's request. If a joint hearing is requested, at least two (2) members of the CCHPC shall also be present to hear the nomination. At least one member shall be the chair or vice-chair of the Commission. The CCHPC members shall make findings of fact and determination of eligibility to be forwarded to the Hearing Examiner. The Hearing Examiner shall incorporate the findings and determination of the CCHPC in his/her determination of the concurrent land use case. All required signatures on designation forms may be signed by the Hearing Examiner, in lieu of the CCHPC Chairperson's signature, if consent is given by the CCHPC members at the public hearing.

**C. POST MEETING**

1. Staff

After the meeting staff or the Hearing Examiner will:

- a. Prepare the Commission's report as findings of fact, clearly stating the relevant designation criteria and how the property meets or fails to meet the criteria within 14 calendar days after the date the record closes.
- b. Notify owner and applicant in writing of the CCHPC's determination within 7 calendar days of the receipt of the decision of the meeting.

- c. Notify applicant of the decision and appeals process. Appeals are to the Board of County Commissioners and must be filed within 14 calendar days from the date the decision was mailed. Appeals procedures are in accordance with those in CCC 40.510.030(H).
- d. Transmits proposed historic property description and forms to the CCHPC for review and final sign-off by the Chairperson or Hearing Examiner.
- e. Coordinates with Assessment & GIS staff to identify the property as listed on the heritage register within the GIS database, enters the register listing into the permit database and sends a press release to the newspaper of general circulation if the property is approved for listing on the register. Final listing forms shall also be transmitted to the County Auditor for recording, with the appropriate fees paid by the applicant/owner.
- f. Notifies applicant(s) and/or owners of the County Historic Preservation Commission's final decision. Notification shall be by registered mail and include a copy of the Historic Preservation Ordinance and a letter and listing and acknowledging receipt of, and need to comply with, the ordinance.
- g. Staff has the certificate signed by the Chair of the Commission and records it with the Auditor's Office. The original certificate is then returned to the owner(s).

2. Board of County Commissioners

Once the case is appealed to the Board of County Commissioners, they can concur with or reject the Commission's determination, or send the case back to the Historic Preservation Commission for further study, in accordance with the appeal procedures for a Type III decision in CCC 40.510.030(H).

3. Clark County Historic Preservation Commission

If the appeal is rejected by the Board of County Commissioners, at the next regularly scheduled meeting, the CCHPC:

- a. If a positive determination was rejected, decides whether any other protection for the property is necessary or possible, including initiation of the National or Washington State Heritage Register process.
- b. If a negative determination is rejected, votes on whether to continue the case by providing more documentation, or to concur with the Board of County Commissioners decision and list the property on the Clark County Heritage Register.

**D. RESUBMISSION**

1. A negative determination or a non-acceptance of an application by the CCHPC is not irrevocable. If new information becomes available and if the applicant wishes, the application may be resubmitted. In such a case, the entire procedure must be followed.

**E. HISTORIC DISTRICTS** [RESERVED section in County Code]. *This section may apply to review of historic districts of jurisdictions with which there is a valid interlocal agreement and adopted historic preservation ordinance that includes criteria for districts.*

1. *Prior to nomination review for historic districts owner consent must be submitted to the CCHPC.*
2. *The CCHPC makes recommendations on district boundaries in a staff report to the appropriate decision-making body.*

3. *The decision-making body schedules a public hearing on designation of historic districts and makes the final determination on the designation and boundaries. They may also determine design guidelines for the specific district at the hearing.*
4. *District boundaries are incorporated into the official zoning maps.*

**F. MISCELLANEOUS**

1. Once a property has been approved by the CCHPC or Board of County Commissioners for placement on the Clark County Historic Register, the certificate of appropriateness review process becomes effective.
2. If the case involves an historic district, the boundaries of that district are set with the decision-making body's approval. Any boundary change involves proceeding through the entire district review process.
3. In the event that any property is no longer deemed appropriate for designation to the Clark County Heritage Register, the CCHPC may initiate removal by following the same procedure as provided for listing except that owner consent is not required for removal. A property owner may submit a request for review to remove a property from the Register to the CCHPC. The request shall include a letter of request and a narrative and other supporting documentation of the reasons the property should no longer be listed on the Clark County Heritage Register.

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## **Nomination Application Standards**

An acceptable Clark County Heritage Register application is a nomination form completed according to uniform guidelines as presented in "Washington State National Register Guide", from the Washington State Department of Archaeology and Historic Preservation. Generally the application consists of nomination form, survey inventory form, and documentation.

The Clark County Heritage Register/Survey – Inventory Form, available from the CCHPC staff, must be typed and completely filled in. Blanks that are not applicable to the property should be filled with "N/A".

Properties should be described in detail. All interior and exterior features and outbuildings which contribute to the designation should be mentioned and described. Non-contributing features should also be mentioned and described.

District designations (*not applicable to unincorporated Clark County*) should include a description of proposed district boundaries, the characteristics of the district which justifies its designation, and a list of all properties including features, structures, sites, objects and open spaces which contribute to the designation of the district.

The original form should be presented along with the following documentation:

1. A U.S.G.S. map with the UTM reference points identified. "UTM" means "Universal Transverse Mercator" or the grid zone in metric measurement providing for an exact point of numerical reference.
2. An Assessor's Tax Parcel Map of Clark County should be included, with the property prominently identified. Color highlighting of the map is not acceptable.
3. A legal description which includes the tax lot(s), section(s), township(s) and range(s).
4. A sketch or scaled map showing significant property elements and property boundaries for nominations involving more than a single structure or site.
5. Photographs detailing the historic nature of the property. Photo documentation includes 4" x 6" or 5" x 7" minimum format in either black and white or color with negatives, and/or digital formats. All photos must be clearly labeled to identify case, location, subjects and the direction the photograph was taken. The Clark County Historic Preservation Commission staff should be consulted regarding exact photo requirements for specific nominations.

Incomplete forms or those with insufficient documentation will not be considered and will be returned to the applicant.



## **Clark County Heritage Register Criteria**

The following are criteria for determining designation of properties in the Clark County Heritage Register as stated in the Clark County Historic Preservation Ordinance, Section 40.250.030(F).

Any building, structure, site, or object, may be designated for inclusion in the Clark County Heritage Register if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; if it has integrity; is at least fifty years old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories.

