



CPZ2019-00028 CCC 40.250.030 Historic Preservation Amendments

Supporting Documents

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Voice 564.397.2322 / Relay 711 or 800.833.6388
Fax 360.397.6165 / Email ADA@clark.wa.gov

NOTICE OF PUBLIC HEARING CLARK COUNTY COUNCIL

NOTICE IS HEREBY GIVEN that the Clark County Council will conduct a public hearing on **November 5, at 10:00 a.m.**, at the Public Services Center, 1300 Franklin Street, Hearing Room, 6th Floor, Vancouver, Washington to consider the following:

- 1) **CPZ2019-00025 – Complete Streets:** A proposal to amend Clark County Code (Pedestrian/Bicycle Circulation Standards CCC 40.350.010) to create a complete streets program, renumber CCC 40.350.010 to become 40.350.015, and correct a scrivener's error.

Staff Contact: Gary Albrecht, Gary.Albrecht@clark.wa.gov or (564) 397-4318

- 2) **CPZ2019-00016 Arterial Atlas and Appendix F (NE 106 St to NE 112th St):** A proposal to delete the planned NE 16th Ave, NE 107th St, and NE 110th St. from the Arterial Atlas and Hwy 99 Sub Area Plan.

Staff Contact: Matt Hermen, Matt.Hermen@clark.wa.gov or (564) 397-4343

- 3) **CPZ2019-00029 Development Agreement Procedures:** A proposal to amend the Clark County Code to add new Section 40.550.030 to create a consistent process and criteria for review and approval of proposed development agreements.

Staff Contact: Matt Hermen, Matt.Hermen@clark.wa.gov or (564) 397-4343

- 4) **CPZ2019-00028 – Historic Preservation:** A proposal to amend Clark County Code (CCC 40.250.030) to increase the number of commission members from five (5) to (7), allow the City of Vancouver to appoint two of the members, and to amend the appeals process.

Staff Contact: Sharon Lumbantobing, Sharon.Lumbantobing@clark.wa.gov or (564) 397-4909

- 5) **CPZ2019-00033 – Columbia River Gorge National Scenic Area Districts:** A proposal to amend Columbia River Gorge National Scenic Area Districts CCC 40.240.440(H) to correct a scrivener's error.

Staff Contact: Sharon Lumbantobing, Sharon.Lumbantobing@clark.wa.gov or (564) 397-4909

The staff report, related materials, and hearing agenda will be available 15 days prior to the hearing date on the county's web page at <https://www.clark.wa.gov/community-planning/housing-initiative>. Copies of materials are also available at Clark County Community Planning, 1300 Franklin Street, 3rd Floor, Vancouver, Washington. For other formats, contact the Clark County ADA Office at ADA@clark.wa.gov, voice 564-397-2322, Relay 711 or 800-833-6388, or Fax 564-397-6165.

Anyone wishing to attend this hearing should appear at the time and place stated above. Spoken testimony regarding this matter may be given there. Written testimony can be provided by e-mailing the clerk of the council at Rebecca.Messinger@clark.wa.gov or via US Postal Service to the Clark County Councilors, c/o Rebecca Messinger, PO Box 5000, Vancouver, WA 98666-5000. Written testimony may also be submitted for the record during the hearing. Please ensure that testimony is received at least two (2) business days before the hearing if you would like staff to forward it to the County Council before the hearing.

Approved as to Form only:

CLARK COUNTY COUNCIL

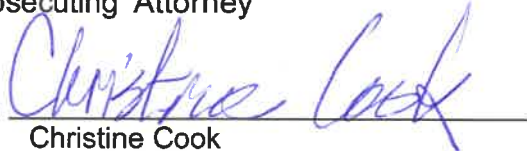
Clerk of the Board

Approved as to Form only:

ANTHONY F. GOLIK

Prosecuting Attorney

By:



Christine Cook

Senior Deputy Prosecuting Attorney

PLEASE PUBLISH:

Monday, October 21, 2019

Please Bill:

Clark County Community Planning
Attn: Sonja Wiser, Program Assistant
P. O. Box 9810
Vancouver, WA 98666-9810

Columbian Account 70914



For other formats, contact
the Clark County ADA Office

Voice 360.397.2322
Fax 360.397.6165

Relay 711 or 800.833.6388
Email ADA@clark.wa.gov



Clark County Planning Commission

Karl Johnson, Chair
Ron Barca, Vice Chair
Rick Torres
Steve Morasch
Matt Swindell
Bryan Halbert

**CLARK COUNTY PLANNING COMMISSION
THURSDAY, OCTOBER 3, 2019**

5:30 P.M. – WORK SESSION

CPZ2019-00008 – Whipple Creek, R-10-R-5
CPZ2019-00032 - GMA Compliance – RILB
CPZ2019-00033 – Ttile 40 Gorge Amendments

6:30 P.M. - PUBLIC HEARING

**CC HEARING ROOM, 6TH FLOOR
PUBLIC SERVICES BUILDING
1300 FRANKLIN STREET
VANCOUVER, WA**

AGENDA

I. CALL TO ORDER

II. ROLL CALL & INTRODUCTION OF GUESTS

III. GENERAL & NEW BUSINESS

- A. Approval of Agenda for October 3, 2019
- B. Communications from the Public

IV. PUBLIC HEARING ITEMS:

A. 2020-2025 Transportation Improvement Program (TIP). The TIP identifies public works capital projects including new construction, reconstruction, bridges, bicycle and pedestrian, safety, hot mix preservation improvements, and signalization construction to maintain and enhance Clark County's transportation system in unincorporated Clark County.

