

1 **Exhibit 1 – Title 40 Amendments**

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3 **40.250.030 Historic Preservation**

4 A. Purpose.

5 The purpose of this section is to provide for the identification, evaluation and protection of historic  
6 and prehistoric resources within the county and to encourage the preservation, restoration and  
7 rehabilitation of eligible historic and/or cultural resources within the county for future generations in  
8 order to:

- 9 1. Safeguard the heritage of the county as represented by those properties that reflect the  
10 significant elements of the county’s history;
- 11 2. Increase recognition of the county’s historic and cultural resources;
- 12 3. Foster a sense of identity based upon the county’s history;
- 13 4. Assist, encourage and provide incentives to property owners for preservation, restoration and  
14 use of significant properties; and
- 15 5. Promote and facilitate the early identification and resolution of conflicts between preservation of  
16 historic/cultural resources and alternative land uses.

17 *(Amended: Ord. 2018-08-04)*

18 B. Applicability.

19 This section applies to any property which falls into the following categories:

- 20 1. Listed on the Clark County Cultural Resources Inventory or for which application to be listed  
21 has been filed with the Historic Preservation staff per Section 40.250.030(K);
- 22 2. Listed on the National Register of Historic Places or Washington State Heritage Register or the  
23 Washington Department of Archaeology and Historic Preservation (DAHP) has requested the  
24 Historic Preservation Commission to review and provide a recommendation on a nomination  
25 per Section 40.250.030(D)(4)(f);
- 26 3. Listed on the Clark County Heritage Register or for which a nomination application to be listed  
27 has been filed with the Historic Preservation staff per Section 40.250.030(E).

28 *(Amended: Ord. 2018-08-04)*

29 C. Definitions.

30 For the purposes of this section, the following definitions shall apply, unless a different meaning  
31 clearly appears from the context:

Certificate of appropriateness (COA)	“Certificate of appropriateness” means the document indicating that the Commission or Commission staff has reviewed the proposed changes to a property on the Clark County Heritage Register, or within a historic district, and has certified the changes as not adversely affecting the historic characteristics of the property that contribute to its designation on
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	the Clark County Heritage Register.
Certified local government (CLG)	Local governments that establish a historic preservation program meeting federal and state standards are eligible to apply to the State Historic Preservation Officer (SHPO) and the National Park Service for certification. A local government that receives such certification is known as a “certified local government” or “CLG.”
Clark County Cultural Resources Inventory	“Clark County Cultural Resources Inventory” or “inventory” means a comprehensive inventory of historic resources within the boundaries of Clark County including resources identified in the Clark County Cultural Resources Inventory and other inventories by local jurisdictions within Clark County.
Clark County Heritage Register (CCHR)	“Clark County Heritage Register” means the list of properties that have been designated to be representative of Clark County’s rich history.
Commission	“Commission” means the Clark County Historic Preservation Commission.
Contributing	“Contributing” means a property originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling or association) to convey a sense of history.
County Council	“County Council” shall refer to the Clark County Council.
Cultural resources	“Cultural resources” consist of historic, prehistoric, or archaeological sites, and standing structures, cemeteries, burial grounds, and funerary objects, and distributions of cultural remains and artifacts.
Cultural Resources Inventory	“Cultural Resources Inventory” means a comprehensive inventory of historic resources within the boundaries of Clark County, including resources identified by local jurisdictions within Clark County. The inventory is a tool for planning and research, which includes those resources believed to have prehistoric, historic, or cultural significance to Clark County, or even the nation, regardless of current ownership.
District	A “district” is a geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects, which are united by past events or aesthetically by plan or physical development.
Emergency repair	“Emergency repair” means work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto which are immediately threatened or damaged by fire, flood, earthquake or other disaster.
National Register of Historic Places	“National Register of Historic Places” means the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering or cultural heritage.
Noncontributing	“Noncontributing” means a property that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history.
Ordinary repair and maintenance	“Ordinary repair and maintenance” means work for which a permit issued by Clark County is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structural appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence

	of such deterioration, decay or damage.
Party of record	“Party of record” means all persons, agencies or organizations who have submitted written testimony before, during, or prior to the close of a public hearing; or have provided oral testimony at a public hearing; or have signed the sign-in sheet noting the person’s name, address and the subject matter in which they are interested; or have submitted a written request to the responsible official to be a “party of record,” that is specific to a particular application prior to the close of the subject public hearing. Notwithstanding any of the foregoing, no person shall be a party of record who has not furnished an accurate post office mailing address or email address.
Period of significance	“Period of significance” means the time period, from one (1) to several years or decades, during which a property or district was associated with an important historic event(s), trend(s), person(s), architecture, or method(s) of construction.
Professional archaeologist	“Professional archaeologist” means a person with qualifications meeting the federal Secretary of the Interior’s standards for a professional archaeologist, as defined in RCW 27.53.030.
Property or properties	“Property or properties” as referenced in this section means one (1) or more buildings, objects, sites, or structures listed on the Clark County Heritage Register or for which application to be listed on the CCHR, National Register, Washington Heritage Register, or Cultural Resources Inventory has been filed.
Rules and procedures	“Rules and procedures” are the Historic Preservation Commission’s guidelines for conducting various historic preservation processes that are reviewed by the Commission.
Significance or significant	“Significance” or “significant” used in the context of historic significance means the following: a building, object, site, or structure with local, state, or national significance is one which helps in the understanding of the history of the local area, state, or nation (whichever is applicable), by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style. The local area can include Clark County, or southwest Washington, or a smaller geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one (1) or more localities; state significance may apply to a property that illustrates a theme important to the history of the state; and national significance may apply to a property that is of exceptional value in representing or illustrating an important theme in the history of the nation.
Special valuation tax incentive program	“Special valuation tax incentive program” or “special valuation” means the local option program which makes available to property owners a special tax valuation for rehabilitation of historic properties, and under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten (10) years, the actual cost of the rehabilitation.
Washington Heritage Register	“Washington Heritage Register” means the state listing of properties significant to the community, state or nation.