1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history.
2. Embodies the distinctive architectural characteristics of a type, period, style or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction.
3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to their field.
4. Exemplifies or reflects special elements of the county's history.
5. Is associated with the lives of persons significant in national, state, or local history.
6. Has yielded or may be likely to yield important archaeological information related to history or prehistory.
7. Is an historic building or cultural resource removed from its original location but which is significant for architectural value, or association with an historic person or event, or prehistory.
8. Is a birthplace or grave of a prehistoric or historical figure of outstanding importance and is the only surviving structure or site associated with that person.
9. Is a cemetery or burial site which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns.
10. Is a reconstructed building that has been executed in an historically accurate manner on the original site.
11. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural-or-historical-categories.

## NATIONAL REGISTER OF HISTORIC PLACES

As a Certified Local Government (CLG) under the National Historic Preservation Amendments Act of 1980 (P.L. 96-515), one of the principal duties of Clark County is to take responsibility for review of nominations or properties to the National Register of Historic Places. Under the State of Washington Certified Local Governments Program Requirements and Procedures (Section III(A)) and in accordance with the CLG Certification Agreement between Clark County and the State Historic Preservation Officer (SHPO) of Washington, the Clark County Historic Preservation Commission (CCHPC), is made responsible for reviewing National Register Nominations.

These rules and regulations are intended to satisfy the State of Washington Certified Local Governments Program Requirements and Procedures (Section 1(G)) which requires the CLG to establish local laws, bylaws or administrative rules, which will provide for participation in the National Register Nomination process. The applicable National Register section is CCC 40.250.030(E).

### Procedures for Conducting National Nomination Review Meetings

#### **A. PRE-MEETING**

Within 30 days after receipt of an adequately documented National Register Inventory-Nomination Form, the State Department of Archaeology and Historic Preservation (DAHP) notifies the property owner and the Board of County Commissioners and forwards a copy of the nomination to the CCHPC staff.

If qualified staff, Commission members, or consultants are not available, the review must be expedited. Expedited review can be initiated locally by the CLG or at the State level by DAHP. A locally-initiated request for expedited review must contain the signatures of the Board of County Commissioners and the Chairperson of the CCHPC.

##### 1. Staff

Upon receipt of the notification of the notification of a National Register nomination, the Staff:

- a. Determines if qualified staff, Commission members or consultants are available.
- b. Schedules a hearing or determines whether an expedited review is required.
- c. At least fifteen (15) days prior to the hearing, notifies the public by mailing notice to owners of property within 300 feet in an urban growth area and within 500 feet in a rural area and posting legal notice on the property.
- d. The staff notifies the applicant, all principal property owners and persons, and affected neighborhood organizations of the date, time and location of the hearing per CCC 40.510.030.
- e. Shall schedule a site visit for the Commission.
- f. Shall prepare and mail materials to Commission members.
- g. If the staff is qualified, or a consultant, they shall visit the site.
- h. In case of a locally initiated expedited review, prepare letter of request, obtain the signature of the CCHPC Chairperson and mail the letter to the DAHP.

2. Clark County Historic Preservation Commission

Prior to the hearing, the CCHPC or a Committee of the Commission shall:

- a. Review the nomination
- b. Visit the property
- c. In case of a locally initiated expedited review, the Chairperson signs the request.

**B. HEARING**

Designation review will occur at regularly scheduled hearings. Nominations will be considered in the order in which they were received by the Commission.

The Clark County Historic Preservation Commission

1. Commission members apply National Register criteria to the property or district to evaluate the nomination. The members should only consider information related to the designation criteria as presented in federal regulations (36 CFR 60 and 36 CFR 63) during the review.

The Commission:

- a. Determines the category of historic property.
  - b. Establishes the context for evaluating the property.
  - c. Identifies the level of significance.
  - d. Evaluates the integrity of the property.
  - e. Determines if there are special conditions that might make the property eligible.
  - f. Determines if the property meets the criteria.
2. The regular order of business for consideration of applications for local or National Register review shall be as follows:
    - a. The Chairperson or Chairperson designated person shall offer a preliminary statement concerning the application.
    - b. The staff report is presented.
    - c. The applicant or the designated agent of the applicant presents statements in favor of the application including relevant pictures, models, etc.
    - d. Statements in opposition to the application.
    - e. Comments by staff, interested persons, organization, or legal entities.
    - f. Rebuttal by all concerned parties.
    - g. Summary of above by Chairperson or designated person.
    - h. Deliberation by Commission.
    - i. Vote

During the hearing, the above procedure may be temporarily modified by the concurrence of all parties and the CCHPC.

**C. POST HEARING**

1. Staff

After the hearing, Staff will:

- a. Prepare the Commission's report as a finding of fact. The finding of fact should clearly state the relevant designation criteria and how the property meets or fails to meet the criteria.
- b. Forward the Commission's recommendation and the application to the DAHP for the official recommendation.

The Commission's report and recommendation must be returned to DAHP within 60 days of the receipt of the original application by the CCHPC.

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## **National Register Application Guidelines**

Please refer to the Washington State National Register Guide for submittal requirements, timelines for submissions, and the review process. The guide can be found online at [www.dahp.wa.gov/pages/HistoricSites/NominationForms\\_and\\_Guideline.htm](http://www.dahp.wa.gov/pages/HistoricSites/NominationForms_and_Guideline.htm) or contact the Washington State Department of Archaeology and Historic Preservation's Architectural Historian at 360-586-3076.

## **Applicable National Register Criteria**

The following are criteria for the inclusion of properties to the National Register of Historic Places as established in the Code of Federal Regulations (36CFR60).

The quality of significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of our history; or
2. That are associated with the lives of persons significant in our past; or
3. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinctions; or
4. That have yielded, or may be likely to yield, information important in prehistory or history.

### Criteria Considerations

Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

1. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
2. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure more importantly associated with a historic person or event; or
3. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his/her productive life; or
4. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
5. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
6. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
7. A property achieving significance within the past 50 years if it is of exceptional importance.

## DESIGN REVIEW

Design Review is the process through which the Clark County Historic Preservation Commission (CCHPC) reviews proposed changes to Clark County's historic and cultural resources. Once a property is listed on the Clark County Heritage Register any work done on the property which will effect identified historic features contributing to placement of said resource on the Register, or would ordinarily necessitate a building permit (with some exceptions) will, in addition, require a Certificate of Appropriateness or Waiver of Certificate of Appropriateness in the case of demolition. These activities include:

1. Construction, reconstruction, modification, restoration
2. Alterations to historic structures.
3. New construction
4. Demolition of historic structures.
5. Relocation

The Certificate of Appropriateness is approved by the CCHPC as required and under powers granted it by the Historic Preservation Ordinance of the Clark County (CCC 40.250.030).

