

Town of Yacolt
Council Meeting Agenda
Monday, August 17, 2020
7:00 PM
Virtual/Telephonically Only

Call to Order

Flag Salute

Roll Call

Late Changes to the Agenda

Approve Minutes of Previous Meeting(s)

- [1.](#) Draft Council Meeting Minutes 8-3-2020

Citizen Communication

Anyone requesting to speak to the Council regarding items not on the agenda may come forward at this time. Comments are limited to 3 minutes. Thank you.

Unfinished Business

New Business

- [2.](#) Pay Request Hedval Sitework Specialties
- [3.](#) Liquor License Renewals
- [4.](#) Interlocal Agreement Concerning Cultural and Historic Resources.

Town Clerk's Report

Public Works Department Report

Attorney's Comments

Citizen Communication

Anyone requesting to speak to the Council regarding items not on the agenda may come forward at this time. Comments are limited to 3 minutes. Thank you.

Council's Comments

Mayor's Comments

Approve to Pay Bills on Behalf of the Town

Adjourn

**Town of Yacolt
Council Meeting Minutes
Monday, August 03, 2020
7:00 PM
Town Hall**

Call to Order

Mayor Listek called the meeting to order at 7:00 pm.

Flag Salute

Roll Call

PRESENT

Mayor Katie Listek
Council Member Amy Boget
Council Member Michelle Dawson
Council Member Malita Moseley
Council Member Herb Noble
Council Member Marina Viray
Clerk Dawn Salisbury
Public Works Director Esteb
Town Attorney Ridenour

Late Changes to the Agenda

Add Grant Application for Chip Seal of Railroad Ave as item #5 under New Business

Approve Minutes of Previous Meeting(s)

1. Approve 7-6-2020 Meeting Minutes

Motion made by Council Member Boget, Seconded by Council Member Viray.
Voting Yea: Council Member Boget, Council Member Dawson, Council Member Moseley,
Council Member Noble, Council Member Viray

2. Approve 7-20-2020 Meeting Minutes

Motion made by Council Member Viray, Seconded by Council Member Dawson.
Voting Yea: Council Member Boget, Council Member Dawson, Council Member Moseley,
Council Member Noble, Council Member Viray

Citizen Communication

Mary Rowe asked why budget documents were not on website. Mayor Listek said she would address that in Mayors comments.

Caller asked Mayor Listek about the simple proclamation that was mentioned at the previous meeting as she did not see it on this agenda. Mayor Listek clarified that she stated people were working on the route they were going to take with the proclamation and will be addressed in the statement that the Mayor and Council Member Viray will present under new business.

Unfinished Business

3. COVID- Telephonic Meetings till September 1st

All meetings will be held telephonically until September 1st per Governor Inslee.

New Business

4. Statement from Council Member Viray and Mayor Listek

Statement made by Mayor Listek and Council Member Viray: "The Town of Yacolt has had no history of hate crimes or racially motivated violence, but because race relations are part of the current national discussion, and because there has been a recent increase in racially motivated violence in our nation, we wish to make our position clear on the matter. We reject any form of racially motivated hatred or violence toward ANY race of people, and we would never accept hatred toward any race of people by our Mayor, our council, or our employees. We fully believe that you should do unto others, as you would have them do unto you."

Attorney Ridenour stated he was not commenting about what the town should or might do in terms of a racism proclamation. He has no opinion on that and is focusing his work on supporting the council and their desires. He clarified some of the town's history for context about previous proclamations and resolutions and the time and process they took for passage/denial. Attorney Ridenour also stated that the Town of Yacolt was fighting racism and all forms of discrimination in its policies and systems. Whenever the town has an opportunity to do something to eliminate discrimination it has done so. In his 15 years' experience with the town he has never seen anything to suggest that this commitment won't continue.

