



Clark County Historic Preservation Commission

DECISION OF THE CLARK COUNTY HISTORIC PRESERVATION COMMISSION

TO: Clark County, Owner and Interested Parties

FROM: Robert Hinds, Chair
Clark County Historic Preservation Commission

DATE: September 19, 2017

FILE: **HST 2017-00003 Clark County Poor Farm (a.k.a. 78th Street Heritage Farm) –**
Design Review: Certificate of Appropriateness for proposed new split rail fence to
surround cemetery.
Pursuant to CCC 40.250.030.

NOTICE TO PARTIES OF RECORD

CASE No. HST 2017-00003, Clark County Poor Farm Certificate of Appropriateness review –
Clark County Parks, Owner/Applicant

The attached decision of the Clark County Historic Preservation Commission will become final and conclusive unless a written appeal therefrom is filed with the Clark County Hearings Examiner, 1300 Franklin Street., Vancouver, Washington, 98666 no later than 5:00 p.m. on **Oct. 3, 2017 (14 calendar days** after written notice of the decision is mailed).

All appeals must be written and must contain the case number designated by the County and the name of the applicant; the name and signature of each petitioner for the appeal and a statement showing that each petitioner is entitled to file the appeal as an interested party in accordance with Chapter 2.51 of Clark County Code; 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.

The Hearings Examiner shall hear appeals of decisions on the record, including all materials received in evidence at any previous stage of the review, an audio or audio/visual tape of the prior hearing(s) or transcript of the hearing(s) certified as accurate and complete, the final order being appealed, and argument by the parties. No new evidence will be accepted.

The Hearings Examiner may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If so continued, the Hearings Examiner shall designate the parties or their representatives to present argument, and the permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the Hearings Examiner. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Hearings Examiner may affirm, reverse, modify or remand an appealed decision.

The case file is available for review at 1300 Franklin Street, Vancouver, WA between 8:00 am and 5:00 PM M-F. Contact **Jacqui Kamp, (360) 397-2280, ext. 4913.**

Emailed and/or mailed on: **September 19, 2017** EXHIBIT I

PARTIES OF RECORD

September 5, 2017 Public Hearing

Clark County Parks
c/o Pat Lee
1300 Franklin Street,
Vancouver, WA 98666

OTHER INTERESTED PARTIES

Lisa BAYAUTET

Email: GetMarketingMatters@gmail.com

Robert Freed

Email: robarbara@earthlink.net

Tracy Pax

Cheryl Calderon
1812 NE 72nd Circle
Vancouver, WA

Robin Summers
1807 NE 70th St.
Vancouver, WA

**BEFORE THE HISTORIC PRESERVATION COMMISSION
OF CLARK COUNTY, WASHINGTON**

**HST 2017-00003 – Clark County Poor Farm
1919 NE 78th Street, Vancouver, Washington
Design Review for Certificate of Appropriateness**

Regarding an application by Clark County for design review for a Certificate of Appropriateness for proposed new wood split rail fence at 1919 NE 78th Street, Vancouver, Washington. (Assessor Parcel #148084000)

I. SUMMARY

1. The Clark County Poor Farm (a.k.a. 78th Street Heritage Farm) is located at 1919 NE 78th Street, Vancouver (Tax Assessor Parcel # 148084000). The owner is proposing to remove the chain link security fence that currently dissects the cemetery and relocate this to the western boundary of the cemetery, and to construct a new cedar split rail fence to surround the proper boundaries of the cemetery on the north, south and east.
2. Comprehensive Plan/ Zoning Designations: Public Facility/R1-6 (Highway 99 Overlay), Clark County
3. On September 5, 2017, at a duly advertised public hearing, the Clark County Historic Preservation Commission voted (6-0) to approve the Certificate of Appropriateness for the new fence proposal for the cemetery.

