

06/01/20

06/15/20

ORDINANCE NO. M- 4296

AN ORDINANCE revising VMC Section 17.39, “Historic Preservation” to make it consistent with current practices and with Clark County Code 40.250.030 and providing for severability and an effective date.

WHEREAS, the City’s Strategic Plan provides for the City to continue to build high quality historical and cultural experiences for residents and visitors; and

WHEREAS, the City of Vancouver and Clark County have a combined Historic Preservation Program that includes a heritage register, education and outreach program and a Historic Preservation Commission; and

WHEREAS Clark County recently updated Clark County Code 40.250.030 “Historic Preservation and Historic Preservation Commission Rules and Procedures; and

WHEREAS, the City is proposing to revise VMC 17.39 “Historic Preservation” to make it consistent with the recent changes in Clark County’s historic preservation code and with current practices.

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

SECTION 1. Legislative Findings. The recitals set forth above are adopted as the legislative findings of the City Council of the City of Vancouver in support of adoption of this ordinance.

SECTION 2. Clark County Historic Preservation Commission. Vancouver Municipal Code Section 17.39, as last amended by M-4079, is hereby revised to read as follows:

VMC 17.39 Historic Preservation

Sections:

- 17.39.010 Purpose.
- 17.39.020 Applicability.
- 17.39.030 Definitions.
- 17.39.040 Clark County Historic Preservation Commission.
- 17.39.050 City of Vancouver ~~Office of~~ Heritage Services.
- 17.39.060 National Register of Historic Places.
- 17.39.070 Clark County Heritage Register ~~heritage register~~.
- 17.39.080 Review of changes to Clark County heritage register property(ies) – ~~Design review~~ Certificate of Appropriateness.
- 17.39.090 Relationship to zoning.
- 17.39.100 Review and monitoring of properties for special property tax valuation.
- 17.39.110 Clark County Cultural Resources inventory.
- 17.39.120 Violations and enforcement.

17.39.010 Purpose.

The purpose of this chapter is to provide for the identification, evaluation and protection of cultural and historic resources within the City of Vancouver and to encourage the preservation, restoration and rehabilitation of ~~these resources~~ eligible historic and/or cultural resources for future generations in order to:

- A. Safeguard the heritage of Vancouver as represented by those buildings, districts, objects, sites and structures which reflect significant elements of the city's history;
- B. Increase recognition of Vancouver's cultural and historic resources;
- C. Foster a sense of identity based upon the city's history;
- D. Assist, encourage and provide incentives to property owners for preservation, restoration and reuse of significant buildings, districts, objects, sites and structures; and

E. Promote and facilitate the early identification and resolution of conflicts between preservation of cultural and historic resources and alternative land uses. (Ord. M-4079 § 56, 2014; Ord. M-3243 § 2, 1996)

17.39.020 Applicability.

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

A. Property(ies) within the City of Vancouver listed ~~or eligible to be listed on any historic or cultural resource inventory for Clark County;~~ on the Clark County Cultural Reserves Inventory or for which an application to be listed has been filed with the Historic Preservation Commission staff;

B. Property(ies) within the City of Vancouver listed ~~or eligible to be listed~~ on the National Register of Historic Places or the Washington State Heritage Register for which the Washington State Department of Archeology and Historic Preservation (DAHP) has requested the Historic Preservation Commission review and provide a recommendation on a nomination;

C. Property(ies) within the City of Vancouver listed on the Clark County Heritage Register or other local register for Clark County for which a nomination application to be listed has been filed with the Historic Preservation Commission staff. (Ord. M-4079 § 57, 2014; Ord. M-3243 § 2, 1996)

17.39.030 Definitions.

The following words and terms when used in this chapter shall mean as follows, unless a different meaning clearly appears from the context:

~~"Board" shall refer to the Clark County Board of Commissioners, except where reference is made to the "local review board" for purposes of the special valuation tax incentive program.~~

"Appointing Authority" means the Clark County Council and the Vancouver City Council for the members of the Historic Preservation Commission provided for under VMC Section 17.39.040 that each Council appoints.

"Building Official" means that person designated by the City Manager to undertake the duties provided for in this Chapter that are not within the scope of authority of the Clark County Historic Preservation Commission.

“Certificate of Appropriateness” means the document indicating 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 historic characteristics of the property that contribute to its designation on the Clark County Heritage Register.

“Certified Local Government (CLG)” means a local government that has established a historic preservation program meeting federal and state standards which is 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" or "inventory" means a comprehensive inventory of historic resources within the boundaries of Clark County including resources identified and other inventories 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 the United States and/or the State of Washington, regardless of current ownership.

“Clark County Heritage Register” means the list of Properties that has been designated to be representative of Clark County’s rich history.

"Commission" means the "Clark County Historic Preservation Commission, provided for in VMC 17.39.240.

"Contributing" means a p~~roperty~~ ~~which dates to the historic period and retains sufficient physical integrity so as to convey its historic character originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, setting, materials, workmanship, feeling or association) to convey a sense of history.~~

“County Council” shall refer to the Clark County Council.

"Cultural resources" consist of historic, ~~or~~ prehistoric or archaeological sites and standing structures, cemeteries, burial grounds and funerary objects and distributions of cultural remains and artifacts.