These rules shall have no application to ordinary repairs and maintenance, including painting, or to emergency measures as defined in the Clark County Historic Preservation Ordinance CCC 40.250.030).

**There are two (2) types of reviews for issuance of a Certificate of Appropriateness:**

### Type I – Administrative Design Review

Type I is an administrative review by commission staff for repairs and replacements-in-kind as listed below, but not limited to, the following:

- a. Repairs (other than ordinary repair and maintenance) using the same materials and design as the original;
- b. Reroofing using the same type and color of material;
- c. Replacement of sidewalks and driveways using the same type and color of materials;
- d. Replacement of foundations or major portions thereof, using the same type and color of materials;
- e. Replacement of utility systems if contributing interior features of significance are present;
- f. Structural or seismic upgrades which do not alter or affect significant features.

### **PROCEDURES FOR CONDUCTING A TYPE I ADMINISTRATIVE REVIEW**

1. An application is completed by the applicant for a Type I design review and submitted to the CCHPC staff.
2. Staff makes an administrative decision within 15 working days from the date of receipt of a technically complete application.
3. The applicant is notified of the decision.

4. The applicant may appeal a ministerial decision subject to CCC 40.510.010(E) or post decision review. The appeal is to the Commission.
5. Staff may refer a ministerial decision to the Commission if it is found that changes or modifications to significant features alter the feature(s) and/or vary from the existing design, material or placement, consistent with the criteria for a Type III Commission Review (CCC 40.250.030(6)(c)(2)).

### Type III – Commission Review

Type III Review is required when there is a proposal for alterations in appearance, replacement of historic material (other than in-kind), new construction or additions, alteration in the appearance of a significant contributing feature, the replacement of historic material (other than in-kind) in a significant feature, additions to a CCHR structure or new construction on a CCHR property or in a historic district, or any excavation on an archaeological site.

## **PROCEDURES FOR CONDUCTING MEETINGS - TYPE III REVIEW**

### **A. PRE-MEETING**

#### 1. Applicant/Designated Agent

An applicant wishing to make such changes:

- a. Applies to the applicable jurisdiction's Building Official/Permit Services, according to usual procedure, when applicable.
- b. Applies to the CCHPC staff for a review of proposed changes on a Clark County Heritage Register property or within an historic district.
- c. Meets with CCHPC staff to review design guidelines (if applicable).
- d. Submits application for design review at least 30 days before a regularly scheduled meeting for a Type III review.

#### 2. Building Official/Permit Services

The Building Official/Permit Services shall:

- a. Report any application for a permit to work on a designated Clark County Heritage Register property or a property within a designated Clark County Historic District to the CCHPC staff.
- b. Continues processing the building permit.
- c. Works with the CCHPC staff in considering fire and building codes.
- d. Does not issue permits until the CCHPC determination is complete and a Certificate of Appropriateness or Waiver of Certificate of Appropriateness (in the case of demolition) is issued.

#### 3. Staff

Prior to the meeting CCHPC staff shall:

- a. Notify the applicant of the Commission review requirements.
- b. Meet with the applicant to transmit design guidelines and information on necessary documentation and completion of the application form.
- c. After the form is submitted, review it for technical completeness.



- d. If the form is technically complete, place the case on the next regularly scheduled meeting.
- e. Prepares public notice of the application and hearing date to the property owner(s) and others per CCC 40.510.010.
- f. Make arrangements, if necessary, for the CCHPC to visit the property. This may include interior visitations.
- g. Review the modifications and prepare a report for the Commission.

4. Clark County Historic Preservation Commission

Before the meeting, the Clark County Historic Preservation Commission shall:

- a. Review the application and the staff report.
- b. Visit the property if necessary.

**B. MEETING**

1. Design review will occur at regularly scheduled meetings. Design review applications will be considered in the order in which they were received by the Commission.
2. The regular order of business for consideration of design review applications shall be as follows:
  - a. The Chairperson or Chairperson-designated person shall offer a preliminary statement concerning the application.
  - b. The staff report is presented.
  - c. The applicant or the designated agent of the applicant presents statements in favor of the application including relevant pictures, models, etc.
  - d. Statements in opposition to the application.
  - e. Comments by CCHPC staff, interested persons, organization, or legal entities.
  - f. Rebuttal by all concerned parties.
  - g. Summary of above by Chairperson or designated person.
  - h. Deliberation by Commission.
  - i. Vote

During the course of the meeting, the above procedure may be temporarily modified by the concurrence of all parties and the CCHPC.

If a CCHR nomination is heard in conjunction with a concurrent Type III land use case, the Hearing Examiner may conduct a joint hearing on the applicant's request. If a joint hearing is requested, at least two (2) members of the CCHPC shall also be present to hear the nomination. At least one member shall be the chair or vice-chair of the Commission. The CCHPC members shall make findings of fact and determination of eligibility for a Certificate of Appropriateness or Waiver to be forwarded to the Hearing Examiner. The Hearing Examiner shall incorporate the findings and determination of the CCHPC in his/her determination of the concurrent land use case. All required signatures on designation forms may be signed by the Hearing Examiner, in lieu of the CCHPC Chairperson's signature, if consent is given by the CCHPC members at the public hearing.

3. As part of this deliberation, the CCHPC (and Hearing Examiner, if applicable) shall review the proposed work, using information from the site visit and application materials, comparing this information with the design review criteria established in the Rules. The design review criteria for Clark County shall be those as outlined in The Secretary of the Interior's Standards for Rehabilitation and Guidelines for

Rehabilitating Historic Buildings or any revised standards for Clark County or of a jurisdiction with which there is a valid interlocal agreement for preservation services.

- a. If the alterations meet the Standards, a Certificate of Appropriateness is issued.
- b. If the alterations fail to meet the Standards, the Certificate of Appropriateness is not issued and the determination is against the Building Official/Permit Services issuing the permit.
- c. If the alterations would meet the Standards with modification, the Certificate of Appropriateness is issued with Conditions of Approval.

C. **POST MEETING**

1. Owner/Designated Agent

Following the meeting, the owner/designated agent has the following options:

- a. If the owner agrees in writing to comply with the CCHPC's determinations and Conditions of Issuance, he/she receives a Certificate of Appropriateness.
- b. If the owner disagrees with the determination, he/she can drop the case or reapply with modifications. The applicant should be encouraged to reapply to the Historic Commission with modified plans.
- c. If the owner/applicant or other interested parties disagree with the Commission's decision, an appeal to the Board of County Commissioners may be filed pursuant to the procedures in CCC 40.510.030.
- d. If the applicant does not comply with the determination, the Historic Preservation Commission may initiate removal of the property from the Clark County Heritage Register subject to a Type III public hearing process. If the special valuation tax incentive program is in effect on the subject property, the property owner is subject to the penalties in RCW 84.26.090.