1 (Amended: Ord. 2009-07-01; Ord. 2018-08-04)

2 D. Clark County Historic Preservation Commission.

1 1. Creation and Size. There is established a Clark County Historic Preservation Commission  
2 (the Commission), consisting of ~~a minimum of five (5)~~ seven (7) members. Five (5)  
3 Members of the Commission shall be appointed by the County Council and shall be  
4 residents of the county, except as provided in Section 40.250.030(D)(2)(b), and two (2)  
5 members of the Commission shall be appointed by the Vancouver City Council, except as  
6 provided in Section 40.250.030(D)(2)(b).

7 2. Composition of the Commission.

8 a. The County Council must ensure that ~~All~~ members appointed to of the Commission must  
9 have a demonstrated special interest, experience or knowledge in history, historic  
10 preservation, architecture or related disciplines as listed in Section 40.250.030(D)(2)(b).

11 b. The Vancouver City Council and the County Council must coordinate to ensure that ~~t~~The  
12 Commission shall always includes at least two (2) professionals who have experience in  
13 identifying, evaluating, and protecting historic and cultural resources, and are selected from  
14 among the disciplines of history, public history, architecture, architectural history, historic  
15 preservation, planning, cultural anthropology, archaeology, cultural geography, American  
16 studies, or the practice of historic rehabilitation or restoration. The Commission may take  
17 action ~~that would otherwise be valid shall not be rendered invalid by~~ even if there is a the  
18 temporary vacancy of one (1) or all of the professional positions, unless the Commission  
19 action is related to meeting certified local government (CLG) responsibilities cited in the  
20 certification agreement between the County Council and the State Historic Preservation  
21 Officer. Furthermore, an exception to the residency requirement of Commission members  
22 may be granted by the County Council for the commission members appointed by the  
23 County Council in order to obtain representatives from these disciplines. An exception to  
24 the residency requirement of Commission members may be granted by the Vancouver City  
25 Council for the commission members appointed by the Vancouver City Council in order to  
26 obtain representatives from these disciplines.

27 3. Terms.

28 a. The initial appointments to the Commission are shall be staggered. Two (2) members shall  
29 be appointed for one (1) year, two (2) members shall be appointed for two (2) years, and  
30 one (1) member shall be appointed for three (3) years. Thereafter ~~t~~The terms shall be are  
31 for three (3) years. Membership on the Commission shall be is limited to two (2) full  
32 consecutive three (3) year terms. Reappointment after two (2) full consecutive terms may  
33 be made after at least a one (1) year absence.

34 b. Vacancies occurring otherwise than through the expiration of terms shall be filled for the  
35 unexpired terms. Members appointed by the County Council may be removed by the  
36 County Council for inefficiency, neglect of duty, or malfeasance in office. The County  
37 Council shall select Commission members shall be selected without respect regard  
38 to political affiliations.

39 4. Powers and Duties. The major responsibilities of the Historic Preservation Commission are to  
40 identify and actively encourage the conservation of the county's historic and cultural  
41 resources by initiating and maintaining a register of historic places and reviewing proposed  
42 changes to register properties; to raise community awareness of the county's historic and  
43 cultural resources; and to serve as the county's primary resource in matters of historic  
44 preservation. In carrying out these responsibilities, the Commission shall engage in the  
45 following:

- 1 a. Conduct and maintain a comprehensive inventory of historic and cultural resources within  
2 the boundaries of Clark County and known as the Clark County Cultural Resources  
3 Inventory; publicize and periodically update inventory results;
  - 4 b. Maintain the Clark County Heritage Register (CCHR). This official register shall be  
5 compiled of properties identified by the Commission as having historic significance worthy  
6 of recognition by the county and encouragement of efforts by owners to maintain,  
7 rehabilitate, and preserve properties;
  - 8 c. Review nominations to the Clark County Heritage Register according to criteria in Section  
9 40.250.030(E)(1) and adopt standards in its rules and procedures to be used to guide this  
10 review;
  - 11 d. Review proposals to construct, change, alter, modify, remodel, move, demolish, or  
12 significantly affect properties or districts on the Clark County Heritage Register as provided  
13 in Section 40.250.030(F); and adopt standards in its rules and procedures to guide this  
14 review and the issuance of a certificate of appropriateness or waiver;
  - 15 e. Conduct all Commission meetings in compliance with Chapter 42.30 RCW, Open Public  
16 Meetings Act, to provide for adequate public participation and adopt standards in its rules  
17 and procedures to guide this action;
  - 18 f. Review nominations to the National Register of Historic Places and provide  
19 recommendations to the applicable agency according to criteria in the Commission's rules  
20 and procedures;
  - 21 g. Submit nominations to the Washington State Heritage Register and National Register of  
22 Historic Places;
  - 23 h. Provide for comment by the Commission on all applications for approvals, permits,  
24 environmental assessments or impact statements, and other similar documents pertaining  
25 to identified historic or cultural resources, or adjacent properties when requested to by  
26 staff;
  - 27 i. Provide information, comment, and support to the public and agencies on matters related  
28 to historic preservation;
  - 29 j. Encourage recognition of noteworthy efforts in the rehabilitation or maintenance of historic  
30 properties and districts, and new construction in historic areas;
  - 31 k. Serve as the local review board for special valuation pursuant to Chapter 84.26 RCW and  
32 Section 40.250.030(I).
- 33 5. Compensation. All members shall serve without compensation.
  - 34 6. Rules and Officers.
    - 35 a. The Commission shall establish and adopt its rules and procedures not inconsistent with  
36 this section.
    - 37 b. The Commission shall select from among its membership a Chair and Vice-Chair to  
38 conduct the Commission's business.

- 1 c. All official actions of the Commission shall require a majority vote of the members. No  
2 member shall be eligible to vote upon any matter unless that member has attended the  
3 hearing.
- 4 7. Commission Staff. Staff assistance shall be provided by the Community Planning Department  
5 with additional assistance and information to be provided by other county or city departments  
6 as may be necessary to aid the Commission in carrying out its duties and responsibilities  
7 under this section.
- 8 8. Interlocal Agreement Required. Prior to review by the Commission of nominations or  
9 certificates of appropriateness for properties within incorporated cities, an interlocal  
10 agreement shall be established as per Section 40.250.030(J).

11  
12 *(Amended: Ord. 2006-05-01; Ord. 2009-07-01; Ord. 2018-08-04)*

13 E. Clark County Heritage Register (CCHR).

- 14 1. Criteria for Determining Eligibility for Designation in the Register. Any property or district may  
15 be designated for inclusion in the CCHR if:
- 16 a. It is at least fifty (50) years old, or is of lesser age and has exceptional importance; and  
17 b. It is historically significant; and  
18 c. It has integrity of location, design, setting, materials, workmanship, feeling, or association.
- 19 2. The properties must meet the criteria in Section 40.250.030(E)(1) as well as fall into at least  
20 one (1) of the following categories documenting its significance:
- 21 a. It is associated with events that have made a significant contribution to the broad patterns of  
22 national, state, or local history;
- 23 b. It embodies the distinctive architectural characteristics of a type, period, style or method of  
24 design or construction, or represents a significant and distinguishable entity whose  
25 components may lack individual distinction;
- 26 c. It is an outstanding work of a designer, builder, or architect who has made a substantial  
27 contribution to their field;
- 28 d. It exemplifies or reflects special elements of the county's history;
- 29 e. It is associated with the lives of persons significant in national, state, or local history;
- 30 f. It has yielded or may be likely to yield important archaeological information related to history  
31 or prehistory;
- 32 g. It is a historic building or cultural resource removed from its original location but which is  
33 significant for architectural value, or association with a historic person or event, or  
34 prehistory;
- 35 h. It is a birthplace or grave of a prehistoric or historical figure of outstanding importance, and is  
36 the only surviving structure or site associated with that person;

- 1 i. It is a cemetery or burial site which derives its primary significance from age, from distinctive  
2 design features, or from association with historic events, or cultural patterns;
- 3 j. It is a reconstructed building that has been executed in a historically accurate manner on the  
4 original site;
- 5 k. It is a creative and unique example of folk architecture and design created by persons not  
6 formally trained in the architectural or design professions, and which does not fit into formal  
7 architectural or historical categories.
- 8 3. Nominating, Designating and Listing Properties to the CCHR.
- 9 a. A property owner or owners must consent in writing before a nomination application may be  
10 accepted by the county. Any person may prepare a nomination form; however, it will not be  
11 scheduled for public hearing without the consent of every owner.
- 12 b. Nominations shall be made on official nomination forms provided by the Historic Preservation  
13 staff, shall be filed with the Historic Preservation staff, and shall include all data required by  
14 the Commission, as described in Section 40.250.030(E)(3)(d) and the rules and  
15 procedures.
- 16 c. The nomination or designation of a historic resource shall constitute nomination or  
17 designation of the parcel which is occupied by the historic resource unless the nomination  
18 specifically indicates only the footprint of a building, structure, site or object.
- 19 d. Properties should be described in detail on the nomination form. All interior and exterior  
20 features and outbuildings which contribute to the designation should be mentioned and  
21 described. Noncontributing features should also be mentioned and described.
- 22 e. The original form should be presented along with the following documentation:
- 23 (1) An assessor's tax parcel map of Clark County should be included, with the parcel  
24 prominently identified. Color highlighting of the map is not acceptable.
- 25 (2) A legal description which includes the tax lot(s), section(s), township(s), and  
26 range(s).
- 27 (3) A sketch or scaled map showing significant property elements and property  
28 boundaries for nominations involving more than a single structure or site.
- 29 (4) Digital photographs detailing the historic nature of the property. All photo files must  
30 be clearly labeled to identify location, subjects, and the direction the photograph was  
31 taken. The Clark County Historic Preservation Commission staff should be consulted  
32 regarding exact photo requirements for specific nominations.
- 33 (5) Any other documentation (newspaper articles, historic photographs, etc.) that  
34 supports the information in the nomination.
- 35 f. Upon receipt by the Historic Preservation staff of any nomination for designation, the staff  
36 shall review the nomination, consult with the person or persons submitting the nomination  
37 and the owner, and request additional information on the nomination. It is the responsibility  
38 of the person or persons submitting the nomination to perform such research as is  
39 necessary for consideration by the Commission.