"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.

“Heritage Overlay District” means districts, as defined in VMC 20.510 that are intended to preserve the special architectural character and/or historic or cultural significance of certain areas within the city.

"Historic district" is a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development.

"National Register of Historic Places" means the official list of the Nation’s historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service’s National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate and protect America’s historic and archeological resources. national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering or cultural heritage.

"Noncontributing" means a property which either does not date to the historic period or has not retained sufficient ~~physical~~ integrity (location, design, setting or materials) so as to convey its historic character.

"Ordinary repair and maintenance" means work for which a permit issued by the City of Vancouver 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 structure ~~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.

~~"Qualified archaeologist" means a person who has had formal training and/or experience in archeology over a period of at least three years and has been certified in writing to be a qualified archaeologist by two professional archaeologists, as defined in CW 27.53.030.~~

“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 who 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” on a specific application. Notwithstanding any of the foregoing, no person shall be a party of record who has not furnished an accurate mailing address or email address.

“Period of Significance” means the time period, from one 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.

“Permit” means any discretionary or ministerial permission required by the City of Vancouver to undertake any construction activity on Property listed on the Clark County Heritage Register.

“Planning Official” means the city official within the Community and Economic Development Department charged with administratively approving land use permits or her/her designee”.

“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” means real property including fixtures that is or may be subject to this Chapter.

“Rules and Procedures” means the Historic Preservation Commission’s guidelines for conducting various historic preservation processes.

"Significance" shall refer to a quality of a property which ~~helps one~~ assists in the understanding of the history of the a local area, the state or nation by illuminating illustrating the local, statewide or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. ~~The local area may be as large as Clark County or southwest Washington, or as small as a neighborhood.~~ Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

"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 property(ies) 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" means the state listing of properties significant to the community, state, or nation ~~but which do not meet the criteria of the National Register of Historic Places.~~ (Ord. M-3243 § 2, 1996)

17.39.040 Clark County Historic Preservation Commission.

A. *Authority.* The City of Vancouver is established as a Certified Local Government as determined by state and federal historic preservation standards. The standards require a commission to serve as the review authority on matters of historic preservation. The Clark County Historic Preservation Commission, as provided in Clark County Code, Section 40.250.030, shall serve as the review authority on matters of historic preservation as outlined in subsection ~~(C)~~ (D) of this section for properties within the City of Vancouver.

B. *Composition of the Commission.* ~~Appointments to the commission shall be made by the Clark County Board of Commissioners. All members shall be selected based on the professional or demonstrated expertise criteria (Clark County Code Section 18.328.040(B)), rather than by geographic distribution.~~

1. The Clark County Historic Preservation Commission shall consist of a minimum of seven (7) members. Five (5) members of the Commission shall be appointed by the Clark County Council and shall be residents of the county and two (2) members of the Commission shall be appointed by the Vancouver City Council and shall be residents of the City except provided for in Section 17.39.040(B)(2).

2. The Vancouver City Council and the County Council shall to coordinate to ensure that the Commission 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, cultural geography, American studies or the practice of historic rehabilitation or restoration. The Commission may take action even if there is a temporary vacancy or one (1) or all of the professional positions. An exception to the residency requirement of the Commission members may be granted by the Vancouver City Council for the commission members appointed by the City Council in order to obtain representatives from these disciplines.

C. *Terms.* 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) consecutive terms may be made after at least a one (1) year absence. Vacancies occurring other than through the expiration of terms shall be filled for the unexpired term. Members may be removed by the city or county councils for inefficiency, neglect of duty or malfeasance in office.

D. *Powers and Duties.* The major responsibilities of the 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 property(ies); 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 activities:

1. Conduct and maintain a comprehensive inventory of historic and cultural resources within the boundaries of the City of Vancouver to be included in the Clark County Cultural Resource Inventory; publicize and periodically update inventory results;
2. Maintain the Clark County Heritage Register (CCHR). This official register shall be comprised of buildings, structures, sites, objects and districts 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;
3. Review nominations to the Clark County Heritage Register and National Register of Historic Places according to criteria in Sections VMC [17.39.060](#) and [17.39.070](#) and adopt standards in its Rules and Procedures to be used to guide this review. ~~Make designations to the Clark County heritage register;~~
4. 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 Sections VMC 17.30.080; and adopt standards in its Rules and Procedures to guide this review and the issuances of a Certificate of Appropriateness or Waiver; Review proposals as required in Sections [17.39.070\(B\)](#) and [\(C\)](#) for historic districts on the Clark County heritage or National Registers;
5. Provide advisory review of for structures located in the city's Heritage Overlay Districts per VMC 20.510;
6. Submit nominations to the Washington State Heritage Register and National Register of Historic Places;
7. Review nominations to the National Register of Historic Places and provide recommendations to the applicable agency;
8. 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 property(ies) upon staff request;

97. Provide information, comment and support to the public and agencies on matters related to historic preservation.

108. Encourage recognition of noteworthy efforts in the rehabilitation or maintenance of historic buildings, structures, sites and districts, and new construction in historic areas;

119. Serve as the local review board for Special Valuation pursuant to RCW [84.26](#).

12. Conduct all commission meetings in compliance with RCW [42.30](#), Open Public Meetings Act, to provide for adequate public participation.