2. Staff

After the meeting the staff (or Hearing Examiner) shall:

- a. Issue the Commission's determination as a finding of fact, clearly stating the intended modifications and how they meet or fail to meet the Secretary of the Interior's Standards or any Clark County revised standards within fourteen (14) days of the close of the case record.
- b. Within seven (7) calendar days of the meeting notify the owner/designated agent in writing of the Commission's decision.

Staff shall:

- c. Get the owner/designated agent's signature on the Conditions of Approval.
- d. Forward the Commission's determination, the Certificate of Appropriateness (if issued) and any Conditions of Approval to the Building Official/Permit Services.

3. Building Official/Permit Services

After receiving the application, Certificate of Appropriateness (if issued) and any Conditions of Approval from the CCHPC staff, Building Official/Permit Services will:

- a. Make the final decision on the issuance of the permit.
- b. Notify the CCHPC of its decision.

## **Application Standards for Design Review**

Documentation is required for alterations to or demolition of a property on the Clark County Heritage Register (CCHR) or for new construction within a district on the Register. Required documentation shall minimally include all materials identified illustrating:

1. Existing conditions
2. Proposed alterations
3. Effect on historic properties and features (impact)

At least one copy of the documents detailed below must be submitted with the application. These will remain on file with the CCHPC. All drawings and elevations must be drawn to scale or have the measurements included and be signed by the architect or draftsman.

For phased projects, one copy of all required documentation shall be submitted for each phase of the project.

### **Alterations/Additions**

#### **I. Existing conditions:**

- A. A copy of the Clark County Heritage Register nomination
- B. Photographs - Photos should be 4"x6" or 5"x7" minimum format in black and white or color with negatives and/or an electronically formatted file, when possible and must be clearly labeled to identify case, location, subjects and the direction the photograph was taken. Necessary photographs include:
  1. Building on lot, including elevations and facades that are to be altered.
  2. In a historic district, photographs of structures adjoining the property, as well as those across the street and/or alley are necessary (streetscapes).

#### **II. Proposed alterations:**

- A. Precise written statement describing work on CCHPC application form.
- B. Working drawings which are adequate to indicate affect on contributing historic features; including, but not limited to, descriptions of proposed signs, re-roofing plans, fences, parking lots and landscaping changes.
- C. For rehabilitation or restoration work, original drawings of the structure (if available) historic photographs and statement of physical or documentary evidence for proposed changes particularly if replacement is proposed. This evidence should indicate the date that it was originally produced as closely as possible.
- D. Materials, samples and additional photographs may be required by the CCHPC.
- E. Other information as required.

#### **III. Impact**

Drawings and a written statement indicating how proposed alterations will affect historic elements listed in the property nomination form.

New Construction

New construction refers to building on a site containing an historic structure or in an historic district listed on the Clark County Heritage Register.

- I. A copy of the nomination or designation form for the Clark County Heritage Register.
- II. Existing conditions
  - A. Site plan or measured drawings indicating the following:
    - 1. Existing adjacent buildings
    - 2. Property lines and utilities
    - 3. Right-of-ways and easements
    - 4. Building setbacks and allowed side yards
    - 5. Existing planting materials and size.
  - B. Photographs - Photos should be 4"x6" or 5"x7" minimum format in black and white or color with negatives and/or an electronically formatted file, when possible and must be clearly labeled to identify case, location subjects and the direction the photograph was taken. Photographs of structures adjoining the property, as well as those across the street and/or alley are necessary (streetscapes).
  - C. A legal description supplied by the Clark County survey records division, a title company, surveyor licensed in the state of Washington, or other party approved by the review authority, and current Clark County assessor map(s) showing the property(ies) subject to the application;
  - D. For a Type III process, a current Clark County assessor map(s) showing the property(ies) within a radius of the subject site as required in CCC 40.510.030(F) (Type III);
  - E. If the application is subject to pre-application review based on the code, unless the director has waived the pre-application conference, a copy of the pre-application conference summary, and information required by the pre-application conference summary, unless not timely prepared as required by CCC 40.510.030(F);
- III. Proposed construction
  - A. Precise written statement describing work on CCHPC application form.
  - B. Site plan including that information specified in Section 2 (1) (A) above and:
    - 1. The proposed building(s) outline with dimensions relative to property lines and existing buildings adjacent to the property.
    - 2. New parking areas, driveways, utilities, etc.
    - 3. Any proposed planting and landscaping, sidewalks and patios, mechanical equipment and other appurtenances such as walls, gates and accessory buildings.
    - 4. Other information as required based upon information supplied in A. above.

IV. Impact

- A. Precise written description of how the proposed new construction will affect the historic nature of the district or property.
- B. Sketch of affected streetscapes indicating impact.

Demolition

Necessary documentation for demolition of a property on the Clark County Heritage Register must include:

1. A copy of the nomination of the property to the Clark County Heritage Register.
2. Description of structural integrity. A statement by a registered structural engineer may be required.
3. Reason or justification for demolition (should include statement of why the property is not salvageable or why it cannot be maintained).
4. Any planned new construction.
5. Photographs of all sides of construction and the interior.
6. Survey plat.
7. A bona fide list of alternatives to demolition that have been investigated by the property owner/applicant. A bona fide list of alternatives to demolition may include: an economic analysis; offers to lease, sell or dedicate site to a private, public or non-profit entity, and outcome of the offer; relocation of building, etc.

Relocation

Moving significant buildings sometimes is the only alternative to demolition and should be undertaken as a last resort only after all other preservation options have been thoroughly researched. Moving is an expensive undertaking and often results in a loss of integrity of setting within the existing cultural and historic landscape of the relocated building. This should be attempted only after thorough planning and preparation. The Historic Preservation Commission should be consulted early in the planning stages.

The following guidelines should be followed for the relocation of a structure:

1. Document the structure and site so that a permanent record of the structure is made prior to its relocation. Photography, measured drawings, and written documentation which portray the structure on its original site should be made a part of the files of the Historic Preservation Commission.
2. Protect the structural and architectural integrity of a building when it is moved. The building should be moved as a single, intact unit, whenever possible. Partial or complete disassembly is less desirable.
3. Choose a new location that has considered the architectural and neighborhood compatibility. In addition, the impact which the relocation will have on nearby buildings should also be considered. Special attention should be given to orientation, lot coverage, spacing, setback, and site planning.