Staff Contact: Susan Wilson, Manager at Susan.Wilson@clark.wa.gov or (564)397-4330

B. CPZ2019-00025 Complete Streets: A proposal to amend Clark County Code (Pedestrian/Bicycle Circulation Standards Chapter 40.350.010) by creating a complete streets program, Clark County Code 40.350.010, renumbering CCC 40.350.010 Pedestrian/Bicycle Circulation Standards to CCC 40.350.015, and correct scrivener errors.

Staff Contact: Gary.Albrecht@clark.wa.gov or (564) 397-4318

- C. CPZ2019-00016 Arterial Atlas and Appendix F (NE 106 St to NE 112th St):** A proposal to delete the proposed NE 16th Ave from the Arterial Atlas and Hwy 99 Sub Area Plan.

Staff Contact: Matt.Hermen@clark.wa.gov or (564) 397-4343

- D. CPZ2019-00028 Historic Preservation:** A proposal to amend Clark County Code (Historic Preservation Chapter 40.250.030) to increase the minimum number of commission members and to amend the appeals process.

Staff Contact: Sharon.Lumbantobing@clark.wa.gov or (564) 397-4909

V. OLD BUSINESS

VI. NEW BUSINESS

VII. COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

VIII. ADJOURNMENT

STAFF REPORT AND RECOMMENDATIONS:

Staff recommendations to the Planning Commission will be available 14 days prior to the hearing date listed above. Staff reports and other information can be accessed on the following web page at: <https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>

Or, contact Sonja Wiser, Program Assistant at (360) 397-2375, ext. 4558, or e-mail Sonja.wiser@clark.wa.gov

SUBMISSION OF WRITTEN TESTIMONY:

If you bring written testimony to the hearing, the Planning Commission would request submission of at least ten copies for the record (seven copies for Planning Commission and three copies for staff).

E-MAIL TESTIMONY:

PLEASE NOTE: *All e-mails need to be received no later than 48 hours prior to the hearing and need to include full name, address, city, zip code, and phone number to be included as parties of record. Testimony can be e-mailed to the above-listed planners or to Sonja.wiser@clark.wa.gov*

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

*The Public Service Center is wheelchair accessible. If you need auxiliary aids or services in order to attend, contact the Clark County ADA Office. **Relay** (800) 833-6384 or 711; **E-mail** ADA@clark.wa.gov.*

HEARING COVERAGE:

Coverage of this evening's hearing may be cable cast live on Clark/Vancouver television channel 23 or 21, on cable television systems. For replay dates and times, please check your local television guide or www.cvtv.org.

Web Page at: <https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>



HISTORIC PRESERVATION COMMISSION RECOMMENDATION

TO: Planning Commission
FROM: Alex Gall, Historic Preservation Commission Chair
PREPARED BY: Sharon Lumbantobing, Planner II
DATE: September 19, 2019
SUBJECT: **CPZ2019-00028 CLARK COUNTY UNIFIED DEVELOPMENT CODE
(TITLE 40.250.030) AMENDMENTS – HISTORIC PRESERVATION**

PROPOSED ACTION

This is a proposal to amend the Clark County Unified Development Code (CCC 40.250.030) pertaining to Historic Preservation.

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 require a minimum of seven commissioners (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 40.250.030 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 attached 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.

RATIONALE AND ANALYSIS

The Clark County Unified Development Code, Title 40 (CCC), 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 establish a minimum of seven members on the 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.

NEXT STEPS

The County Council will hold a Work Session on October 2, 2019 and a public hearing on October 15, 2019, to discuss these proposed changes to CCC 40.250.030.

RECOMMENDATION AND CONCLUSIONS

Based on the information presented in this report, the Historic Preservation Commission recommends that the Planning Commission forward a recommendation of **APPROVAL** to Clark County Planning Commission.

Exhibit 1 – Title 40 Amendments

40.250.030 Historic Preservation

A. Purpose.

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

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

(Amended: Ord. 2018-08-04)

B. Applicability.

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

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

(Amended: Ord. 2018-08-04)

C. Definitions.

For the purposes of this section, the following definitions shall apply, unless a different meaning 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
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	historic characteristics of the property that contribute to its designation on 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.

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

D. Clark County Historic Preservation Commission.

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

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

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

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

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

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

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

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

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

E. Clark County Heritage Register (CCHR).

- 1. Criteria for Determining Eligibility for Designation in the Register. Any property or district may be designated for inclusion in the CCHR if:
 - a. It is at least fifty (50) years old, or is of lesser age and has exceptional importance; and
 - b. It is historically significant; and
 - c. It has integrity of location, design, setting, materials, workmanship, feeling, or association.
- 2. The properties must meet the criteria in Section 40.250.030(E)(1) as well as fall into at least one (1) of the following categories documenting its significance:
 - a. It is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;
 - b. It 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;
 - c. It is an outstanding work of a designer, builder, or architect who has made a substantial contribution to their field;
 - d. It exemplifies or reflects special elements of the county's history;
 - e. It is associated with the lives of persons significant in national, state, or local history;
 - f. It has yielded or may be likely to yield important archaeological information related to history or prehistory;
 - g. It is a historic building or cultural resource removed from its original location but which is significant for architectural value, or association with a historic person or event, or prehistory;
 - h. It 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;

