



CLARK COUNTY WASHINGTON

COMMUNITY PLANNING

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 ~~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 ~~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)