Other Information Which May Be Required

The following may be required by staff or the Commission after consultation with the applicant to discuss the scope of work proposed:

- I. Existing conditions
  - A. A scaled site plan or plans illustrating existing conditions, including:
    - 1. Building dimensions relative to property lines and existing building adjacent to the property.
    - 2. Right-of-ways and easements.
    - 3. Building setbacks.
    - 4. Utilities.
    - 5. Any planting and landscaping, parking lots, driveways, sidewalks and patios, mechanical equipment and other appurtenances such as walls, gates and accessory buildings.
    - 6. Features mentioned in the nomination and their condition.
    - 7. Other information as required.
  - B. Building elevations and typical building cross section illustrating existing conditions, including:
    - 1. Vertical dimensions.
    - 2. Existing grade.
    - 3. Cladding.
    - 4. Roof type, slopes and material.
    - 5. Window type and material.
    - 6. Mechanical vents.
    - 7. Types of outdoor light fixtures.
    - 8. Design and location of signage.
    - 9. Features mentioned in the nomination and their condition.
    - 10. Other information as required.
  - C. If historic significance is related to interior features, floor plans depicting:
    - 1. The arrangement of the interior spaces.
    - 2. Location of windows and doors.
    - 3. Features mentioned in the nomination.
    - 4. Other information as required.
- II. Proposed alteration or construction
  - A. Complete blueprints and construction plans of project.
- III. Impact
  - A. A scaled site plan or plans showing conditions after the proposed construction including those items listed under (I)(A) above and with specific depiction's and descriptions of how changes will affect those items under (I)(A)(6) above.
  - B. Building elevations and typical building cross section showing conditions after the proposed construction including those items listed under (I)(B) above and with specific depiction's and descriptions of how changes will affect those items under (I)(C)(3) above.



## **Criteria for Design Review**

The Secretary of the Interior has established the following Standards to be considered during the Design Review process:

Secretary of the Interior's Standards for Rehabilitation:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purposes.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be recognized and respected.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications or features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, materials, and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

After identifying the distinguishing historic characteristics of a property subject to the Design Review process, retention and preservation of those features and materials is the primary goal of the Design Review effort.

This is accomplished through the review process individual to each property. However, there are preferred options, specified by the Secretary of the Interior, common to each property. These are, in descending order of preferability: (1) protecting and maintaining, (2) repairing, (3) replacing, (4) design for missing features, and (5) alterations and additions to historic buildings.

## PROTECTING AND MAINTAINING

Protecting and maintaining is accomplished by:

1. Providing proper drainage so that water does not cause damage to:
  - a. Masonry
  - b. Flat, horizontal and decorative wooden features
  - c. Flat, horizontal and decorative metal features
  - d. Structural members, foundations and walls
  - e. The historic landscape
2. Providing proper venting which help prevent moisture condensation damage and subsequent insect damage.
3. Cleaning features and materials only when necessary using only the gentlest methods. This includes cleaning gutters and downspouts on roofs and replacing flashings on the roof and over windows.
4. Removing rust from metal structural and decorative features.
5. Examining protective coating systems (paint, shellac, etc.), and removal of loose or deteriorated materials to the next intact layer by the gentlest means possible. (This may include electric heating devices, chemicals, or scraping and brushing). Reapplication of compatible protective coating systems following proper surface preparation in historically accurate colors is then necessary to prevent deterioration.
6. Applying non-obtrusive chemical and physical preservatives to features not previously protected.
7. Providing non-obtrusive insulation, recaulking and weather-stripping to improve thermal efficiency.
8. Carefully testing of all the above materials and methods in non-conspicuous areas to gauge their effect on the historic fabric.
9. Carefully inspecting materials and features to see if repairs or replacement are necessary. This may include using such non-destructive techniques as x-ray photography to evaluate the structural integrity of buildings or structures.

## REPAIRS

Repairs may include patching, splicing, piecing in, or reinforcing present materials and features (including upgrading individual elements of a feature), following recognized preservation methods. If there are seriously deteriorated or missing elements along with surviving models or prototypes, repairs may also include limited in kind replacement or replacement with a compatible substitute material if the original material is not economically feasible.

In repairing, duplication of the appearance, strength, composition, color and texture is sought. For example, in repainting masonry, care should be taken to replicate the size and shape of the mortar joint and the color of the mortar. For repairing stucco, the damaged material should be removed and the stucco matched in strength, composition, color and texture.

## REPLACING

If an entire feature is too deteriorated to repair, but the overall form and detailing are still evident, the feature should be replaced. The replacement should attempt to replicate the original, using the physical evidence to guide the new work. If using the exact material is not technically or economically feasible, a compatible substitute material may be considered. The substitute material should offer the same, or greater, structural support.

## DESIGN FOR MISSING HISTORIC FEATURES

Due to its complex technical and/or design implications, this option should only be considered after the other possibilities have been explored. It entails designing and installing a copy when the historic feature or model is physically missing. A restoration using historical descriptions, pictorial representations, and/or physical documentation may be attempted, or a new design, compatible in size, scale, material and color may be substituted.

## ALTERATIONS AND ADDITIONS

New additions to historic buildings should be a last resort and should be placed to minimize loss, damage or the obscuring of character defining features. Both internal and external alterations should be as inconspicuous as possible from public right of way and from main interior spaces. Such new features should be compatible with overall building design in terms of size, scale, material and color, but should not try to duplicate existing historical features.

Excavations adjacent to historic foundations should be limited to avoid damage to those foundations or to any archaeological deposits that may be nearby.

Alterations for health and safety codes or for energy retrofitting should be done so that the historic building's character defining spaces, features, etc., will not be impacted.

## SPECIAL VALUATION

In 1985, the Washington State Legislature passed a "special valuation" law (RCW 84.26) which makes it possible for Certified Local Governments (CLG's) to insure that property taxes will not reflect substantial improvements made to certain classes of properties as identified by the CLG for a ten year period. The CLG may amend the criteria for eligibility; however, if made more restrictive, these do not become effective for two years following October 1 of the year they were enacted. This means that owners of certain types of historic properties have the potential to realize substantial tax savings.

Properties on the National Register of Historic Places, Clark County Heritage Register or contributing properties within a Clark County Register Historic District are eligible for special valuation.

### Procedures for Conducting Special Valuation Review Meetings

#### A. **PRIOR TO BEGINNING REHABILITATION**

##### 1. Applicant or Designated Agent

- a. It is highly recommended that the applicant consult with the Clark County Historic Preservation Commission (CCHPC) staff prior to beginning rehabilitation work to get information on standards, requirements and procedures for design review and special valuation.