- i. It 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;
 - j. It is a reconstructed building that has been executed in a historically accurate manner on the original site;
 - k. It 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.
3. Nominating, Designating and Listing Properties to the CCHR.
- a. A property owner or owners must consent in writing before a nomination application may be accepted by the county. Any person may prepare a nomination form; however, it will not be scheduled for public hearing without the consent of every owner.
 - b. Nominations shall be made on official nomination forms provided by the Historic Preservation staff, shall be filed with the Historic Preservation staff, and shall include all data required by the Commission, as described in Section 40.250.030(E)(3)(d) and the rules and procedures.
 - c. The nomination or designation of a historic resource shall constitute nomination or designation of the parcel which is occupied by the historic resource unless the nomination specifically indicates only the footprint of a building, structure, site or object.
 - d. Properties should be described in detail on the nomination form. All interior and exterior features and outbuildings which contribute to the designation should be mentioned and described. Noncontributing features should also be mentioned and described.
 - e. The original form should be presented along with the following documentation:
 - (1) An assessor's tax parcel map of Clark County should be included, with the parcel prominently identified. Color highlighting of the map is not acceptable.
 - (2) A legal description which includes the tax lot(s), section(s), township(s), and range(s).
 - (3) A sketch or scaled map showing significant property elements and property boundaries for nominations involving more than a single structure or site.
 - (4) Digital photographs detailing the historic nature of the property. All photo files must be clearly labeled to identify 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.
 - (5) Any other documentation (newspaper articles, historic photographs, etc.) that supports the information in the nomination.
 - f. Upon receipt by the Historic Preservation staff of any nomination for designation, the staff shall review the nomination, consult with the person or persons submitting the nomination and the owner, and request additional information on the nomination. It is the responsibility of the person or persons submitting the nomination to perform such research as is necessary for consideration by the Commission.

- g. The Commission shall consider the merits of the nomination, according to the criteria in Section 40.250.030(E)(1), at a public hearing. Staff shall publish notice of the hearing for a nomination in a newspaper of general circulation in Clark County and post the property at least fifteen (15) days prior to the hearing. Staff shall also distribute the notice to:
 - (1) The applicant and the applicant's representative;
 - (2) The neighborhood association in which the property is located;
 - (3) Property owners within a radius of three hundred (300) feet of the nominated property if the nominated property is inside the urban growth boundary or within a radius of five hundred (500) feet if the property is outside the urban growth boundary;
 - (4) Agencies with jurisdiction; and
 - (5) To known interest groups and other people the responsible official believes may be affected by the proposed action or who request such notice in writing.
 - h. The Commission shall hear, deliberate, and make a decision on the nomination at a public hearing. The Chair of the Commission determines when the public record closes, after which no additional evidence or arguments can be submitted.
 - (1) If the Commission finds that the nominated property is eligible for the CCHR, the Commission shall list the property in the register with owner's consent.
 - (2) After the hearing, staff shall prepare the Commission's decision in writing, which shall state the findings of fact and reasons relied upon in reaching its decision, within fourteen (14) days of the close of the case record.
 - i. The Commission staff shall ensure that the following actions are taken with regard to each property which is listed on the CCHR:
 - (1) Record a copy of the listing certificate with the County Auditor's office.
 - (2) Note in the electronic permit tracking system or other database of the county or any CLG city to alert staff and public as to the presence of a historic property. Archaeological sites are exempt from this requirement.
 - (3) Identify the property on county maps as being listed in the CCHR, except site-specific archaeological sites.
 - j. The procedures set forth in this section may also be used to amend existing designations. If the Commission approves an amendment to an existing designation, the updated record will be filed with Clark County Community Planning.
4. Nominating, Designating, and Listing of Historic Districts. (THIS SECTION RESERVED).
5. Removal of Property from the CCHR.
- a. A property owner may request a review of a property for possible removal from the CCHR. A written request may be submitted to the Commission and considered at a public meeting. However, there is no automatic right to have a property be considered for removal from the CCHR.

- b. The Commission may determine at a public meeting whether to hold a public hearing to consider removal of a property from the CCHR. The Commission may remove a property from the CCHR with the same criteria and process as provided for in establishing the designation, per Section 40.250.030(E), except that a property may be removed from the CCHR without the owner's consent.
6. Effects of Listing on the CCHR. Nominations to the CCHR of historic districts in unincorporated Clark County are not provided for in this section. References to historic districts in this section are for the purpose of reviewing district nominations and designations of jurisdictions with historic district criteria written into their ordinance(s), and with which Clark County has a valid interlocal agreement for such review.
- a. Listing on the CCHR is an honorary designation denoting significant association with the historic, architectural, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as contributing properties within a historic district.
 - b. Prior to the commencement of any work associated with the significant features as defined in the designation of the registered property, excluding ordinary repair, maintenance and emergency measures defined in Section 40.250.030(F), the owner must request and receive a certificate of appropriateness from the Commission for the proposed work.
 - c. Prior to whole or partial demolition of a registered property, the owner must request and receive a waiver of a certificate of appropriateness per Section 40.250.030(F)(3)(d).
 - d. After demolition of a structure, the Commission may initiate removal of the property from the CCHR, per Section 40.250.030(E)(5)(b).
 - e. While Clark County is certified as a certified local government (CLG), all properties listed on the CCHR and the National Register of Historic Places may be eligible for a special tax valuation on their rehabilitation pursuant to Section 40.250.030(I).
 - f. The owner must provide ordinary repair and maintenance to ensure protection of the contributing historic features of the property as defined in the historic designation.