1 g. The Commission shall consider the merits of the nomination, according to the criteria in  
2 Section 40.250.030(E)(1), at a public hearing. Staff shall publish notice of the hearing for a  
3 nomination in a newspaper of general circulation in Clark County and post the property at  
4 least fifteen (15) days prior to the hearing. Staff shall also distribute the notice to:

5 (1) The applicant and the applicant's representative;

6 (2) The neighborhood association in which the property is located;

7 (3) Property owners within a radius of three hundred (300) feet of the nominated  
8 property if the nominated property is inside the urban growth boundary or within a  
9 radius of five hundred (500) feet if the property is outside the urban growth boundary;

10 (4) Agencies with jurisdiction; and

11 (5) To known interest groups and other people the responsible official believes may be  
12 affected by the proposed action or who request such notice in writing.

13 h. The Commission shall hear, deliberate, and make a decision on the nomination at a public  
14 hearing. The Chair of the Commission determines when the public record closes, after  
15 which no additional evidence or arguments can be submitted.

16 (1) If the Commission finds that the nominated property is eligible for the CCHR, the  
17 Commission shall list the property in the register with owner's consent.

18 (2) After the hearing, staff shall prepare the Commission's decision in writing, which  
19 shall state the findings of fact and reasons relied upon in reaching its decision, within  
20 fourteen (14) days of the close of the case record.

21 i. The Commission staff shall ensure that the following actions are taken with regard to each  
22 property which is listed on the CCHR:

23 (1) Record a copy of the listing certificate with the County Auditor's office.

24 (2) Note in the electronic permit tracking system or other database of the county or any  
25 CLG city to alert staff and public as to the presence of a historic property.  
26 Archaeological sites are exempt from this requirement.

27 (3) Identify the property on county maps as being listed in the CCHR, except site-  
28 specific archaeological sites.

29 j. The procedures set forth in this section may also be used to amend existing designations. If  
30 the Commission approves an amendment to an existing designation, the updated record  
31 will be filed with Clark County Community Planning.

32 4. Nominating, Designating, and Listing of Historic Districts. (THIS SECTION RESERVED).

33 5. Removal of Property from the CCHR.

34 a. A property owner may request a review of a property for possible removal from the CCHR. A  
35 written request may be submitted to the Commission and considered at a public meeting.  
36 However, there is no automatic right to have a property be considered for removal from the  
37 CCHR.



1 b. The Commission may determine at a public meeting whether to hold a public hearing to  
2 consider removal of a property from the CCHR. The Commission may remove a property  
3 from the CCHR with the same criteria and process as provided for in establishing the  
4 designation, per Section 40.250.030(E), except that a property may be removed from the  
5 CCHR without the owner's consent.

6 6. Effects of Listing on the CCHR. Nominations to the CCHR of historic districts in unincorporated  
7 Clark County are not provided for in this section. References to historic districts in this section  
8 are for the purpose of reviewing district nominations and designations of jurisdictions with  
9 historic district criteria written into their ordinance(s), and with which Clark County has a valid  
10 interlocal agreement for such review.

11 a. Listing on the CCHR is an honorary designation denoting significant association with the  
12 historic, architectural, archaeological, engineering, or cultural heritage of the community.  
13 Properties are listed individually or as contributing properties within a historic district.

14 b. Prior to the commencement of any work associated with the significant features as defined in  
15 the designation of the registered property, excluding ordinary repair, maintenance and  
16 emergency measures defined in Section 40.250.030(F), the owner must request and  
17 receive a certificate of appropriateness from the Commission for the proposed work.

18 c. Prior to whole or partial demolition of a registered property, the owner must request and  
19 receive a waiver of a certificate of appropriateness per Section 40.250.030(F)(3)(d).

20 d. After demolition of a structure, the Commission may initiate removal of the property from the  
21 CCHR, per Section 40.250.030(E)(5)(b).

