



TO: County Councilors
FROM: Karl Johnson, Planning Commission Chair
PREPARED BY: Sharon Lumbantobing, Planner II
DATE: November 5, 2019
SUBJECT: **CPZ2019-00028 CLARK COUNTY CODE 40.250.030 HISTORIC PRESERVATION - AMENDMENTS**

PLANNING COMMISSION RECOMMENDATION

On October 3, 2019, the Planning Commission voted unanimously (5 to 0) to approve the staff and Historic Preservation Commission recommendation to amend the Clark County Unified Development Code (CCC 40.250.030) pertaining to Historic Preservation.

PROPOSED ACTION

Amend CCC 40.250.030 – Historic Preservation to:

No.	Title/Chapter/Section	Description
1	40.250.030(D)	Amend the Historic Preservation Commission to consist of seven (7) members: five (5) to be appointed by the county and two (2) to be appointed by the city of Vancouver.
2	40.250.030(G)	Amend the appeals process to state that an appeal of decisions by the Historic Preservation Commission is governed by the provisions of the jurisdiction’s code, or in the absence of an adopted code provision, it would be governed by the provisions in county code.

The amendments to CCC 40.250.030 are attached in Exhibit 1.

BACKGROUND

Clark County has interlocal agreements with the seven cities/town regarding the Historic Preservation program. The existing interlocal agreements were last updated in 1997 and reference the 1996-03-16 county adopting ordinance. Since the Historic Preservation Code (CCC 40.250.030) was recently updated in 2018, the interlocal agreements need to be updated to reflect the new adopting ordinance and changes that were made in the Title 40 update.

During discussions about updating the interlocal agreement, the city of Vancouver requested consideration be given to change the current commission appointment process to allow the city to appoint two of the seven positions on the Historic Preservation Commission, similar to how other joint City-County advisory boards and commissions are appointed. Clark County and the City of Vancouver are both Certified Local Governments designated by the state and have from the beginning decided to have a joint city/county historic preservation program.

This appointment process change would require updating the county's historic preservation code (40.250.030) to change the number of commissioners to seven (currently the minimum is five), with two being appointed by the city and five by the county.

Another code change necessitated by updating the interlocal agreement is to update the appeals process in Section 40.250.030(G) to state that the appeals process for properties in any of the cities/town would follow the process as governed in the jurisdiction's code or in the absence of code specifying the process, it would be governed by the provisions in the county code.

To make these changes to the interlocal agreement, the county council would need to first update its Historic Preservation Code (40.250.030) which would then be followed by processing the updated interlocal agreements with the seven cities/town.

The proposed amendments to CCC 40.250.030 are reflected in Exhibit 1.

SUMMARY OF PUBLIC INVOLVEMENT PROCESS

A Work Session with the Clark County Council to discuss the proposed changes to CCC 40.250.030 (Historic Preservation) was held on June 12, 2019. The Historic Preservation Commission held a work session to review the proposed changes on July 2, 2019. Sixty-day notification was sent to the Department of Commerce on July 9, 2019 under RCW 26.70A.106. A legal notice was published for the Historic Preservation Commission hearing on July 23, 2019. The Historic Preservation Commission held a public hearing on August 7, 2019. A Notice of Determination of Non-Significance and SEPA Environmental Checklist was published in the Columbian newspaper on September 4, 2019. A legal notice was published for the Planning Commission public hearing on September 4, 2019. A Planning Commission work session was held on September 5, 2019. A Planning Commission public hearing was held on Oct 3, 2019.

RATIONALE AND ANALYSIS

The Clark County Unified Development Code consolidates all development-related regulations, land use zoning, critical areas and environmental protection.

CCC is required to be consistent with the 20-year Comprehensive Growth Management Plan. Amendments to CCC respond to a substantial change in policy, better implements applicable comprehensive plan policies, or reflect changes in federal/state law. The proposed amendments are provided in Exhibit 1.

Growth Management Act (GMA)

The GMA goals set the general direction for the county in adopting its framework plan and comprehensive plan policies. The GMA lists thirteen overall goals in RCW 36.70A.020 plus the shoreline goal added in RCW 36.70A.480(1). The goals are not listed in order of priority. The GMA goal that applies to the proposed action is Goal 13.

GMA Goal #13 speaks directly to historic preservation. The goal is to "identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance". RCW 36.70A.020(13) and WAC 365-196-450 Historic Preservation states that counties and cities must be guided by the historic preservation goals in their comprehensive plan. WAC 365-196-450(2)(A) states that counties and cities should establish a local preservation program and a historic preservation commission through adoption of a local preservation ordinance.

Finding: Clark County is a Certified Local Government with the Washington State Department of Archaeology and Historic Preservation. Clark County's 20-Year Comprehensive Growth Management

Plan includes a separate historic preservation element. Clark County has a historic preservation commission and historic preservation code which establishes processes for nominating, design review, and appeals, and provides for financial and procedural incentives for cultural and historic resource protection. The proposed code changes establishes a seven member commission, allows the City of Vancouver to appoint two of the seven Historic Preservation Commission members, and updates the appeals process. The proposed changes better implement the GMA goals.

RECOMMENDATION AND CONCLUSIONS

Based on the information presented in this report, the Planning Commission forwards a recommendation of **APPROVAL** to Clark County Councilors.