II. HEARING AND RECORD

- 1) The Clark County Historic Preservation Commission received testimony at the public hearing on this application on September 5, 2017. A record of that testimony is included herein as Exhibit I (Parties of Record) and Exhibit II (Recorded Proceedings). These exhibits are filed at the Clark County Department of Community Planning, 1300 Franklin St., Vancouver, WA.
- 2) At the hearing, Jacqui Kamp, County Planner III, summarized the Clark County Department of Community Planning Staff Report and Recommendation to the Historic Preservation Commission dated August 29, 2017. Pictures of the site, signage and sign site plan are included in the case file.
 - a. The property owners, Clark County, have applied for a Certificate of Appropriateness to install a cedar split rail fence on north, south, and east sides of the cemetery to demarcate the cemetery boundaries at the farm and to remove the chain link security fence that currently dissects the cemetery and relocate this to the western boundary of the cemetery.
 - b. The farm is listed in the Clark County Heritage Register.

- c. As the agricultural landscape conveys the historic significance of the property's association with welfare support and agricultural development throughout its use as the Clark County Poor Farm (1913-1943), and the Southwestern Washington Experiment Station (1943-1966), elements added to the landscape will be reviewed by the Historic Preservation Commission to ensure there is no significant impact to the historic site. The site had gone through a very extensive public involvement process to develop a concept design and master plan for the site. The whole point is to educate the public on sustainable agriculture practices, to learn about history and use it as an outdoor classroom for a lot of purposes.
 - d. The application states that while there is no record of a fence ever enclosing the cemetery, the objectives of installing a fence are to prevent encroachment of agricultural operations into the cemetery and to clearly demarcate the cemetery as one of the "rooms" to interpret on the farm. A small sign will be placed near the fence indicating that this fence was not original to the property. There will be a 10 foot wide maintenance access provided that coincides with the 18 foot wide road that is shown on the 1913 cemetery plat.
 - e. Several fence designs were suggested through the public process. The split rail fence was selected due to the advantages of low cost, high visibility, and easy maintenance. The fence is expected to last for 15 years. The primary disadvantage is that fence posts will be installed to a depth of two feet, which could potentially disturb shallow gravesites. The existing 12-15 foot wide access roads surrounding the cemetery should provide a sufficient buffer between the fence posts and the gravesites.
 - f. Using the criteria for design review which is the Secretary of the Interior Standards for Rehabilitation, staff recommended approval of the certificate of appropriateness (See staff report).
- 3) The Clark County Historic Preservation voted (6-0), with one member not voting, to approve the Certificate of Appropriateness for the proposed split rail fence on the northern, southern and eastern boundaries and chain link fence on the western boundary of the cemetery.

II. TESTIMONY

1. The staff reviewed the staff report, HST 2017-00003.
2. The commission had the following questions and comments for staff:
 - a) Robert Hinds stated that he understands the design concerns and cost implications of the fence options.
 - b) Roch Manley liked the suggestion (from DAHP) of removing the chain link fence at grade level so as not to disturb the soil by leaving the footings of the fence in place. Pat Lee (Parks Department) replied that leaving the existing fence posts in the ground could create a safety hazard at the site and be a liability issue, specifically as maintenance equipment could run into the footings and cause personal injury and damage to equipment. Therefore the county plans to pull out the footings of the chain link fence completely.
 - c) Roch Manley asked if the county has done the ground penetrating radar around the fence area to ensure proper removal of the fence footings. Pat Lee handed out an exhibit to show where the burials are located and showing where the split rail fence will go. The perimeter of the cemetery will include a 15 foot buffer for maintenance roads along the