ED. *Rules and Officers.*

1. The commission shall establish and adopt its rules and procedures not inconsistent with this chapter.

2. The commission shall select from among its membership a chair~~person~~ and vice-chair to conduct the commission's business.

3. All official actions of the commission shall require a majority vote of the members present. No member shall be eligible to vote upon a matter unless that member attended the hearing.

FE. *Commission Staff.* Staff for the commission shall be provided by assigned staff from the Clark County and the City of Vancouver. ~~Department of Community Development with additional assistance and information to be provided by other county or City of Vancouver departments as may be necessary to aid the commission in carrying out its duties and responsibilities under this chapter.~~

GF. *Interlocal Agreement Required.* An interlocal agreement shall be established between the City of Vancouver and Clark County implementing the provisions of this chapter. (Ord. M-4079 § 58, 2014; Ord. M-3243 § 2, 1996)

17.39.050 City of Vancouver ~~Office of~~ Heritage Services.

A. City Staff Review. City of Vancouver ~~office of heritage services~~ staff having knowledge of the local resources, and the designation and review processes shall ~~will~~ assist county staff in preparing staff reports and recommendations, and ~~will~~ shall attend commission work sessions

and public hearings concerning properties within the Vancouver urban area. ~~Other city staff with specialized knowledge shall provide additional assistance as necessary.~~

~~B. Office of heritage services staff shall solicit comments and advice from Department of Community and Economic Development' staff and other appropriate city staff on proposals concerning property(ies) within the Vancouver urban area to ensure that the city has adequate opportunity to provide input to the commission.~~

BC. Appeals. Appeals of decisions rendered by the Clark County Historic Preservation Commission pertaining to property(ies) within the City of Vancouver shall be heard by the Vancouver City Council.

CD. Education Services. The City of Vancouver's ~~Office of Heritage Services~~ shall provide heritage education services, including but not limited to public workshops, lectures, seminars and educational materials and professional education for commissioners and staff for both the City of Vancouver and Clark County as agreed to in the interlocal agreement. follows:

- ~~1. Quarterly workshops or seminars on the local, state and national historic registers; Washington State Special Valuation for Historic Properties; Investment Tax Credits for Historic Properties; and/or sensitive rehabilitation treatments;~~
- ~~2. Quarterly workshops or seminars may be targeted toward different audiences, such as homeowners, neighborhoods, the business community, professionals, or building trades;~~
- ~~3. Fees will be based on actual costs, and will be the same for city and county residents;~~
- ~~4. An annual training session for the Clark County Historic Preservation Commission on a topic selected by the commission. (Ord. M-4079 § 59, 2014; Ord. M-3243 § 2, 1996)~~

17.39.060 National Register of Historic Places.

A. Nominations to the National Register of Historic Places shall be reviewed by the Historic Preservation Commission using criteria as established in the Code of Federal Regulations (36 CFR 60).

B. The commission shall hold a duly advertised public hearing at a regularly scheduled meeting at which the applicable criteria are reviewed and a recommendation forwarded to the ~~State Office of Archaeology and Historic Preservation (OAHP)~~ State Department of Archeology and Historic Preservation (DAHP) within sixty days of the date of application. ~~The OAHP~~ DAHP shall

complete the designation process and notify the applicant of the designation decision. (Ord. M-4079 § 60, 2014; Ord. M-3243 § 2, 1996)

17.39.070 Clark County ~~H~~eritage ~~R~~egister.

A. *Criteria for Determining Eligibility for Designation in the Register.* Any building, structure, site, object or district may be designated for inclusion in the Clark County ~~H~~eritage ~~R~~egister if ~~it~~ the Property or district meets the following four criteria:

1. Has integrity of location, design, setting, materials, workmanship, feeling and association; and
2. Is at least fifty years old, or is of lesser age and has exceptional importance; and
3. Is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the community; and
4. Meets at least one (1) of the following ~~criteria~~ categories documenting its significance:
 - a. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or
 - b. 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; or
 - c. Is an outstanding work of a designer, builder or architect who has made a substantial contribution to their field; or
 - d. Exemplifies or reflects special elements of the county's history; or
 - e. Is associated with the lives of persons significant in national, state or local history; or
 - f. Has yielded or may be likely to yield important archaeological information related to history or prehistory; or
 - g. 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; or

- h. 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; or
- i. 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; or
- j. Is a reconstructed building that has been executed in an historically accurate manner on the original site; or
- k. 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.

B. *Nominating, Designating and Listing Property(ies) ~~or Districts~~ to the Clark County Heritage Register.*

1. Any person may nominate a building, structure, site, object, or district for inclusion in the Clark County ~~H~~eritage ~~R~~egister. The owner must consent to placement of the nominated resource prior to consideration for designation by the commission. In its designation decision, the commission shall consider the Clark County ~~C~~ultural ~~R~~esources ~~I~~nventory and the Vancouver urban area comprehensive plan.

2. Nominations shall be made on forms provided by the commission, shall be filed with the designated City staff from the Development and Review Division and shall include all data required by the commission as described in Section 070(B)(4-5) and the commission's Rules and Procedures.