22 e. While Clark County is certified as a certified local government (CLG), all properties listed on  
23 the CCHR and the National Register of Historic Places may be eligible for a special tax  
24 valuation on their rehabilitation pursuant to Section 40.250.030(I).

25 f. The owner must provide ordinary repair and maintenance to ensure protection of the  
26 contributing historic features of the property as defined in the historic designation.

27 *(Amended: Ord. 2018-08-04)*

28 F. Review of Changes to CCHR Properties – Certificate of Appropriateness Process.

29 1. Review Required. No person shall construct any new building or structure, or reconstruct, alter,  
30 restore, remodel, repair, move, demolish, or make any material change affecting significant  
31 historic features as listed in the designation form(s) to any existing property on the CCHR, or  
32 within a historic district on the CCHR, without review by the staff or Commission, and without  
33 receipt of a certificate of appropriateness, or, in the case of demolition, a waiver of certificate  
34 of appropriateness, as a result of the review. The review shall apply to all features of the  
35 property, interior and exterior, that contribute to its designation and are listed on the  
36 designation. This requirement shall apply whether or not the proposed alteration also requires  
37 a building or other permit, except as noted under Section 40.250.030(F)(2). Information  
38 required by the Commission to review the proposed changes is established in rules and  
39 procedures. A pre-application conference is recommended but is at the request of the  
40 applicant.

41 2. Exemptions. The following activities do not require a certificate of appropriateness or review by  
42 the Commission:

- 1 a. Ordinary repair and maintenance which do not affect significant historic features including:
- 2 (1) Painting or emergency measures as defined in Section 40.250.030(C).
- 3 (2) Ordinary repairs and maintenance which do not alter the appearance of a
- 4 significant feature and do not utilize substitute materials.
- 5 (3) Repairs to, or replacement of, utility systems.
- 6 b. A registered property may be altered, relocated, or demolished without a certificate of
- 7 appropriateness if the Building Official attests in writing that the condition of the registered
- 8 property poses a clear and immediate hazard to public safety provided the alteration,
- 9 relocation or demolition is limited to only what is necessary to mitigate the hazard and, in
- 10 the case of demolition, that it is the only feasible option to mitigate the hazard. All pertinent
- 11 codes and regulations in Section 14.14A of the Dangerous Building Code shall remain in
- 12 effect. The comments of the Building Official with sufficient evidence to support his or her
- 13 conclusions shall be provided to the Historic Preservation staff within fifteen (15) days of
- 14 making his or her decision. The Historic Preservation staff will make these materials
- 15 available to the Historic Preservation Commission at their next regular meeting.

16 3. Certificate of Appropriateness Review Process.

- 17 a. Requests for Review and Issuance of a Certificate of Appropriateness or Waiver. The
- 18 Building or Zoning Official shall report any application for a permit to work on a designated
- 19 CCHR property or in a Clark County heritage historic district to Commission staff. If the
- 20 activity is not exempt from review, the Commission or staff shall notify the applicant of the
- 21 review requirements. The responsible official shall not issue any such permit (except as
- 22 provided in Section 40.250.030(F)(2)), until a certificate of appropriateness or a waiver is
- 23 received from the Commission but shall work with the Commission in considering Building
- 24 and Fire Code requirements.
- 25 b. There shall be two (2) types of reviews for issuance of a certificate of appropriateness:
- 26 (1) Staff Review. An administrative review by Commission staff for repairs and
- 27 replacements-in-kind as listed below, but not limited to the following:
- 28 (a) Repairs (other than ordinary repair and maintenance) using the same materials
- 29 and design as the original;
- 30 (b) Reroofing using the same type and color of material;
- 31 (c) Replacement of sidewalks and driveways using the same type and color of
- 32 materials;
- 33 (d) Replacement of foundations or major portions thereof, using the same type and
- 34 color of materials;
- 35 (e) Replacement of utility systems if contributing interior features of significance are
- 36 present;
- 37 (f) Structural or seismic upgrades which do not alter or affect significant features.
- 38 (2) Commission Review. A public hearing review by the Commission for alterations in
- 39 appearance, replacement of historic materials, new construction or additions, or

1 demolition or removal of a CCHR property or cultural resource. Demolition of  
2 structures or facilities with recognized historical significance is also subject to the  
3 State Environmental Policy Act.

4 c. When a certificate of appropriateness is required, the following procedures shall govern  
5 according to the type of review required:

6 (1) Staff Review. An application for a certificate of appropriateness shall be reviewed  
7 by the Commission staff.

8 (a) An application for the certificate shall be submitted to the Commission staff on  
9 forms provided by the Commission and in accordance with the following  
10 submission requirements: a clear photograph or photographs of the property, a  
11 brief description of the intended work, and samples of replacement material for  
12 comparison with the existing or the original building or structure must be  
13 furnished with the application.

14 (b) Decision of the Commission staff on the application shall be made within fifteen  
15 (15) days from the date on which the Commission staff receives a fully complete  
16 application.

17 (c) The Commission staff may, on his or her own motion, refer the application to the  
18 Commission for a decision in accordance with the procedures set forth for a  
19 Commission review per Section 40.250.030(F)(3).