(Amended: Ord. 2018-08-04)

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

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

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

3. Certificate of Appropriateness Review Process.

- a. Requests for Review and Issuance of a Certificate of Appropriateness or Waiver. The Building or Zoning Official shall report any application for a permit to work on a designated CCHR property or in a Clark County heritage historic district to Commission staff. If the activity is not exempt from review, the Commission or staff shall notify the applicant of the review requirements. The responsible official shall not issue any such permit (except as provided in Section 40.250.030(F)(2)), until a certificate of appropriateness or a waiver is received from the Commission but shall work with the Commission in considering Building and Fire Code requirements.
- b. There shall be two (2) types of reviews for issuance of a certificate of appropriateness:
 - (1) Staff Review. 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.
 - (2) Commission Review. A public hearing review by the Commission for alterations in appearance, replacement of historic materials, new construction or additions, or

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

- c. When a certificate of appropriateness is required, the following procedures shall govern according to the type of review required:
- (1) Staff Review. An application for a certificate of appropriateness shall be reviewed by the Commission staff.
 - (a) An application for the certificate shall be submitted to the Commission staff on forms provided by the Commission and in accordance with the following submission requirements: a clear photograph or photographs of the property, a brief description of the intended work, and samples of replacement material for comparison with the existing or the original building or structure must be furnished with the application.
 - (b) Decision of the Commission staff on the application shall be made within fifteen (15) days from the date on which the Commission staff receives a fully complete application.
 - (c) The Commission staff may, on his or her own motion, refer the application to the Commission for a decision in accordance with the procedures set forth for a Commission review per Section 40.250.030(F)(3).
 - (d) Appeals of Staff Decision. Staff reviews may be appealed to the Commission.
 - (i) A final decision regarding an application subject to a staff review procedure may be appealed by a party of record. Final decisions may be appealed only if, within fourteen (14) calendar days after written notice of the decision is mailed, a written appeal is filed with the responsible official.
 - (ii) Submittal Requirements. An appellant shall submit the following information for an appeal: the case number designated by the county and the name of the applicant, the name and signature of each appellant and a statement showing that each appellant is entitled to file the appeal under Section 40.250.030(F)(3)(d). If multiple parties file a single appeal for review, the appeal shall designate one (1) party as the contact representative for all contact with the responsible official. All contact with the responsible official regarding the appeal, including notice, shall be with this contact representative, and the specific aspect(s) of the decision being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error.
 - (iii) Appeal Decision. The Historic Preservation Commission shall hear appeals in a public hearing. Staff shall provide notice of an appeals hearing by mailing notification to the parties of record, and publishing notice in the newspaper of general circulation, and by posting notice on the property. Staff shall prepare a report and the Commission shall hold a hearing and make a decision. Staff shall prepare a final decision report and make it publicly available and provide it to the parties of record. The decision can be appealed per Section 40.250.030(G).

- (2) Commission Review. 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 requires a Commission review for a certificate of appropriateness.
 - (a) The owner or the owner's agent (architect, contractor, lessee, etc.) shall apply to the Commission for a certificate of appropriateness or, in the case of demolition, a waiver.
 - (b) Staff shall publish notice of the hearing for a certificate of appropriateness application in a newspaper of general circulation and post the property at least fifteen (15) days prior to the hearing. Staff shall also distribute the notice to:
 - (i) The applicant and the applicant's representative;
 - (ii) The neighborhood association in which the property is located;
 - (iii) Property owners within a radius of three hundred (300) feet of the nominated property if the nominated property is inside the urban growth boundary or within a radius of five hundred (500) feet if the property is outside the urban growth boundary;
 - (iv) Agencies with jurisdiction; and
 - (v) To known interest groups and other people the responsible official believes may be affected by the proposed action or who request such notice in writing.
 - (c) The Commission shall hear, deliberate, and make a decision on the certificate of appropriateness at a public hearing. The Chair of the Commission determines when the public record closes, after which no additional evidence or arguments can be submitted.
 - (d) After the hearing, staff shall prepare the Commission's decision in writing, which shall state the findings of fact and reasons relied upon in reaching its decision within fourteen (14) days of the close of the case record.
 - (e) If the owner agrees to the Commission's decision, a certificate of appropriateness shall be awarded by the Commission according to standards established in its rules and procedures.
 - (f) The Commission's recommendations and decision, and, if awarded, the certificate of appropriateness, shall be transmitted to the Building or Zoning Official. If a certificate of appropriateness is awarded, the Building or Zoning Official may then issue the permit.
- d. Demolition. A waiver of certificate of appropriateness is required before a permit may be issued to allow whole or partial demolition of a designated CCHR property or in a CCHR historic district. Demolition is subject to review under the State Environmental Policy Act.
 - (1) The owner or the owner's agent shall attend a pre-application conference with staff to review demolition or alternative plans. After the pre-application conference the