#### B. **PRIOR TO SPECIAL VALUATION REVIEW MEETING**

##### 1. Applicant or Designated Agent

- a. Submits the application to the County Assessor on a Department of Revenue form. The application must be submitted no later than October 1 for special valuation to be effective by January 1 of the next tax year. A fee (determined by the appropriate jurisdiction) must be submitted with the application.
- b. Monitors construction work to ensure that it conforms to the Washington State Advisory Commission's (Secretary of the Interior) Standards for Rehabilitation (Standards).
- c. Maintains accurate records of project costs and dates.

##### 2. County Assessor

The Assessor:

- a. Verifies the legal owner and legal description.
- b. Determines the assessed valuation of the building carried on the assessment role twenty-four (24) months prior to filing the application.
- c. Submits the application to the CCHPC staff within ten working days of receipt of the completed application.

##### 3. Staff

Prior to the meeting, the Clark County Historic Preservation Commission staff:

- a. Reviews the application for completeness.
- b. Places the case on the agenda for the next regularly scheduled meeting as long as there is at least 30 days review period before that meeting. If there are not

30 days, the case will be scheduled for the next month's regularly scheduled meeting.

- c. Reviews the case and prepares a report for the Commission.
- d. If necessary, arranges a property visitation with the owner for the Commission.

4. Clark County Historic Preservation Commission

The CCHPC:

- a. Reviews the application and the staff report.
- b. If necessary, visits the property.

C. **MEETING**

Special Valuation Review will occur at regularly scheduled Clark County Historic Preservation Commission meetings. The Special Valuation cases will be considered in the order they are received by the Staff.

- 1. The regular order of business for consideration of Special Valuation applications shall be as follows:
  - a. The Chairperson or Chairperson designated person shall offer a preliminary statement concerning the application.
  - b. The staff report is presented.
  - c. The applicant or the designated agent of the applicant presents statements in favor of the application including relevant pictures, models, etc.
  - d. Statements in opposition to the application.
  - e. Comments by staff, interested persons, organization, or legal entities.
  - f. Rebuttal by all concerned parties.
  - g. Summary of above by Chairperson or designated person.
  - h. Deliberation by Commission.
  - i. Vote

During the course of the meeting, the above procedure may be temporarily modified by the concurrence of all parties and the CCHPC.

- 2. At the meeting the CCHPC determines if:
  - a. The property is in on the National Register of Historic Places, Clark County Heritage Register or a contributing property within the boundaries of a Clark County Register Historic District.
  - b. The work was done within 24 months prior to the application date. The applicant must submit evidence, such as receipts, permits, and a notarized statement attesting to the actual itemized costs and indicating rehabilitation work was done within the 24 months prior to submitting the application for special valuation.
  - c. The work complies with the Standards by not adversely affecting those elements that contribute to the property's significance.
  - d. The "qualified rehabilitation expenditures" constitute at least 25 percent of the assessed value of the property, excluding land value, prior to the rehabilitation.
- 3. If all the conditions are satisfied, the CCHPC votes on the application and makes a determination if the property qualifies for special valuation.

C. **POST MEETING**

1. Staff

After the meeting the staff shall:

- a. Notifies the owner in writing within 10 working days of the meeting of the CCHPC's determination.
- b. If the property is ineligible, advise the applicant of the reasons for the denial and inform him/her of the appeals process.
- c. If the CCHPC grants special valuation status to the property, prepares the terms of agreement.
- d. If the applicant signs the terms of agreement, staff collects recording fees from the applicant, transmits the application and agreement to the County Auditor's office for recording.
- e. Transmits copies of the above documents to the County Assessor's office within 10 days of the decision.
- f. Notifies the Washington State Advisory Council of the application approval.
- g. Monitors, at least once a year during the special valuation 10 year period, the owner's compliance with the terms of the agreement.
- h. If the owner fails to comply with the terms of the agreement or, because of the rehabilitation or neglect, the property loses historic value to such an extent that it is no longer deemed appropriate for inclusion to the Clark County Heritage Register or National Register by a majority of the CCHPC members, notify the owner, the assessor, and the Washington State Advisory Commission of the disqualification. Review for removal from the Clark County Heritage Register by the Commission is conducted pursuant to CCC 40.250.030(F)(4).

2. Clark County Historic Preservation Commission

After the Board of County Commissioners has granted the property special valuation status, the CCHPC:

- a. Enters into an agreement on behalf of Clark County. This agreement shall cover the 10-year special valuation period and shall include the minimum standards as detailed below. The owner shall:
  - (1) Monitor the property for its continued qualification for special valuation.
  - (2) Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement.
  - (3) Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right-of-way.
  - (4) Apply to the Commission for a Certificate of Appropriateness or waiver for any alteration or demolition pursuant to CCC 40.250.030(G).
  - (5) Comply with any other provisions in the original agreement as may be appropriate.
- b. Upon the execution of the agreement with the application, approve the application.
- c. If the property is consequently sold, enter into an agreement with the new owner. That agreement will contain those minimum standards as detailed above and will be effective for the duration of the 10-year period.

## **Application Standards for Special Valuation**

Documentation shall include, at a minimum, all identified materials illustrating:

1. That the property is eligible for Special Valuation status.
2. When the work occurred.
3. Whether special valuation financial requirements have been fulfilled.
4. Whether the work complies with the Secretary of the Interior's Standards for Rehabilitation.

To properly document each of these divisions, at least one copy of the following documents must be submitted with the application. These will remain on file with the CCHPC. All drawings, means that plans and elevations must be drawn to scale and have the measurements included and be signed by the architect or draftsman.

For phased projects, complete documentation must be submitted for every phase of the project.

### I. Eligibility

1. A copy of the nomination form to the Clark County Heritage Register clearly indicating when the property was listed on the Clark County Heritage Register or National Register of Historic Places.

### II. When the work occurred

1. A notarized affidavit indicating the rehabilitation work was completed within 24 months of the date of application is required.

### III. Special valuation financial requirements

1. Notarized affidavit attesting to the actual itemized costs of the rehabilitation work.
2. The Clark County Assessor's assessment of the value of the structure 24 months prior to application.
3. Actual receipts, work orders, construction costs or proof of other relevant expenditures.