20 (d) Appeals of Staff Decision. Staff reviews may be appealed to the Commission.

21 (i) A final decision regarding an application subject to a staff review procedure  
22 may be appealed by a party of record. Final decisions may be appealed only  
23 if, within fourteen (14) calendar days after written notice of the decision is  
24 mailed, a written appeal is filed with the responsible official.

25 (ii) Submittal Requirements. An appellant shall submit the following information  
26 for an appeal: the case number designated by the county and the name of  
27 the applicant, the name and signature of each appellant and a statement  
28 showing that each appellant is entitled to file the appeal under Section  
29 40.250.030(F)(3)(d). If multiple parties file a single appeal for review, the  
30 appeal shall designate one (1) party as the contact representative for all  
31 contact with the responsible official. All contact with the responsible official  
32 regarding the appeal, including notice, shall be with this contact  
33 representative, and the specific aspect(s) of the decision being appealed,  
34 the reasons why each aspect is in error as a matter of fact or law, and the  
35 evidence relied on to prove the error.

36 (iii) Appeal Decision. The Historic Preservation Commission shall hear appeals  
37 in a public hearing. Staff shall provide notice of an appeals hearing by  
38 mailing notification to the parties of record, and publishing notice in the  
39 newspaper of general circulation, and by posting notice on the property.  
40 Staff shall prepare a report and the Commission shall hold a hearing and  
41 make a decision. Staff shall prepare a final decision report and make it  
42 publicly available and provide it to the parties of record. The decision can be  
43 appealed per Section 40.250.030(G).

1 (2) Commission Review. Alterations in appearance, replacement of historic material  
2 (other than in-kind), new construction or additions, alteration in the appearance of a  
3 significant contributing feature, the replacement of historic material (other than in-kind)  
4 in a significant feature, additions to a CCHR structure, or new construction on a  
5 CCHR property or in a historic district requires a Commission review for a certificate of  
6 appropriateness.

7 (a) The owner or the owner's agent (architect, contractor, lessee, etc.) shall apply to  
8 the Commission for a certificate of appropriateness or, in the case of demolition,  
9 a waiver.

10 (b) Staff shall publish notice of the hearing for a certificate of appropriateness  
11 application in a newspaper of general circulation and post the property at least  
12 fifteen (15) days prior to the hearing. Staff shall also distribute the notice to:

13 (i) The applicant and the applicant's representative;

14 (ii) The neighborhood association in which the property is located;

15 (iii) Property owners within a radius of three hundred (300) feet of the  
16 nominated property if the nominated property is inside the urban growth  
17 boundary or within a radius of five hundred (500) feet if the property is  
18 outside the urban growth boundary;

19 (iv) Agencies with jurisdiction; and

20 (v) To known interest groups and other people the responsible official believes  
21 may be affected by the proposed action or who request such notice in  
22 writing.

23 (c) The Commission shall hear, deliberate, and make a decision on the certificate of  
24 appropriateness at a public hearing. The Chair of the Commission determines  
25 when the public record closes, after which no additional evidence or arguments  
26 can be submitted.

27 (d) After the hearing, staff shall prepare the Commission's decision in writing, which  
28 shall state the findings of fact and reasons relied upon in reaching its decision  
29 within fourteen (14) days of the close of the case record.

30 (e) If the owner agrees to the Commission's decision, a certificate of  
31 appropriateness shall be awarded by the Commission according to standards  
32 established in its rules and procedures.

33 (f) The Commission's recommendations and decision, and, if awarded, the  
34 certificate of appropriateness, shall be transmitted to the Building or Zoning  
35 Official. If a certificate of appropriateness is awarded, the Building or Zoning  
36 Official may then issue the permit.

37 d. Demolition. A waiver of certificate of appropriateness is required before a permit may be  
38 issued to allow whole or partial demolition of a designated CCHR property or in a CCHR  
39 historic district. Demolition is subject to review under the State Environmental Policy Act.

40 (1) The owner or the owner's agent shall attend a pre-application conference with staff  
41 to review demolition or alternative plans. After the pre-application conference the

1 applicant may apply to the Commission for a review of the proposed demolition and  
2 request a waiver.

3 (2) The application for the waiver shall provide a bona fide list of alternatives to  
4 demolition, which includes, but is not limited to:

5 (a) Economic analysis;

6 (b) Offers to lease, sell or dedicate site to a private, public or nonprofit entity, and  
7 outcome of the offer;

8 (c) Relocation of building, etc.

9 (3) The applicant shall meet with the Commission to review alternatives to demolition.

10 (4) Commission consideration of the alternatives to demolition shall last no longer than  
11 forty-five (45) days from the date of application, unless an extension of time is  
12 necessary. In no case shall a request for extension extend beyond an additional forty-  
13 five (45) days. If no request for an extension is made or no alternative to demolition  
14 has been agreed to, the Commission shall act and advise the official in charge of  
15 issuing a demolition permit of the approval or denial of the waiver of a certificate of  
16 appropriateness.