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

- (2) The application for the waiver shall provide a bona fide list of alternatives to demolition, which includes, but is not limited to:
 - (a) Economic analysis;
 - (b) Offers to lease, sell or dedicate site to a private, public or nonprofit entity, and outcome of the offer;
 - (c) Relocation of building, etc.
 - (3) The applicant shall meet with the Commission to review alternatives to demolition.
 - (4) Commission consideration of the alternatives to demolition shall last no longer than forty-five (45) days from the date of application, unless an extension of time is necessary. In no case shall a request for extension extend beyond an additional forty-five (45) days. If no request for an extension is made or no alternative to demolition has been agreed to, the Commission shall act and advise the official in charge of issuing a demolition permit of the approval or denial of the waiver of a certificate of appropriateness.
 - (5) When issuing a waiver, the Commission may require the owner to mitigate the loss of the CCHR property by means determined by the Commission at the public hearing. Mitigation may include, but is not limited to, an identification plaque, use of an architectural element in new construction, moving the building, and/or buffering of the historic or cultural resource.
 - (6) The Commission's recommendations, decision and conditions of approval shall be transmitted to the responsible official. Any conditions in this review process shall become conditions of approval of the permits granted. After the property is demolished, the Commission may initiate removal of the property from the CCHR.
4. Violation. Violations of this section shall be grounds for the Commission to review the property for removal from the register and are subject to enforcement under Title 32. The property owner may also be subject to special valuation disqualification as stated in WAC 458-15-070 and Chapter 3.22.

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

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

(Added: Ord. 2018-08-04)

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

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

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

1. Timelines.

- a. Applications must be filed with the County Assessor's office and shall be forwarded to the Commission by the Assessor within ten (10) days of filing.
- b. For applications filed at least thirty (30) days prior to the next regularly scheduled meeting of the Commission, the case may be put on the agenda for that meeting. If there are not thirty (30) days, the case will be scheduled for the next regularly scheduled meeting of the Commission.
- c. Applications shall be reviewed by the Commission before December 31st of the calendar year in which the application is made.
- d. Commission decisions regarding the applications shall be certified in writing and filed with the Assessor within ten (10) days of the decision.

2. Procedure.

- a. The applicant files an application for special valuation with the County Assessor's office no later than October 1st preceding the tax assessment year in which they wish to apply. A fee is required as established in Title 6 and is payable to the Community Planning Department.
- b. The Assessor forwards the application(s) to the Commission staff within ten (10) days of receipt of the completed application.
- c. The Commission reviews the application(s), consistent with its rules and procedures, and determines if the application(s) are complete, and if the property meets the criteria set forth in WAC 254-20-070(1) and listed in Section 40.250.030(I)(3).
 - (1) If the Commission finds the property meets all the criteria, then it shall approve the application(s).
 - (2) If the Commission determines the property does not meet all the criteria, then it shall deny the application(s).
- d. The Commission's decision shall be made in writing and state the facts upon which the approvals or denial are based. Staff shall file copies of the decision with the County Assessor.

- e. For approved applications:

- (1) The Commission staff forwards copies of the agreements, applications and supporting documentation (as required by WAC 254-20-090(4) and identified in Sections 40.250.030(I)(3) and 40.250.030(I)(4)) to the County Assessor;
 - (2) The Commission staff forwards the signed agreement and application documents to the County Auditor for recording. The applicant shall be assessed fees for recording as prescribed by the County Auditor and other applicable Clark County Code sections;
 - (3) Notifies the Washington State Advisory Council that the property(ies) have been approved for special valuation; and
 - (4) Monitors the property for continued compliance with the agreements throughout the ten (10) year special valuation period. Monitoring may include an annual site visit by staff or Commission members.
- f. The Commission determines in a manner consistent with its rules and procedures, whether or not property is disqualified from special valuation either because of:
- (1) The owner's failure to comply with the terms of the agreement; or
 - (2) Because of a loss of historic value resulting from physical changes to the building or site.
- g. For disqualified property pursuant to RCW 84.26.080, the Commission shall notify the owner, Assessor, and Washington State Advisory Council in writing and state the facts supporting its findings.

3. Criteria.

- a. Historic Property Criteria. The class of property eligible to apply for special valuation in Clark County shall mean all property listed on the National Register of Historic Places, CCHR or property certified as contributing to local and/or National Register Historic Districts which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.
- b. Application Criteria. Complete applications shall consist of the following documentation:
 - (1) A legal description of the historic property;
 - (2) A copy of the nomination form to the National Register of Historic Places, CCHR for the subject property;
 - (3) Comprehensive exterior and interior photographs of the historic property before and after rehabilitation. Digital photographs must be clearly labeled to identify case, location, subjects and the direction the photograph was taken. Photographs shall include:
 - (a) Photos taken prior to construction;
 - (b) Historic photos or other source materials of replicated features; and
 - (c) A current streetscape;

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

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

J. Interlocal Agreements.

1. Interlocal agreements may be established in accordance with Chapter 39.34 RCW between cities and the county for historic preservation services.
2. The Commission may act on behalf of an incorporated city within Clark County if an interlocal agreement for that purpose is in effect between the city and Clark County. The interlocal agreement must specify who has final decision-making power on nominations, designation, and/or certificate of appropriateness applications.

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

K. Clark County Cultural Resources Inventory.

1. There are no regulatory requirements for property owners arising from inclusion on the inventory.
2. Application to the Inventory.
 - a. A property owner may make application to request listing on the inventory by completing an inventory survey form available from the Community Planning Department and submitting it to the Commission staff.
 - b. The county may conduct a historic and cultural resource survey and make application for listing on the inventory without property owner consent.
3. Listing on the Inventory.
 - a. New listings of properties or districts to the inventory are subject to review by the Community Planning Department. Consideration of listing shall be based upon development of a comprehensive inventory methodology which determines a rank order.
 - b. Properties which are demolished shall be maintained in the inventory records for historical research purposes.