- north and south and a 12 foot buffer to the east for use as an access/maintenance road. The exhibit shows an 18 foot central road in the middle of the cemetery, which is where the existing chain link fence is located. The county will hire an on-site cultural observer to oversee fence removal and post hole digging and guide the work if any artifacts are encountered.
- d) Rob Heaney asked if the fence removal would be done by bulldozing with a track hoe bucket and chain as opposed to excavating them. Pat Lee replied that it will be done with a bulldozer and track hoe.
 - e) Sean Denniston asked if the notation about the fence not being historic would go on the interpretive panel that was designed for the cemetery. Pat Lee replied that the interpretive panel has already been completed therefore the notation about the fence will need to go on a separate sign.
 - f) Sean Denniston appreciated the thoroughness of the Certificate of Appropriateness and its responsiveness to addressing the concerns of the Historic Preservation Commission, even though he was not originally in agreement with adding a fence as it was not part of the original historic property.
 - g) Roch Manley asked if there was a maintenance budget allocated for future repair and replacement. Pat Lee and Chris Cook (Clark County Prosecuting Attorney) replied that maintenance activities are funded through the county budget.
3. Public testimony:
- a) Rob Freed stated that he serves on the Farm Advisory Board. Freed stated that while the split rail fence may not be the ideal design, it serves the correct purpose in protecting the valuable cultural resource and provides honor to the people who are buried there and protects against further disturbance.
 - b) Lisa Bayautet requested the Historic Commission to please utilize their capacity to advise the Board of County Councilors to set aside funds for additional maintenance specific to this area if the fencing recommendation is made. She distributed photos of an easement fence for a stormwater access on the farm that extends towards her property. The fence was damaged last year and Lisa was told that it would be two to three years before the budget allows for its repair. Another photo shows another damaged fence near the cemetery which was damaged when a tree fell in 2015. Lisa read a letter written by her neighbor on August 28, 2017, describing this damaged fence. The neighbor conversed with a county employee one week later who was chopping up and removing the tree and said someone would return to repair the damaged fence. The fence has not been repaired to date and remains mangled in places and an eye sore, with blackberry bushes growing onto their property. The property owner is requesting access to the county property so that she can better remove the blackberry bushes and garbage that is occasionally left there. Lisa stated that there needs to be better communication between residents and the county regarding the maintenance of the fences. Lisa requested that the county please include a recommendation of additional maintenance funding for these fences because the county maintenance fund is not enough to repair and preserve these areas. Her second point is that she is aware of the 500 feet protected area that the Department of Archeology and Historic Preservation

(DAHP) designates as a protected area beyond the 150 by 300 ft cemetery. Lisa stated that the county allowed her to build her home on the immediate border of the cemetery and that her home was excavated 10 feet during construction with no ground monitoring. A representative from DAHP told her that "there is not yet a historical cemetery that has not revealed bodies outside of a cemetery in our state". Lisa requested the commission to please honor the 500 ft boundary around the cemetery on all sides because she believes there are bodies outside of the cemetery.

4. Tracy Pax read aloud her neighbor's (Robin Summers) letter. Robin is one of the neighbors whose property borders the west side of the cemetery. Robin was informed by the Parks Department a few weeks ago that the cyclone fence would be moved to the west and it would be 6-8 feet from the property line allowing trees to be planted. Issues regarding the fence have been bounced around for a few months. It is her understanding that people may be buried in shallow graves. She asked the commission to consider using more trees and shrubs to demarcate the cemetery boundaries instead of a fence. There are already a lot of mature trees on the western boundary. A cemetery is a resting place and should be peaceful. Trees and landscaping would be the most appropriate for demarcating the boundary. There is also a lot of wildlife in the area that could benefit from this.

4. With no further public comment, the hearing was closed to move on to deliberations.

III. DISCUSSION

1. Robert Hinds stated that county code requires that the HPC have a professional archeologist on the commission and that gentleman is Alex Gall. The HPC is very cognizant of the need to respect human remains and they have consulted site surveys and asked questions about how far dispersed graves may be from cemetery boundaries to address these concerns.
2. Jacqui Kamp asked the HPC for any input on the placement on the location of the interpretive panel. Sean Denniston requested that it be placed in the most publicly accessible and visible location.

IV. FINDINGS

The CCHPC deliberated on September 5, 2017 and made the following findings:

1. Approve the Certificate of Appropriateness for the removal of the chain link security fence that currently dissects the cemetery and relocate this to the western boundary of the cemetery, and construct a new cedar split rail fence to surround the proper boundaries of the cemetery on the north, south and east.

V. MOTION

1. Sarah Fox moved to approve the Certificate of Appropriateness for the fence. Roch Manley seconded the motion. The vote was 6-0 in favor of approving the Certificate of Appropriateness. Alex Gall did not vote.