17 (5) When issuing a waiver, the Commission may require the owner to mitigate the loss  
18 of the CCHR property by means determined by the Commission at the public hearing.  
19 Mitigation may include, but is not limited to, an identification plaque, use of an  
20 architectural element in new construction, moving the building, and/or buffering of the  
21 historic or cultural resource.

22 (6) The Commission's recommendations, decision and conditions of approval shall be  
23 transmitted to the responsible official. Any conditions in this review process shall  
24 become conditions of approval of the permits granted. After the property is  
25 demolished, the Commission may initiate removal of the property from the CCHR.

26 4. Violation. Violations of this section shall be grounds for the Commission to review the property  
27 for removal from the register and are subject to enforcement under Title 32. The property  
28 owner may also be subject to special valuation disqualification as stated in WAC 458-15-070  
29 and Chapter 3.22.

30 *(Amended: Ord. 2009-07-01; Ord. 2009-10-19; Ord. 2018-08-04)*

31  
32 G. Appeals of the Historic Preservation Commission's Decision. A final decision of the Historic  
33 Preservation Commission on a certificate of appropriateness and or a nominations to the CCHR  
34 may be appealed only by a party of record, as that term is defined in Clark County Code  
35 40.250.030. For properties located in the unincorporated area of Clark County, final decisions  
36 may be appealed only if, within twenty-one (21) calendar days after written notice of the decision is  
37 mailed, a written appeal is filed in the Superior Court of Clark County, pursuant to Chapter 36.70C  
38 RCW or applicable state law. For properties located in an incorporated city or town, an appeal of  
39 decisions by the Historic Preservation Commission is governed by the provisions of the  
40 jurisdiction's code, or in the absence of an adopted code provision, is governed by this section,  
41 pursuant to Chapter 36.70C RCW or applicable state law.

42 *(Added: Ord. 2018-08-04)*

*11-05-2019 Council Hearing*

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2 H. Relationship to Zoning. Property designated to the CCHR shall be subject to the provisions set forth  
3 herein, as well as the bulk, use, setback, and other controls of the zoning district in which they are  
4 located. Nothing contained herein shall be construed to be repealing, modifying or waiving any  
5 zoning provisions.

6 *(Amended: Ord. 2009-07-01; Ord. 2009-10-19; Ord. 2018-08-04)*

7 I. Review and Monitoring of Properties for Special Property Tax Valuation. This section implements the  
8 local option special valuation tax incentive program as established in Chapter 84.26 RCW.

9 1. Timelines.

10 a. Applications must be filed with the County Assessor's office and shall be forwarded to the  
11 Commission by the Assessor within ten (10) days of filing.

12 b. For applications filed at least thirty (30) days prior to the next regularly scheduled meeting of  
13 the Commission, the case may be put on the agenda for that meeting. If there are not thirty  
14 (30) days, the case will be scheduled for the next regularly scheduled meeting of the  
15 Commission.

16 c. Applications shall be reviewed by the Commission before December 31st of the calendar  
17 year in which the application is made.

18 d. Commission decisions regarding the applications shall be certified in writing and filed with  
19 the Assessor within ten (10) days of the decision.

20 2. Procedure.

21 a. The applicant files an application for special valuation with the County Assessor's office no  
22 later than October 1st preceding the tax assessment year in which they wish to apply. A  
23 fee is required as established in Title 6 and is payable to the Community Planning  
24 Department.

25 b. The Assessor forwards the application(s) to the Commission staff within ten (10) days of  
26 receipt of the completed application.

27 c. The Commission reviews the application(s), consistent with its rules and procedures, and  
28 determines if the application(s) are complete, and if the property meets the criteria set forth  
29 in WAC 254-20-070(1) and listed in Section 40.250.030(I)(3).

30 (1) If the Commission finds the property meets all the criteria, then it shall approve the  
31 application(s).

32 (2) If the Commission determines the property does not meet all the criteria, then it  
33 shall deny the application(s).

34 d. The Commission's decision shall be made in writing and state the facts upon which the  
35 approvals or denial are based. Staff shall file copies of the decision with the County  
36 Assessor.

37 e. For approved applications:

- 1 (1) The Commission staff forwards copies of the agreements, applications and  
2 supporting documentation (as required by WAC 254-20-090(4) and identified in  
3 Sections 40.250.030(I)(3) and 40.250.030(I)(4)) to the County Assessor;
- 4 (2) The Commission staff forwards the signed agreement and application documents  
5 to the County Auditor for recording. The applicant shall be assessed fees for recording  
6 as prescribed by the County Auditor and other applicable Clark County Code sections;
- 7 (3) Notifies the Washington State Advisory Council that the property(ies) have been  
8 approved for special valuation; and
- 9 (4) Monitors the property for continued compliance with the agreements throughout the  
10 ten (10) year special valuation period. Monitoring may include an annual site visit by  
11 staff or Commission members.
- 12 f. The Commission determines in a manner consistent with its rules and procedures, whether or  
13 not property is disqualified from special valuation either because of:
- 14 (1) The owner's failure to comply with the terms of the agreement; or
- 15 (2) Because of a loss of historic value resulting from physical changes to the building  
16 or site.
- 17 g. For disqualified property pursuant to RCW 84.26.080, the Commission shall notify the owner,  
18 Assessor, and Washington State Advisory Council in writing and state the facts supporting  
19 its findings.
- 20 3. Criteria.
- 21 a. Historic Property Criteria. The class of property eligible to apply for special valuation in Clark  
22 County shall mean all property listed on the National Register of Historic Places, CCHR or  
23 property certified as contributing to local and/or National Register Historic Districts which  
24 have been substantially rehabilitated at a cost and within a time period which meets the  
25 requirements set forth in Chapter 84.26 RCW.
- 26 b. Application Criteria. Complete applications shall consist of the following documentation:
- 27 (1) A legal description of the historic property;
- 28 (2) A copy of the nomination form to the National Register of Historic Places, CCHR for  
29 the subject property;
- 30 (3) Comprehensive exterior and interior photographs of the historic property before  
31 and after rehabilitation. Digital photographs must be clearly labeled to identify case,  
32 location, subjects and the direction the photograph was taken. Photographs shall  
33 include:
- 34 (a) Photos taken prior to construction;
- 35 (b) Historic photos or other source materials of replicated features; and
- 36 (c) A current streetscape;

- 1 (4) Architectural plans or other legible drawings depicting the completed rehabilitation  
2 work signed by the architect or draftsman;
- 3 (5) Notarized affidavit(s):
- 4 (a) Attesting to the actual itemized cost of the rehabilitation work completed prior to  
5 the date of application; and
- 6 (b) Indicating rehabilitation work was completed within the twenty-four (24) month  
7 period of time prior to application for special valuation. Documentation of both  
8 must be made available to the Commission;
- 9 (6) Samples of utilized materials may be required by the Commission;
- 10 (7) Other information as required by staff or the Commission at a pre-application  
11 meeting.
- 12 c. Property Review Criteria. In its review, the Commission shall determine if the property meets  
13 all the following criteria:
- 14 (1) The property is listed on the Clark County Heritage Register and/or national  
15 registers;
- 16 (2) The property has been rehabilitated at a cost which meets the definition set forth in  
17 RCW 84.26.020(2) and identified in Section 40.250.030(I)(3) within twenty-four (24)  
18 months prior to the date of application; and
- 19 (3) The property has not been altered in any way which adversely affects those  
20 elements which qualify it as historically significant as determined by applying the  
21 Washington State Advisory Council's Standards for the Rehabilitation and  
22 Maintenance of Historic Properties, WAC 254-20-100(1) and listed in the rules and  
23 procedures.
- 24 d. Rehabilitation and Maintenance Criteria. The Washington State Advisory Council's  
25 Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-20-  
26 100 shall be used by the Commission as minimum requirements for determining whether or  
27 not a historic property is eligible for special valuation and whether or not the property  
28 continues to be eligible for special valuation once it has been so classified.
- 29 4. Agreement. The historic preservation special valuation agreement in WAC 254-20-120 shall be  
30 used by the Commission as the minimum agreement necessary to comply with the  
31 requirements of RCW 84.26.050(2).
- 32 5. Appeals. Any decision of the Commission acting on any application for classification as historic  
33 property, eligible for special valuation, may be appealed to Superior Court under RCW  
34 34.05.510 through 34.05.598 in addition to any other remedy of law. Any decision on the  
35 disqualification of historic property eligible for special valuation, or any other dispute, may be  
36 appealed to the County Board of Equalization.

37 *(Amended: Ord. 2006-05-01; Ord. 2009-07-01; Ord. 2009-10-19; Ord. 2018-08-04)*

38 J. Interlocal Agreements.



1 1. Interlocal agreements may be established in accordance with Chapter 39.34 RCW between  
2 cities and the county for historic preservation services.

3 2. The Commission may act on behalf of an incorporated city within Clark County if an interlocal  
4 agreement for that purpose is in effect between the city and Clark County. The interlocal  
5 agreement must specify who has final decision-making power on nominations, designation,  
6 and/or certificate of appropriateness applications.

7 *(Amended: Ord. 2009-10-19; Ord. 2018-08-04)*

8 K. Clark County Cultural Resources Inventory.

9 1. There are no regulatory requirements for property owners arising from inclusion on the  
10 inventory.

11 2. Application to the Inventory.

12 a. A property owner may make application to request listing on the inventory by completing an  
13 inventory survey form available from the Community Planning Department and submitting it  
14 to the Commission staff.

15 b. The county may conduct a historic and cultural resource survey and make application for  
16 listing on the inventory without property owner consent.

17 3. Listing on the Inventory.

18 a. New listings of properties or districts to the inventory are subject to review by the Community  
19 Planning Department. Consideration of listing shall be based upon development of a  
20 comprehensive inventory methodology which determines a rank order.

21 b. Properties which are demolished shall be maintained in the inventory records for historical  
22 research purposes.

23 *(Amended: Ord. 2006-05-01; Ord. 2009-07-01; Ord. 2009-10-19; Ord. 2018-08-04)*

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