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

NOTICE OF DETERMINATION OF NON SIGNIFICANCE (DNS)

NOTICE IS HEREBY GIVEN that the following proposal has been determined to have no probable significant adverse impact on the environment, and that an environmental impact statement is not required under RCW 43.21C.030(2)(c). Written comments on the following proposal, or DNS, may be submitted to the Responsible Official by September 14, 2019.

DESCRIPTION: *Clark County Unified Development Code (Title 40.250.030) Amendments (CPZ2018-00012 Historic Preservation Code update)* – The proposal is to amend the text of the Historic Preservation Code (CCC Chapter 40.250.030) to increase the minimum number of commission members from five to seven, with two being appointed by the city of Vancouver and five being appointed by the county, and amend the appeals process for decisions made by the historic preservation commission to state that the appeals process for properties in any of the cities/town would follow the process as outlined in the intergovernmental agreement and/or city code.

ACTION REQUESTED: It is requested that the County Council amend the text of the Historic Preservation Code (CCC Chapter 40.250.030) to increase the minimum number of commission members from five to seven, with two being appointed by the city of Vancouver and five being appointed by the county, and amend the appeals process for decisions made by the historic preservation commission to state that the appeals process for properties in any of the cities/town would follow the process as outlined in the intergovernmental agreement and/or city code.

RESPONSIBLE OFFICIAL:

Oliver Orjiako, Director Community Planning
PO Box 9810
Vancouver WA 98666-9810
oliver.orjiako@clark.wa.gov

BILL TO:

Sonja Wiser, Program Assistant
Clark County Community Planning
PO Box 9810
Vancouver, WA 98666-
9810 (360) 397-2280 ext.
4558
Sonja.wiser@clark.wa.gov

PUBLICATION DATE: September 4, 2019

PLEASE E-MAIL OR CALL TO CONFIRM RECEIPT AND PUBLICATION DATE



DETERMINATION OF NON-SIGNIFICANCE

Description of Proposal: Clark County Unified Development Code (Title 40.250.030) Amendments (CPZ2018-00012 Historic Preservation Code update) – The proposal is to amend the text of the Historic Preservation Code (CCC Chapter 40.250.030) to increase the minimum number of commission members from five to seven, with two being appointed by the city of Vancouver and five being appointed by the county, and amend the appeals process for decisions made by the historic preservation commission to state that the appeals process for properties in any of the cities/town would follow the process as outlined in the intergovernmental agreement and/or city code.

Proponent: Clark County

Location of proposal, including street address, if any: Clark County, Washington

Lead Agency: Clark County, Washington

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.

Comments must be submitted by: September 14, 2019

Responsible Official: Oliver Orjiako
Position/title: Director
Address: **RE: SEPA Comments**
Clark County Community Planning
1300 Franklin Street; 3rd Floor
P.O. Box 9810
Vancouver, WA 98666-9810

Date: 7-2-19 **Signature:** Oliver Orjiako

The staff contact person and telephone number for any questions on this review is Sharon Lumbantobing, Planner II, (360) 397-2280 ext. 4909.



**Clark County SEPA Environmental Checklist
Washington Administrative Code (WAC) 197-11-960**

A. BACKGROUND

- 1. Name of proposed project, if applicable:** Clark County Unified Development Code (Title 40 40.250.030) Amendments (CPZ2019-00028) Historic Preservation Code Amendment
- 2. Name of applicant:**
Clark County, Washington
- 3. Address and phone number of applicant and contact person.**
*Oliver Orjiako, Director
Clark County Community Planning
P.O. Box 9810
Vancouver, WA 98666-9810
(360) 397-2280 extension 4112*
- 4. Date checklist prepared:**
July 2, 2019
- 5. Agency requesting checklist:**
Clark County, WA
- 6. Proposed timing or schedule (including phasing, if applicable):**
If approved by the Clark County Councilors, the code amendments would become effective in October 2019.
- 7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**
No, this is a non-project action.
- 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**
None, this is a non-project action.
- 9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**
None, this is a non-project action.

10. List any government approvals or permits that will be needed for your proposal, if known.

None, this is a non-project action.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

This SEPA review is for a non-project action. The proposed amendments to the Clark County Unified Development Code (Title 40.250.030) are intended to increase the minimum number of commission members from five to seven, with two being appointed by the city of Vancouver and five being appointed by the county, and amend the appeals process for decisions made by the historic preservation commission to state that the appeals process for properties in any of the cities/town would follow the process as outlined in the intergovernmental agreement and/or city code.

12. Location of the proposal.

None, this is a non-project action.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site: Flat, rolling, hilly, steep slopes, mountainous, other.**

Not applicable.

- b. What is the steepest slope on the site (approximate percent slope)?**

Not applicable.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.**

Not applicable. This is a non-project action.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

Not applicable.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.**

Not applicable. This is a non-project action.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

No. This is a non-project action.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

None. This is a non-project action.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**

None. This is a non-project action.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.**

None, this is a non-project action.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

Not applicable. None, this is a non-project action.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

Not applicable. This is a non-project action.

3. Water

- a. Surface:**

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

Not applicable.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described water? If yes, please describe and attach available plans.**

No.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

None.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**

No.

- 5) Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.**

No.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

No.