### IV. Compliance with the Secretary of the Interior's Standards

To assure that the applicant has complied with the Standards, the following materials are necessary:

1. Precise written statement describing the completed rehabilitation work on the Clark County Historic Preservation Commission's application form.
2. If the property was on the Clark County Heritage Register prior to the project, the Design Review application and accompanying documentation, Certificate of Appropriateness for the rehabilitation work from the Clark County Historic Preservation Commission, and a copy of the terms of agreement as specified under the Special Valuation rules and procedures.
3. Materials as specified in Application Standards for Design Review illustrating conditions prior to construction (existing conditions), and proposed alterations. If the property was not on Clark County Heritage Register prior to construction, this material must include:

- a. Photographs taken prior to construction. Photos should be 4"x6" or 5"x7" minimum format in either black and white or color with negatives and/or an electronically formatted file, when possible and must be clearly labeled to identify case, location, subjects, and the direction the photograph was taken. Necessary photographs include:
    - (1) Historic photographs or other source material of replicated features.
    - (2) If in a historic district, a current streetscape.
  - b. Drawings illustrating those features with notes on how they have been affected by construction.
  - c. All working drawings including blueprints, site plans, scaled drawings, and other items as specified under Proposed Alterations in Application Standards for Design Review.
4. Materials illustrating the impact of construction as specified in Application Standards for Design Review under Impact. However, actual construction impacts rather than projected ones must be documented. If the property was not subject to design review (*i.e. National Register properties*), required documentation shall minimally include:
    - a. A precise written description on an CCHPC form of how the alterations have affected those features listed as determining the property's historic character on the register nomination form.
  5. Samples of utilized materials may be required by the Clark County Historic Preservation Commission.
  6. Other information which may be required to review an applicant's particular case identified at a pre-application meeting.

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## **Criteria for Special Valuation**

The criteria to be followed in the Special Valuation process is the Secretary of the Interior's Standards for Rehabilitation as established in the Federal Code of Regulations (36CFR67). For the Special Valuation process no new construction is eligible except as it is non-habitable, non-rentable space.

Secretary of the Interior's Standards for Rehabilitation:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
10. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

**Special Valuation Agreement**

The following historic preservation special valuation agreement shall be used by the board as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2):

This Historic Preservation Agreement is entered into this \_\_\_\_ day of \_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_ (hereinafter referred to as APPLICANT) and the Clark County Historic Commission (hereinafter referred to as LOCAL REVIEW BOARD).

WHEREAS APPLICANT is the owner of record of the historic property commonly known as \_\_\_\_, located at \_\_\_\_, State of Washington, as more fully described in Exhibit A, attached hereto and incorporated herein by this reference (hereinafter referred to as PROPERTY); and

WHEREAS APPLICANT has request special valuation of the PROPERTY pursuant to Chapter 84.26 RCW; and

WHEREAS the LOCAL REVIEW BOARD has determined that the PROPERTY has been substantially rehabilitated within the two year period preceding the date of application and the actual cost of said rehabilitation equals or exceeds twenty-five percent of the assessed valuation of the PROPERTY prior to the improvements; and

WHEREAS the LOCAL REVIEW BOARD has verified that the PROPERTY is historic property that falls within a class of properties determined eligible for special valuation by local ordinance or administrative rule; and

WHEREAS the LOCAL REVIEW BOARD finds that the rehabilitation work has not altered the PROPERTY in any way which adversely affects those elements which qualify it as historically significant;

NOW, THEREFORE, in recognition of the foregoing, the APPLICANT enters into this Agreement with the LOCAL REVIEW BOARD and agrees to adhere to the following terms and conditions for the ten-year period of the special valuation classification:

1. APPLICANT agrees to comply with the Washington State Advisory Council's Standards for the Maintenance and Rehabilitation of Historic Properties as set forth in Exhibit B, which is attached hereto and by this reference incorporated herein.
2. APPLICANT agrees the property shall not be altered without the prior written consent of the LOCAL REVIEW BOARD signed by a duly authorized representative thereof. NO construction, alteration or remodeling or any other action shall be undertaken or permitted to be undertaken which would affect the historic character of the PROPERTY which classifies it as eligible for special valuation, or which would affect the appearance of the PROPERTY as depicted in the photographs attached hereto and incorporated herein by this reference as Exhibits \_\_\_\_ through \_\_\_\_, or which would adversely affect the structural soundness of the PROPERTY; or refinishing of presently existing parts or elements of the PROPERTY subject to this Agreement, damage to which has resulted from casualty loss, deterioration or wear and tear, shall be permitted without the prior approval of the LOCAL REVIEW BOARD, provided that such reconstruction, repair, repainting, or refinishing is performed in a manner which will not alter the appearance of those elements of the PROPERTY subject to the Agreement as they are as of this date. Exterior changes which shall require the consent of the LOCAL REVIEW BOARD shall include, but not be limited to, any substantial structural change or any change in design, color or materials.



**EXHIBIT B**

WASHINGTON STATE ADVISORY COUNCIL'S STANDARDS  
FOR REHABILITATION AND MAINTENANCE OF HISTORIC PROPERTIES  
(also known as the Secretary of the Interior's Standards for Rehabilitation)

The following rehabilitation and maintenance standards shall be used by the board as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified:

REHABILITATION:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purposes.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be recognized and respected.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquire significance in their own right and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications or features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, materials, and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

Special Valuation Agreement  
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MAINTENANCE:

1. Buildings and structures shall not be allowed to deteriorate beyond the point where routine maintenance and repair will return them to good condition.
2. Buildings shall be kept in a safe and habitable condition at all times. Structural defects and hazards shall be corrected. Any condition which constitutes a fire hazard shall be eliminated.
3. Buildings shall be protected against ongoing water damage due to defective roofing, flashing, glazing, caulking, or other causes. Moisture condensation resulting from inadequate heat or ventilation shall be eliminated if present at levels sufficient to promote rot or decay of building materials.
4. Deteriorated exterior architectural features and any broken or missing doors and windows shall be repaired or replaced.
5. Painted exterior surfaces shall be maintained and repainted as necessary to prevent a deteriorated appearance or damage to the substrate. Exterior masonry surfaces shall be tuck pointed where required to maintain the mortar in good condition. Finished tuck pointing shall match the original mortar joint in hardness and appearance.

## CURRENT USE PROGRAM

Many existing sites and structures exemplify Clark County's rich history. These sites are important to our community's sense of place, identity, heritage, and the education of our children. Property owners who register their historic properties make a commitment to preserving these sites. One of their rewards is a lower tax assessment for the underlying land. Therefore, every property listed on the Clark County Heritage Register, the Washington State Heritage Register and/or the National Register of Historic Places is eligible for the Current Use Program under the Open Space Designation. Property owners must apply for and be granted the reduction and may continue in the program until the historic use is changed or the owner elects to remove it from the program.

### Application Process

#### Where to Apply

An application packet may be obtained in person from the Assessor's Office located on the 2<sup>nd</sup> floor of the Public Service Center, 1300 Franklin Street, Vancouver, Washington or by phone at (360) 397-2391.

