



TO: Historic Preservation Commission
FROM: Sharon Lumbantobing, Planner II
DATE: August 7, 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 intergovernmental agreements with the seven cities/town regarding the historic preservation program. The existing intergovernmental 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 intergovernmental agreements need to be updated to reflect the new adopting ordinance and other changes that were made in the Title 40 update.

During discussions about updating the Intergovernmental 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, as they do with all other Joint City-County advisory boards and commissions. 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 intergovernmental 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 outlined in the intergovernmental agreement and/or city code.

To make these changes to the intergovernmental agreement, the county council would need to first update its Historic Preservation Code (40.250.030) and then update the language in the Intergovernmental Agreement.

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

SUMMARY OF PUBLIC INVOLVEMENT PROCESS

Rules, regulations, ordinances, or any plan or program that relates solely to governmental procedures and contains no substantive standards respecting use or modification of the environment are exempt from SEPA (WAC 197-11-800). A Work Session with the Clark County Council to review the proposed changes to CCC 40.250.030 (Historic Preservation) was held on June 12, 2019. A legal notice was published for the Historic Preservation Commission hearing on July 23, 2019. The proposed changes to CCC 40.250.030 will be sent to the Department of Commerce under RCW 36.70A.106.

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 five Historic Preservation Commission members, and updates the appeals process. The proposed changes better implement the GMA goals.

NEXT STEPS

The Planning Commission will hold a Work Session on September 5, 2019 and a public hearing on September 19, 2019, to discuss these proposed changes to CCC 40.250.030.

RECOMMENDATION AND CONCLUSIONS

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

Exhibit 1 – Title 40 Amendments
40.250.030 Historic Preservation

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 City of Vancouver and shall be residents of the City of Vancouver, except as provided in Section 40.250.030(D)(2)(b).
2. Composition of the Commission.
 - a. All members 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 Commission shall always include 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 action that would otherwise be valid shall not be rendered invalid by 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, exception to the residency requirement of Commission members may be granted by the County Council in order to obtain representatives from these disciplines.
3. Terms.
 - a. The initial appointments to the Commission 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 the terms shall be for three (3) years. Membership on the Commission shall be 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 may be removed by the County Council for inefficiency, neglect of duty, or malfeasance in office. The members shall be selected without respect 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)

- G. Appeals of the Historic Preservation Commission's Decision. A final decision of the Historic Preservation Commission on a certificate of appropriateness and nominations to the CCHR may be appealed only by a party of record. 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 the incorporated cities/town, appeals of decisions by the Historic Preservation Commission will be heard as provided by the jurisdiction's code, or in the absence of an adopted code provision, will be heard by the Superior Court, pursuant to Chapter 36.70C RCW or applicable state law.

(Added: Ord. 2018-08-04)