3. The nomination or designation of an 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.

4. 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. Non-contributing features should also be noted and described.

5. The original form should be presented along with the following documentation:

- a. An Assessor's Tax Parcel Map of Vancouver should be included with the parcel prominently identified.

- b. A legal description which includes the tax lot(s), section(s), township(s) and range(s).
- c. A sketch or scaled map showing significant property elements and property boundaries for nominations involving more than a single structure or site.
- d. 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. Commission staff may be consulted regarding exact photo requirements for specific nominations.
- e. Any other documentation (newspaper articles, historic photographs, etc.) that support the information in the nomination.

6. Upon receipt by City staff of any nomination for designation, the staff shall review the nomination, consult with the person(s) submitting the nomination and the owner and if necessary, request additional information on the nomination. It is the responsibility of the person(s) submitting the nomination form to perform such research as is necessary for consideration by the commission.

72. The commission shall consider the merits of the nomination, according to the criteria in subsection (A) of this section and according to the nomination review standards established in its rules and procedures, at a public hearing. Adequate notice will be given to the public, the owner(s) and the author(s) of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with RCW 42.30, Open Public Meetings Act. Such notice shall include publication in a newspaper of general circulation in Clark County and being sent by regular mail and e-mail to any city recognized neighborhood association whose boundaries include the site and any person who requested, in writing, to receive a copy of the notice posting of the property per Clark County Code Section 18.600.080. If the commission finds that the nominated property is eligible for the Clark County Heritage Register, the commission shall list the property in the register with owner's consent.

83. In the case of individual property(ies), the designation shall include all exterior features, interior features and outbuildings which directly contribute to the significance of the historic or architectural character.

4. In the case of districts, the designation shall include description of the boundaries of the district; the characteristics of the district which justify its designation; and a list of all

~~property(ies) including features, structures, sites and objects which contribute to the designation of the district.~~

~~95.~~ The public, property owner(s) and the author(s) of the nomination, if different, and lessees, if any, shall be notified of the listing by mailed notice.

C. Nominating, Designating and Listing Historic Districts.

1. Historic districts may be identified and nominations made in conformance with the criteria in this chapter. A simple majority of property owners within the proposed historic district must consent, in writing, to nomination of properties prior to designation. Design guidelines shall be adopted as an integral part of each historic district designation.

2. Commission staff together with City of Vancouver ~~staff Department of Community and Economic Development and Office of Heritage Services staff as well as a representative from the Project Review Committee (when the proposal is within its jurisdiction)~~ shall:

A. Review the proposal for land use impacts, and consistency with the comprehensive plan, neighborhood action plan, and other related plans and codes. The designation of a historic district should not have the effect of significantly hampering redevelopment in commercial areas. Staff shall submit its analysis of these issues to the commission;

B. Draft design guidelines for the proposed historic district and submit them to the commission for review.

C. The designation shall include description of the boundaries of the district; the characteristics of the district which justify its designation and a list of all properties including features, structures, sites and objects which contribute to the designation of the district

3. The commission shall hold a duly advertised public hearing to review the proposal. It shall make findings concerning the proposed district's historic significance; the appropriate boundaries of such a district; land use impacts, consistency and compatibility issues; and appropriate design guidelines. Contributing structures and features as well as noncontributing structures shall be identified. The commission shall issue a final determination designating the historic district or denying the proposal following the public hearing.

4. Designated historic districts shall be recorded on the official zoning maps of the city and the county.

5. A decision of the commission designating a ~~building, structure, site, object~~ or district or denying such a proposal may be appealed to the Ceity Ceouncil.

D. *Removal of Property(ies) or Historic Districts from the CCHR Clark County Heritage Register.*

1. A property owner may request a review of a property for possible removal from the ~~Clark County heritage register~~ 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~~ removed from the register.

2. The commission may determine at a public meeting whether to hold a public hearing to consider removal of a property or district from the CCHR. In the event that any property or historic district no longer meets the criteria for designation to the Clark County heritage register, the commission may initiate removal remove a property from such designation by the same procedure with the same criteria and process as provided for in establishing the designation, except that a property or historic district may be removed from the Clark County heritage register CCHR without owner consent. The decision to remove a property or district from the Clark County H heritage R register may be appealed to the C eity C eouncil.

E. *Effects of Designation and Listing on the Register.*

1. ~~Designation and Listing on the CCHR Clark County heritage register is an honorary designation denoting~~ denotes significant association with the historic, architectural, archaeological, engineering or cultural heritage of the community. Property(ies) ~~is-(are)~~ listed individually or as contributing property(ies) ~~to~~ within a historic district.

2. Prior to the commencement of any work associated with the significant features as defined in the designation of the register property or historic district, excluding ordinary repair, maintenance and emergency measures defined in VMC Section [17.39.080](#), the owner must request and receive a Certificate of Appropriateness from the commission for the proposed work.

3. Prior to whole or partial demolition of a register property or historic district, the owner must request and receive a waiver of a Certificate of Appropriateness.

4. After demolition of a structure the commission may initiate removal of the property from the CCHR Clark County heritage register.