#### Application Fees

An application fee (determined by the county) must be paid to Clark County Treasurer's Office. A copy of the receipt(s) must be submitted to the Assessor's office along with the application.

#### Application Requirements

**ALL** owners of the land requesting classification must sign the application. An application for classification as open space land must be submitted along with any relevant documentation supporting classification. Applications received on or before December 31st will be processed during the next calendar year for the following year's taxes (e.g., 2008 application year, 2009 inspection year, 2010 classification reflected on taxes).

#### Review Process

A physical inspection of the property will be performed to determine that the property is qualified, and being used for the purpose(s) stated on the application.

Following the physical inspection, two public hearings will be held. The first is with the Clark County Planning Commission. They review the findings of the field inspection along with the submitted information. After review, the Planning Commission passes its recommendation on to the second public hearing held with the Clark County Commissioners.

The County Commissioners approve, in whole or in part, or deny the application for classification as Open Space Land.

Following the hearing with the Commissioners, four identical Agreements will be mailed to the applicant(s) by the Clark County Department of Community Development. The applicant(s) sign each of the Agreements and return three to the Clark County Assessor's Office.

The Assessor will record the signed Agreement with the Clark County Auditor for the purpose of having a public recording of the tax lien (for back tax purposes) on the property.

### Appealing an Application Denial

The owner(s) may appeal the Commissioner's denial of an application, in whole or in part, to Clark County's Superior Court.

### Criteria for Classification Continues to Apply after Classification Has Been Granted

Once a property has been classified as Open Space Land, the classification continues without a need for renewal until classified activity ceases or there is a change in use of the land. However, the owner(s) of classified land must continue to meet the criteria established for the approved classification.

State law requires the Assessor to audit these programs. Periodically, physical inspections of the property will be conducted. Owner(s) will be asked to submit information necessary to determine continued qualification for the program in which their properties are enrolled.

### **Transfer of Land Between Classifications**

Open Space Land may not be transferred (reclassified) into any other program. If it no longer qualifies to continue in its current classification, it must be removed.

### **Request to Withdraw Classified Land**

~~If an owner wishes to withdraw all or a portion of their property from the current use classification at the end of the ten year commitment period, a notice must be filed prior to the eighth year, of the initial ten year classification period, to avoid an additional 20% penalty. Upon receiving the request for withdrawal, the Assessor will, when the two-year period has elapsed, automatically withdraw the land from classification and calculate the additional tax and interest due.~~

~~If a portion of the property is removed from classification, the remaining portion must continue to meet the revised criteria of the new classified size. For example, reducing the number of classified Open Space Land acres from ten to nine after building a house will result in the remaining acreage being removed from the program as it no longer meets the minimum acreage requirement.~~

A owner can withdraw all or a portion of their property from the current use classification after the land has been classified for 10 or more years, with no 20% penalty. The applicable taxes and interest shall be imposed as provided in RCW 84.34.070.

Land whose classification is removed prior to the minimum 10 year period, shall be liable to pay the additional tax, interest, and penalty for a maximum of seven tax years.

If a portion of the property is removed from classification, the remaining portion must continue to meet the revised criteria of the new classified size. For example, reducing the number of classified Open Space Land acres from ten to nine after building a house will result in the remaining acreage being removed from the program as it no longer meets the minimum acreage requirements.

## Withdrawal of Classification Due to Change in Use

Current Use classification will be removed, and additional taxes, interest and penalties will be imposed, upon the occurrence of any of the following:

- o Notification by property owner of a change in use is required
- o An owner who has change or intends on changing the use of classified land must notify the Clark County Assessor within sixty days of the change in use.

### Assessor determination that a change in use has occurred

Should the Assessor determine that a change in use has occurred, the Assessor may remove the classification, and give notice to the property owner within thirty days, explaining the reasons for removal.

### Sale or transfer of the property and the buyer does not wish to continue classification

Additional taxes, interest and penalties apply if the buyer does not wish to have the property remain classified. These additional taxes, interests and penalties must be collected before a conveyance is recorded. **The Assessor's office requires additional time to process these removals.**

## Lien of Taxes

Additional tax, applicable interest, and penalty imposed due to withdrawal from a current use program become a lien against the property at the time of removal. The lien has priority over any other encumbrance on the land. A tax lien may be foreclosed upon in the same manner as delinquent real property taxes.

## Continuance of Classified Land

If a buyer wishes to continue in the Open Space Land classification, the buyer must complete several forms. A continuance packet may be obtained from the Clark County Assessor's Office.

The buyer may request to continue in the Open Space Land classification by signing the Notice of Continuance on the Real Estate Excise Tax Affidavit, completing an Intent to Continue Current Use Classification form and completing a Notice of Continuance form. **All buyers must sign the required forms.**

When this information is provided to the Assessor's office, it will be reviewed to verify the property meets the requirements provided under the law. We also review any property the seller may continue to own and verify it is able to remain classified.

## When Removal of Land From a Program Classification is not Subject to Additional Taxes, Interest or Penalties

The additional tax, applicable interest, and penalty will not be imposed if the removal from classification results solely from:



- a) Transfer to a government entity in exchange for other land located within the state of Washington;
- b) Land taken through the exercise of the power of eminent domain, or sold or transferred in anticipation of the exercise of such power, and notification was received in writing or by other official action;
- c) A natural disaster changes the use of the property;
- d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of the land;
- e) Transfer of land to a church when the land would qualify for exemptions granted thereto;
- f) Acquisition of property interests by state agencies or agencies or organizations qualified by law;
- g) Removal of land classified as farm and agricultural land on which housing for employees and/or principal place of residence is sited;
- h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;
- i) The creation, sale, or transfer of forestry riparian easements;
- j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian Open Space Program;
- k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993;
- l) The sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993 and the sale or transfer takes place within two years of the death of the owner.

## Estimation of Back Taxes

### How to calculate additional tax, interest and penalties

Taxes equal the difference between the actual tax paid under the Open Space Land classification and the tax at true and fair market value for the current year and the last seven years, plus interest at 1% per month.

In certain circumstances, a 20% penalty is also imposed. This is a statutory penalty written in the Open Space Taxation Act.

The taxes, interest and penalties become due 30 days following notification to the owner, and are subject to additional interest of 1% per month after the due date.

Prepared Estimates

The Assessor's office provides all information necessary for the owner to complete the calculation. Upon request, the Assessor's office will calculate the amount of additional taxes, interest and penalties. **The Assessor's office requires additional time to process these requests.**