- b. Ground Water:**

- 1) Will ground water be withdrawn, or will water be discharged to ground water?
Give general description, purpose, and approximate quantities if known.

No.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . .; agricultural; etc). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None. This is a non-project action.

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable as this is a non-project action.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable as this is a non-project action.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

No mitigation is proposed as part of this is non-project action.

4. Plants

- a. Check or circle types of vegetation found on the site.**

Not applicable.

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

__ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

None. This is a non-project action.

c. List threatened or endangered species known to be on or near the site.

None. This is a non-project action.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None. This is a non-project action.

e. List all noxious weeds and invasive species known to be on or near the site.

None. This is a non-project action.

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other:

None. This is a non-project action.

b. List any threatened or endangered species known to be on or near the site.

None.

c. Is the site part of a migration route? If so, explain.

No.

d. Proposed measures to preserve or enhance wildlife, if any:

None as this is a non-project action.

e. List any invasive animal species known to be on or near the site.

None.

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

None.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

No.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

None.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.**

None.

- 1) Describe special emergency services that might be required.**

Not applicable.

- 2) Proposed measures to reduce or control environmental health hazards, if any:**

None.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

Not applicable.

- 4) Describe special emergency services that might be required.**

Not applicable.

- 5) Proposed measures to reduce or control environmental health hazards, if any:**

Not applicable.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

Not applicable.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

Not applicable.

- 3) Proposed measures to reduce or control noise impacts, if any:**

Not applicable.

8. Land and Shoreline Use

- a. **What is the current use of the site and adjacent properties?**
Not applicable. This is a non-project action.
- b. **Has the site been used for agriculture? If so, describe.**
Not applicable. This is a non-project action.
- c. **Describe any structures on the site.**
None.
- d. **Will any structures be demolished? If so, what?**
No.
- e. **What is the current zoning classification of the site?**
Not applicable. This is a non-project action.
- f. **What is the current comprehensive plan designation of the site?**
Not applicable. This is a non-project action.
- g. **If applicable, what is the current shoreline master program designation of the site?**
Not applicable.
- h. **Has any part of the site been classified as a critical area by the city or county? If so, specify.**
No.
- i. **Approximately how many people would reside or work in the completed project?**
None. This is a non-project action.
- j. **Approximately how many people would the completed project displace?**
None.
- k. **Proposed measures to avoid or reduce displacement impacts, if any:**
No measures are necessary as this is a non-project action.
- l. **Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**
No measures are necessary as this is a non-project action.
- m. **Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**
No measures are necessary as this is a non-project action.

9. Housing

- a. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**
None as this is a non-project action.
- b. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**
None.
- c. **Proposed measures to reduce or control housing impacts, if any:**
None.

10. Aesthetics

- a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**
Not applicable.
- b. **What views in the immediate vicinity would be altered or obstructed?**
Not applicable.
- c. **Proposed measures to reduce or control aesthetic impacts, if any:**
No measures are necessary as this is a non-project action.

11. Light and Glare

- a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?**
None, this is a non-project action.
- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**
No.
- c. **What existing off-site sources of light or glare may affect your proposal?**
Not applicable.
- d. **Proposed measures to reduce or control light and glare impacts, if any:**
None are proposed for this is a non-project action.

12. Recreation

- a. **What designated and informal recreational opportunities are in the immediate vicinity?**
None.
- b. **Would the proposed project displace any existing recreational uses? If so, describe.**
No.
- c. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**
None are proposed for this is a non-project action.

13. Historic and Cultural Preservation

- a. **Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.**
Not applicable. This is a non-project action.
- b. **Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.**
Not applicable. This is a non-project action.
- c. **Proposed measures to reduce or control impacts, if any:**
None, this is a non-project action.

- d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

None, this is a non-project action.

14. Transportation

- a. **Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.**

None.

- b. **Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?**

No.

- c. **How many parking spaces would the completed project have? How many would the project eliminate?**

None.

- d. **Will the proposals require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).**

Not applicable. This is a non-project action.

- e. **Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

No.

- f. **How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.**

None. This is not applicable for this non-project action.

- g. **Proposed measures to reduce or control transportation impacts, if any:**

None proposed as part of this non-project action.

- h. **Proposed measures to reduce or control transportation impacts, if any:**

None proposed as part of this non-project action.

15. Public Services

- a. **Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? if so, generally describe.**

No.

- b. **Proposed measures to reduce or control direct impacts on public services, if any.**

None proposed as part of this non-project action.

16. Utilities

- a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.**

Not applicable.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

None.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Sharon Lumbantobing

Name of signee: Sharon Lumbantobing

Position and Agency/Organization Planner II, Clark County Community Planning

Date Submitted: July 2, 2019

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

Respond briefly and in general terms.

- 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

No development is proposed as a part of this code amendment. The proposed code amendments clarify process only and are not related to site-specific development. The proposal would not increase any of the impacts listed above.

- 2. How would the proposal be likely to affect plants, animals, fish or marine life?**

No development is proposed as a part of this code amendment. The proposal would add informative text to the code to clarify process, resulting in no impact to plants, animals, fish or marine life.

- 3. How would the proposal be likely to deplete energy or natural resources?**

No development is proposed as a part of this code amendment. The proposal would add informative text to the code to clarify process, resulting in no impact to depletion of energy or natural resources.

- 4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection: such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

No development is proposed as a part of this code amendment. The proposal would add informative text to the code to clarify process, resulting in no impact to environmentally sensitive areas or areas designated for governmental protection.