5. ~~While~~ Since the City of Vancouver ~~and Clark County are certified as~~ is a certified local governments (CLGs), all properties and historic districts designated on the Clark County heritage register and the National Register of Historic Places may be eligible for a special tax valuation on their rehabilitation pursuant to VMC Section [17.39.100](#).

6. 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.

F. *Recording Designations and Listings.*

1. All properties which are designated and listed on the Clark County H heritage R register shall have a copy of the listing recorded with the C county A auditor's office. A copy of the designation and listing letter for recording shall be forwarded to the auditor's office by commission staff.

2. Properties listed on register shall be noted in the electronic permit tracking system or other city database to alert staff and the public as to the presence of a historic property. Archaeological sites are exempt from this requirement.

3. The property will be identified on city maps as being listed on the CCHR, except site-specific archaeological sites. (Ord. M-4079 § 61, 2014; Ord. M-3243 § 2, 1996)

**17.39.080 Review of changes to Clark County H heritage R register property(ies) —
Design review- Properties- Certificate of Appropriateness.**

A. *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 application to any existing property on the CCHR Clark County heritage register or within a historic district on the CCHR Clark County heritage register, whether the property is contributing or noncontributing, without review by the commission and without receipt of a Certificate of A appropriateness, or in the case of demolition, a waiver of Certificate of A appropriateness, as a result of the review.

1. For individual or contributing properties, the review shall apply to all features of the property, interior and exterior that contributes to its designation and is listed on the designation.

2. For noncontributing properties, the review shall apply to exterior changes. The purpose of the review in this case is to ensure that the proposed changes do not further detract from the property's compatibility with the historic district, and to encourage changes which would enhance its compatibility with the historic district.

3. For new construction or redevelopment, the review shall apply to the exterior of the structure(s). The purpose of the review is to ensure that the exterior design of the proposed structure enhances the historic district through conformance with the adopted design guidelines.

This requirement shall apply whether or not the proposed alteration also requires a building or other permit, except as noted under subsection (B) of this section. Information required by the commission to review the proposed changes is established in its rules and procedures. A pre-application conference is recommended but must be requested by the applicant.

B. *Exemptions.* The following activities do not require a Certificate of Appropriateness or review by the commission:

1. Ordinary repair and maintenance activities which do not affect significant historic features including:

~~(a). Painting and emergency measures as defined in VMC Section [17.39.030](#), which do not affect significant historic features.~~

~~2. (b). Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials. do not require a certificate of appropriateness.~~

~~3. (c). If there are no interior features of significance, Repairs to or replacement of utility systems do not require a certificate of appropriateness if such work does not alter a significant feature.~~

2. 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, is the only feasible option to mitigate the hazard. All pertinent codes and regulations of Section 14.14A of the Dangerous Building Code shall remain in effect. The comments of the Building Official with sufficient evidence to support their conclusions shall be provided to the commission staff within fifteen (15) days of making his or her

decision. The commission staff will make these materials available to the commission at their next regular meeting.

C. Certificate of Appropriateness Review Process.

1. 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 ~~Clark County heritage register~~ CCHR property or in a Clark County heritage historic district to the commission staff. If the activity is not exempt from review, the commission or staff shall notify the applicant of the review requirements. The building or zoning official shall not issue any such permit (except as provided in Section 17.39.080(B)) 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.

2. There shall be two (2) types of reviews for issuance of a Certificate of Appropriateness:

a. Staff Review: An administrative review by commission staff for repairs and replacements-in-kind as listed below, but not limited to the following:

- 1). Repairs (other than ordinary repair and maintenance) using the same materials and design as the original;
- 2). Re-roofing using the same type and color of material;
- 3). Replacement of sidewalks and driveways using the same type and color of materials;
- 4). Replacement of foundations or major portions thereof, using the same type and color of materials;
- 5). Replacement of utility systems if contributing interior features of significance are present;
- 6). Structural or seismic upgrades which do not alter or affect significant features.

b. 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 ~~Clark County heritage register~~ CCHR building or cultural

resource. Demolition of structures or facilities with recognized historical significance is also subject to the State Environmental Policy Act (SEPA).

3. When a Certificate of Appropriateness is required, the following procedures shall govern according to the type of review required.

a. Staff Review. Applications requiring administrative review for Certificates of Appropriateness shall be reviewed by the commission staff.

~~b. 1.~~ Applications for the Certificate shall be submitted to the commission staff on forms provided by the staff and in accordance with the following submission requirements:

~~(a).~~ must include a clear photograph or photographs of the building, object, site or structure;

~~(b).~~ a brief description of the intended work;

~~and (c).~~ samples of replacement material for comparison with the existing or the original building or structure must be furnished with the application.

~~e. 2.~~ 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 technically fully complete application.

~~d. 3.~~ 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 public hearing review per Section 17.39.070(B)(7). ~~The time for a decision of the commission on the application shall run from the date that the application is referred to the commission by the staff.~~

e. ~~4.~~ ~~Appeals from the decision of the commission staff regarding the issuance of a certificate of appropriateness under administrative review.~~ Staff reviews may be appealed to the commission ~~(not the hearing examiner).~~

(a). 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.

(b) An appellant shall submit the following information for an appeal:

1). the case number designated by the City and the name of the applicant;

2). the name and signature of each appellant and a statement showing that the appellant is entitled to file the appeal under Section 17.39.080(6).