IV. DECISION/CERTIFICATE OF APPROVAL

2. The Clark County Historic Preservation Commission approved the request for a Certificate of Appropriateness for removal of the chain link security fence that currently dissects the cemetery and relocate this to the western boundary of the cemetery, and construct a new cedar split rail fence to surround the proper boundaries of the cemetery on the north, south and east.

List of Exhibits (new or amended exhibits are bolded)

- I. Parties of Record**
- II. Audio**
- III. Staff Report dated Aug. 29, 2017 and attachments
 1. Clark County Poor Farm Certificate of Appropriateness application and proposal
 2. Cemetery Interpretive panel
 3. 2010 Documentation and Remote Sensing Report
 4. 2013 Clark County Poor Farm CCHR Nomination
- IV. Aerial map of cemetery with cemetery plat and location of proposed fence (submitted by Pat Lee, applicant)**
- V. Written comments submitted by Robin Summers, 1807 NE 70th St., Vancouver, WA**
- VI. Written comments including photographs submitted by Lisa Bayautet, 1815 NE 72nd Circle, Vancouver, WA**
- VII. Written comments submitted by Cheryl Calderson, 1812 NE 72nd Circle, Vancouver, WA**



**Clark County Historic Preservation Commission
DESIGN REVIEW EVALUATION
CERTIFICATE OF APPROPRIATENESS**

NAME OF SITE: Clark County Poor Farm (78th St. Heritage Farm)

ADDRESS: 1919 NE 78th Street, Vancouver, WA

Yes HISTORIC INVENTORY
Yes LOCAL REGISTER
Yes STATE REGISTER

OWNER: Clark County, Washington

Yes NATIONAL REGISTER

APPLICANT: Clark County, Washington

LIST OF FEATURES SIGNIFICANT TO DESIGNATION: Administration building, detached garage and milk house, bunk house, hog barn, machine shed, poor farm cemetery

OBSERVATION FROM SITE VISIT: A chain link fence currently dissects the cemetery. The correct boundaries of the cemetery are unclear at the site. Agriculture practices have occurred on the eastern portion of the cemetery for the past 50 years and visitors to the farm can wander onto the cemetery not recognizing that it is a cemetery. The area is a grassy rolling field with no grave stones. The only marker is a large boulder with a bronze plaque that was installed in 1966.

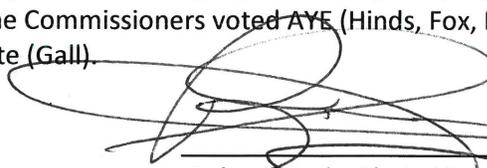
PROPOSED CHANGES TO PROPERTY: Remove the chain link security fence that currently dissects the cemetery and relocate this to the western boundary of the cemetery, and construct a new cedar split rail fence to surround the proper boundaries of the cemetery on the north, south and east to clearly demarcate it. Include a sign that indicates that this fence is not original to the property together with an interpretive panel explaining the history of the cemetery.

EVALUATION: The Historic Preservation Commission voted to approve the Certificate of Appropriateness as submitted, authorizing the removal of the chain link fence dissecting the cemetery, relocation of this security fence to the western boundary of the cemetery, construction of a split rail fence along the eastern, northern, and southern borders of the cemetery, and placement of signage indicating the purpose of the fence and the fact it was not original to the cemetery. The interpretive panel should be located in an appropriate visible location.

- APPROVED. ISSUE CERTIFICATE OF APPROPRIATENESS.
- APPROVED. ISSUE WAIVER OF CERTIFICATE OF APPROPRIATENESS WITH CONDITIONS.
- DENIAL

Motion by Sarah Fox, seconded by Roch Manley to: approve the Certificate of Appropriateness to remove the chain link security fence that currently dissects the cemetery and relocate this to the western boundary of the cemetery, and to construct a new cedar split rail fence to surround the proper boundaries of the cemetery on the north, south and east and placement of signage indicating the purpose of the fence and the fact it was not original to the cemetery. Six of the Commissioners voted AYE (Hinds, Fox, Manley, Heaney, Denniston and Pelletier). One commissioner did not vote (Gall).

Motion carried.


 Date: 9/15/2017
 Robert Hinds, Chair, Historic Preservation Commission