- 5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

No development is proposed as a part of this code amendment. The proposal would add informative text to the code to clarify process, resulting in no impact to land and shoreline use.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

No development is proposed as a part of this code amendment. The proposal would add informative text to the code to clarify process, resulting in no impact to transportation or public services and utilities.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal would not conflict with local, state or federal laws.

**NOTICE OF PUBLIC HEARING
CLARK COUNTY PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that the Clark County Planning Commission will conduct a public hearing on **Thursday, September 19, 2019 at 6:30 p.m.**, at the Public Services Center, 1300 Franklin Street, County Council Hearing Room, 6th Floor, Vancouver, Washington to consider the following:

CPZ2019-00028 Historic Preservation: A proposal to amend Clark County Code (Historic Preservation Chapter 40.250.030) to increase the minimum number of commission members and to amend the appeals process.

Staff Contact: Sharon.Lumbantobing@clark.wa.gov or (564) 397-4909

The staff reports, related materials and hearing agenda will be available 15 days prior to the hearing date on the county's web page at <https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>

Copies are also available at Clark County Community Planning, 1300 Franklin Street, 3rd Floor, Vancouver, Washington. For other formats, contact the Clark County ADA office at ADA@clark.wa.gov, voice 564-397-2322, Relay 711 or 800-833-6388, Fax 564-397-6165.

Anyone wishing to give testimony in regard to this matter should appear at the time and place stated above. Written testimony can be provided to the Clark County Planning Commission by e-mailing the clerk of the commission at Sonja.Wiser@clark.wa.gov or via US Postal Service to the Clark County Planning Commission, c/o Sonja Wiser, PO Box 9810, Vancouver, WA 98666-9810. Written testimony may also be submitted for the record during the hearing. Please ensure that testimony is received at least two (2) business days before the hearing if you would like staff to forward it to the Planning Commission before the hearing.

Approved as to Form only:

Anthony Golik
Prosecuting Attorney

By: 
Christine Cook
Senior Deputy Prosecuting Attorney

PLEASE PUBLISH:

Wednesday, September 4, 2019

Please Bill:

Clark County Community Planning
Attn: Sonja Wiser, Program Assistant
P. O. Box 9810
Vancouver, WA 98666-9810
Columbian Account 70914

From: [Wiser, Sonja](#)
To: Legals@columbian.com; legals@thereflector.com
Subject: PC Legal Notice #2 - Historic Preservation.doc
Date: Thursday, September 12, 2019 11:05:52 AM
Attachments: [PC Legal Notice - Historic Preservation.doc](#)

Please publish Wednesday, September 18, 2019 and confirm receipt. Thanks

**NOTICE OF PUBLIC HEARING
CLARK COUNTY PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that the Clark County Planning Commission will conduct a public hearing on **Thursday, October 3, 2019 at 6:30 p.m.**, at the Public Services Center, 1300 Franklin Street, County Council Hearing Room, 6th Floor, Vancouver, Washington to consider the following:

CPZ2019-00028 Historic Preservation: A proposal to amend Clark County Code (Historic Preservation Chapter 40.250.030) to increase the minimum number of commission members and to amend the appeals process.

Staff Contact: Sharon.Lumbantobing@clark.wa.gov or (564) 397-4909

The staff reports, related materials and hearing agenda will be available 15 days prior to the hearing date on the county's web page at <https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>

Copies are also available at Clark County Community Planning, 1300 Franklin Street, 3rd Floor, Vancouver, Washington. For other formats, contact the Clark County ADA office at ADA@clark.wa.gov, voice 564-397-2322, Relay 711 or 800-833-6388, Fax 564-397-6165.

Anyone wishing to give spoken testimony in regard to this matter should appear at the time and place stated above. Written testimony can be provided to the Clark County Planning Commission by e-mailing the clerk of the commission at Sonja.Wiser@clark.wa.gov or via US Postal Service to the Clark County Planning Commission, c/o Sonja Wiser, PO Box 9810, Vancouver, WA 98666-9810. Written testimony may also be submitted for the record during the hearing. Please ensure that testimony is received at least two (2) business days before the hearing if you would like staff to forward it to the Planning Commission before the hearing.

Approved as to Form only:

Anthony Golik
Prosecuting Attorney

By: _____
Christine Cook
Senior Deputy Prosecuting Attorney

PLEASE PUBLISH:

Wednesday, September 18, 2019

Please Bill:

Clark County Community Planning
Attn: Sonja Wiser, Program Assistant
P. O. Box 9810
Vancouver, WA 98666-9810
Columbian Account 70914



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

07/10/2019

Ms. Sharon Lumbantobing
Planner II
Clark County
1300 Franklins Street
Post Office Box 9810
Vancouver, WA 98666-9810

Sent Via Electronic Mail

Re: Clark County--2019-S-400--60-day Notice of Intent to Adopt Amendment

Dear Ms. Lumbantobing:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed amendment to the text of the Clark County Code (Historic Preservation) 40.250.030 to increase the number of commission members from five to seven, with two being appointed by the city of Vancouver council and five being appointed by the Clark County council, and amend the appeals process for decisions made by the historic preservation commission.

We received your submittal on 07/09/2019 and processed it with the Submittal ID 2019-S-400. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 09/08/2019.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Ike Nwankwo, (360) 725-2950.

Sincerely,

Review Team
Growth Management Services