(c). 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.

(d). The commission shall hear appeals in a public hearing. Staff shall provide notice of an appeals hearing by mailing and e-mailing notification to the parties of record, and publishing notice in the newspaper of general circulation. 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 080(6).

4. ~~*Public Hearing Commission Review.*~~ Alterations in ~~a~~Appearance, ~~r~~Replacement of ~~h~~Historic ~~m~~Materials, (other than in-kind), ~~n~~New ~~e~~Construction or ~~a~~Additions. ~~Appearance, Replacement of Historic Material (Other Than In Kind), New Construction or Additions.~~ AAlteration in the appearance of a significant contributing feature, the replacement of historic material (other than in-kind) in a significant feature, additions to ~~a Clark County heritage register (the CCHR)~~ or new construction on a CCHR property or in a historic district, or any excavation on an archaeological site requires a ~~public hearing commission~~ review for a Certificate of Appropriateness.

a. The owner or ~~the owner's his/her~~ agent (architect, contractor, lessee, etc.) shall apply to the commission for a ~~review of proposed changes on a Clark County heritage register property or within a Clark County heritage register historic district and request a~~ Certificate of Appropriateness or, in the case of demolition, a waiver. ~~Each application for review of proposed changes shall be accompanied by information as required by the commission in its rules and procedures for the review of the proposed project. The~~

~~commission staff shall meet with the applicant and review the proposed work according to the design review criteria established in rules.~~

~~b. Staff shall publish n~~Notice of the design review ~~hearing shall be published~~ in a newspaper of general circulation. ~~with the agenda for a public hearing and the property posted.~~ 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). To known interest groups and other people the responsible official believes may be affected by the proposed action or ho requested 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. complete its review and make its recommendations decision within the time lines established in Clark County Code Section 17.600.080, unless an extension of time is necessary.~~

~~d. After the hearing, staff shall prepare t~~The commission's decision ~~shall be~~ in writing ~~and which~~ shall state the findings of fact and reasons relied upon in reaching its decision. Decision report shall be completed within fourteen (14) days of the close of the case record.

~~e. If the owner agrees to the commission's decision, a C~~ertificate of ~~A~~ppropriateness shall be ~~awarded-issued~~ by the commission according to standards established in its ~~r~~ules and ~~p~~rocedures.

~~f. The commission's recommendations and decision, and, if awarded, the C~~ertificate of ~~A~~ppropriateness shall be transmitted to the building or ~~zoning~~ planning official. If a certificate of appropriateness is awarded, the building or ~~zoning~~ planning official may then issue the ~~P~~ermit.

5. *Demolition.* A waiver of ~~C~~ertificate of ~~A~~ppropriateness is required before a permit may be issued to allow whole or partial demolition of a designated ~~Clark County heritage register~~ CCHR property or in a ~~Clark County heritage register~~ CCHR historic district. Demolition is subject to review under the State Environmental Policy Act.

- a. The owner or ~~the owner's his/her~~ agent shall attend a pre-application conference with staff to review demolition or alternative plans.
- b. After the pre-application conference, the owner or agent may apply to the commission for review of the proposed demolition and request a waiver ~~of certificate of appropriateness through a public hearing.~~
- c. ~~With the~~ The application for the waiver, the applicant shall provide a bona fide list of alternatives to demolition (which includes, but is not limited to, economic analysis; offers to lease, sell or dedicate site to a private, public or nonprofit entity, and outcome of the offer; relocation of building, etc.)
- d. The applicant shall meet with the commission to review alternatives to demolition.
- e. ~~Such review~~ Commission consideration of the alternatives to demolition shall last no longer than forty-five (45) days from the date of application, unless the commission finds that an extension of time is necessary. In no case shall the commission extend the review period beyond an additional forty-five (45) days.
- df. If no alternative to demolition is agreed upon, the commission shall act and advise the official in charge of issuing a demolition permit of the approval or denial issue a the waiver of a Certificate of Appropriateness.
- g. The commission may attach to the waiver, pursuant to the public hearing, conditions mitigating the loss of the ~~Clark County heritage register~~ CCHR property. Mitigation measures may include, but are not limited to, photo documentation of the building or site, an identification plaque, use of an architectural element in new construction, moving the building, and/or buffering of the historic or cultural resource.
- h. The waiver and any attached mitigation conditions shall be transmitted to the official in charge of issuing demolition permits. Any attached mitigation conditions shall become conditions of approval should a demolition permit be granted.
- ei. After demolition of a property, the commission may initiate its removal from the CCHR ~~Clark County heritage register~~.

6. Appeal of Approval of the Historic Preservation Commission's Decision. or Denial of a Waiver of a Certificate of Appropriateness. The commission's decision ~~regarding a waiver of~~ on a certificate of appropriateness and nominations to the CCHR may be appealed to the

Ceity Ceouncil on by a Party of Record. Final decisions may only be appealed if within twenty-one (21) calendar days after written notice of decision is mailed, a written appeal if filed with the City. Appeal of the Ceity Ceouncil's decision regarding a waiver of a certificate of appropriateness may be appealed to superior court. (Ord. M-4079 § 62, 2014; Ord. M-3243 § 2, 1996)

17.39.090 Relationship to zoning.

Property(ies) designated to the ~~Clark County heritage register~~ CCHR shall be subject to the following 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.

~~A1.~~ Property(ies) on any historic register or the Clark County cultural resources inventory shall be so noted in the city's ~~manual or electronic~~ permit tracking system or other database to alert staff and public as to the presence of a historic site, structure, object or building. Archaeological sites are exempt from this requirement.

~~2.~~ ~~An official county map shall indicate an "HR-V" for "Historic or Heritage Register Vancouver" for any property listed on the national, state or local registers, with the exception of specific archaeological sites.~~

~~3.~~ ~~Property(ies) within the City of Vancouver listed on the Clark County cultural resource inventory shall be indicated on an official map with an "HI-V" for "Historic Inventory Vancouver" with the exception of specific archaeological sites.~~

~~4.~~ B. Historic district boundaries approved by the commission shall be indicated on the city's official zoning maps.

~~5.~~ C. Any application for development of building permit review on a designated property ~~designated HR-V or HI-V~~ shall be routed to commission and city staff for review or action pursuant to this chapter and the commission's rules and procedures prior to permit approval.

~~B.~~ ~~The Clark County planning division with assistance from city staff is responsible for review of impacts to potential or existing historic resources. All applications for approval, permits, environmental assessments or impact statements, and other similar documents pertaining to property(ies) on the Clark County cultural resource inventory or adjacent property(ies) shall be reviewed by appropriate staff or a qualified consultant. Comments shall be forwarded to the~~

~~responsible staff for the application under consideration. If a property or historic district is on the National Register of Historic Places or the Clark County heritage register, the commission staff shall contact the property owner(s) or agent(s) in writing and advise them of the register status and applicable requirements. (Ord. M-4079 § 63, 2014; Ord. M-3243 § 2, 1996)~~

17.39.100 Review and monitoring of property(ies) for special property tax valuation.

This section implements the local option special valuation tax incentive program as established in RCW [84.26](#).

A. a. ~~Time Lines~~ Timelines.

1. Applications must be filed no later than ~~by~~ the first day of October with the Ceounty Aassessor's office and shall be forwarded to the commission by the assessor within ten (10) days of filing.
2. ~~For a~~ Applications shall be heard at the first meeting of the commission occurring more than thirty (30) days from the date of filing. 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.
3. Applications shall be reviewed by the commission before December 31st of the calendar year in which the application is made.
4. Commission decisions regarding the applications shall be certified in writing and filed with the assessor within ten (10) days of the decision.

B. b. ~~Procedure~~.

1. The applicant files an application for special valuation with the Ceounty Aassessor's office no later than October 1st preceding the tax assessment year for which they wish to apply. A fee is required as established in Clark County Code Chapter 17.60 and is payable to the Clark County Department of Community Planning Development.
2. The assessor forwards the application(s) to the commission staff within ten (10) days of receipt of the completed application.

3. The commission reviews the application(s), consistent with its rules and procedures, and determines if the application(s) are complete and if the Property(ies) meets the criteria set forth in WAC [254-17-070\(1\)](#) and listed in subsection [\(c\)\(3\)](#) of this section.

~~a. A.~~ If the commission finds the Property(ies) meets all the criteria, then it shall approve the application(s).

~~b. B.~~ If the commission determines the Property(ies) does not meet all the criteria, then it shall deny the application(s).

4. The commission's ~~certifies its~~ decisions shall be made in writing and shall make findings based on the evidence in the record ~~states the facts~~ upon which the approvals or denials are based, and Staff shall file copies of the ~~certifications~~ decision with the County Assessor.

5. For approved applications:

~~a. A.~~ The commission staff forwards copies of the agreements, applications and supporting documentation (as required by WAC [254-17-090\(4\)](#) and identified in subsection [\(c\)](#) of this section) to the County Assessor;

~~b. B.~~ 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 provided for in Clark County Code Chapter 17.60 and other applicable county codes;

~~c. C.~~ Notifies the Washington State Advisory Council that the property(ies) have been approved for special valuation; and

~~d. D.~~ Monitors the Property(ies) for continued compliance with the agreements throughout the ten-year (10) special valuation period. Monitoring may include an annual site visit by staff or commission members.

6. The commission determines in a manner consistent with its rules ~~of~~ and procedures, whether or not property(ies) ~~are~~ is disqualified from special valuation either because of:

~~a. A.~~ The owner's failure to comply with the terms of the agreement; or

~~b. B.~~ A loss of historic value resulting from physical changes to the building or site.

7. For disqualified Property(ies) 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.

C. e. *Criteria.*

1. *Historic Property Criteria.* The class of ~~P~~property eligible to apply for ~~S~~special ~~V~~valuation in Clark County shall mean all ~~P~~property(ies) listed on the National Register of Historic Places, ~~Clark County heritage register~~ CCHR or ~~P~~property(ies) 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.

2. *Application Criteria.* Complete applications shall consist of the following documentation:

a. A. A legal description of the historic property;

b. B. A copy of the nomination form to the National Register of Historic Places or CCHR ~~Clark County heritage register~~ for the subject ~~P~~property(ies);

c. C. *Comprehensive exterior and interior photographs of the historic property before and after rehabilitation.* ~~Digital p~~Photographs ~~should be four inches by six inches or five inches by seven inches minimum format either black and white or color, with negatives and~~ must be clearly labeled to identify case, location, subjects and the direction the photograph was taken:

- 1). Photos taken prior to construction,
- 2). Historic photos or other source materials of replicated features,
- 3). If in a historic district, a current streetscape;

d. D. Architectural plans or other legible drawings depicting the completed rehabilitation work signed by the architect or draftsman; and

e. E. Notarized affidavit(s):

- 1). Attesting to the actual itemized cost of the rehabilitation work completed prior to the date of application, and
- 2). 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;

~~f. F.~~ Samples of utilized materials may be required by the commission;

~~g. G.~~ Other information as required by staff or the commission at a pre-application meeting.

3. *Property Review Criteria.* In its review the commission shall determine if the property(ies) meets all the following criteria:

~~a. A.~~ The property is listed on the Clark County Heritage Register ~~historic property which is designated to the local and/or national registers;~~

~~b. B.~~ The property has been rehabilitated at a cost which meets the definition set forth in RCW ~~84.26.017(2)~~ 84.26.020 within twenty-four ~~(24)~~ months prior to the date of application; and

~~c. C.~~ The ~~P~~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 ~~254-17-100(1)~~ 254-20-100(1) and listed in subsection ~~(c)(4)~~ of this section).

4. *Rehabilitation and Maintenance Criteria.* The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC ~~254-17-100~~ 254-20-100 shall be used by the commission as minimum requirements for determining whether or not the historic ~~P~~property is eligible for special valuation and whether or not the ~~P~~property continues to be eligible for special valuation once it has been so classified.

~~D. d.~~ *Agreement.* The historic preservation special valuation agreement in WAC ~~254-17-117~~ 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).

~~E. e.~~ *Appeals.* Any decision of the commission acting on any application for classification as historic property, eligible for ~~S~~special ~~V~~valuation, may be appealed to ~~S~~superior ~~C~~court under RCW ~~34.04.130~~ 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. (Ord. M-3243 § 2, 1996)

17.39.110 Clark County Ceultural Resources Inventory.

A. *Purpose of the Inventory.* The Clark County Ceultural Resources Inventory is a tool for planning and research, and includes those resources believed to have cultural or historic significance for Clark County, the region or the nation, regardless of current ownership.

B. *Effect of Listing on the Inventory.* Listing on the Clark County Ceultural Resources Inventory does not result in any regulatory requirements for property owners pursuant to this chapter with the exception of the requirement for documentation in 17.39.110(D)(2).

C. *Application for Listing on the Inventory.*

1. A property owner may make application for listing on the inventory by completing an inventory form available from the Clark County Community Planning Department of Community Development and submitting it to the commission staff., ~~if the building, structure, site, object, or district is at least fifty years old, or is of lesser age and has exceptional architectural, historical or cultural importance.~~

2. The City of Vancouver or Clark County may conduct a historic and cultural resource inventory and make application for listing on the inventory without the Property owner's consent.

D. *Listing on the Inventory.*

1. New listings of ~~buildings, structures, sites, objects, Properties~~ or districts to the inventory is subject to review by the Clark County Community Planning Department of Community Development together with staff from the City of Vancouver ~~Department of Community and Economic Development and Office of Heritage Services~~. Consideration of listing shall be based upon development of a comprehensive inventory methodology which determines a rank order.

2. Inventory listed Property(ies) which are being demolished require photo documentation and shall be maintained in the inventory records for historical research purposes. (Ord. M-4079 § 64, 2014; Ord. M-3243 § 2, 1996)

17.39.120 Violations and enforcement.

Violations of this chapter shall be grounds for the commission to review the pProperty for removal from the register and are subject to enforcement under Title 20 of the Vancouver

Municipal Code. The ~~p~~Property owner may also be subject to special valuation disqualifications as stated in Washington Administrative Code, WAC 458-15-070 and all applicable laws. (Ord. M-3243 § 2, 1996)

SECTION 3. Severability. If any provision of this ordinance is held invalid, the validity of this ordinance as a whole, or any portion thereof, shall not be affected.

SECTION 4. Effective Date. This ordinance shall go into effect thirty days after final passage.

Read first time: June 8, 2020

Ayes: Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen, Mayor McEnerney-Ogle

Nays: None

Absent: None

Read second time: June 15, 2020


Passed by the following vote: 7-0

Ayes: Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen, Mayor McEnerney-Ogle

Nays: None

Absent: None

SIGNED this 15th day of June, 2020

DocuSigned by:

58CB15C0032F403...
Anne McEnerney-Ogle, Mayor

Attest:

DocuSigned by:
Natasha Ramras
BCF6734E40E94AE...
Natasha Ramras, City Clerk

Approved as to form:

DocuSigned by:
Jonathan Young
9A7DC2E31F694A2...
Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M-4296

AN ORDINANCE amending Vancouver Municipal Code (VMC) Section 17.39 “Historic Preservation”, making it consistent with Clark County Code 40.250.030 and current practices and providing for savings, severability and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 360-487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).