Council Member Noble thanked the attorney for his research and comments. Council Member Moseley appreciated the attorney's comments and stated she saw a complete shutdown and a desire to not even have a conversation about the proclamation. There were things she thought could have been edited or modified but the subject never seemed to make it to the point of actual discussion. Mayor Listek stated that there was not enough time to go over the proclamation, discuss it or make potential changes the way it was brought up. It was suggested by Mayor Listek and Council Member Viray to table the proclamation, but emotions let the proclamation snowball into this larger issue. The town typically takes time and many meetings before they make decisions. It is important for the council to work together, respectfully give opinions, and be able to debate before attacking one another or contacting the media. She

hopes everyone can work together and do a better job in the future to represent our town the way we should represent the town. Council Member Boget stated that in the previous meeting minutes that Council Member Noble stated he just wanted this thing to go bye bye. She acknowledged that this was put forth very fast, she was open and asked anybody to provide additional information and when it was not going to progress past that point is when she called for a vote. Mayor Listek reiterated that she had suggested tabling the subject for further review and that emotions got the best of some of us and we need to do a better job in the future of not acting on our emotions. She appreciates everybody's different perspectives and that is one of the best things about our council. We are not all just one minded, we are individuals that come from different perspectives and that represents our community very well.

5. Grant Application for Chip Seal of Railroad Ave.

Clerk Salisbury informed the council that the town engineer is seeking council approval to apply for a \$45,000 grant to chip seal, crack seal and stripe Railroad Ave. The grant application must be submitted by Friday August 14th so that it why it was added as a late item to the agenda. The town will have to match funds of 5% for \$2,250.00. Council Member Boget asked if this was a conservative estimate or an overestimate? Clerk Salisbury stated that the estimate should be right on the money or even a little over estimated. This amount also includes the engineering fees. Council Member Moseley thinks this is an excellent way to spend the towns resources and the citizens would appreciate the improvements to Railroad Ave. Mayor Listek agreed.

Motion to approve the 5% match for the grant application for chip sealing Railroad Ave made by Council Member Viray, Seconded by Council Member Boget.

Voting Yea: Council Member Boget, Council Member Dawson, Council Member Moseley, Council Member Noble, Council Member Viray

Town Clerk's Report

Clerk Salisbury is getting caught up after being off for a few days. Prior meeting minutes have taken a lot of time to complete. She is working on the building department process, starting the budget process and looking for grant opportunities.

Public Works Department Report

Public Works Director Esteb stated they are continuing to catch up on outside maintenance. Swale clean-up should be caught up by end of the week. The Railroad parking lot has been temporarily blocked to help prevent vandalism. With the help of the town the plan is to install a couple of gates and big rocks along perimeter to prevent the safety hazard of rocks on the street.

Attorney's Comments

Attorney Ridenour wanted to make it clear that he supports Council Member Boget and Council Member Moseley in their courage to bring this sensitive issue of racism to the attention of the council. He also agreed with Council Member Moseley's comments that people took different

meanings from the language of the proclamation and that was part of the challenge. Attorney Ridenour invited any council member who is concerned about the comments he made to contact him to chat in more detail and it would be off the clock.

Citizen Communication

Mary Rowe liked the attorney's comments and would like the comments posted to the Columbian and the local newspaper to clarify what has been said about Yacolt.

A caller asked the town attorney how he could go about getting Amy Boget recalled. Attorney Ridenour went over the steps involved for getting a council member recalled. There are many sections of statutes that cover recall procedures. They can be found online under RCW title 29A, Chapter 56 sections 110- 270. Information on recalls can also be obtained through the Clark County Elections Office.

Jon- Asked Council Member Boget, as a town representative, if she had a plan to deal with any of the repercussions of her actions and if she discussed elevating the risk to the town with anybody else on the council. Did she set up any budget to deal with the downstream effects or damages and did she discuss this at all with the Town's insurance company.

Mayor Listek read a statement from Julia Heldman. "When you hear the chapel bell ring someone is praying for the Town of Yacolt".

Caller asked who said they were coming after Amy Boget in earlier comments. She viewed that as a threat.

Caller had a statement concerning Patriot Prayer and her concerns with them.

Caller addressed previous callers concerns with Patriot Prayer.

Caller stated a sitting council member knowingly and purposely brought risk to the town. Other groups, rallying groups have never purposely brought risk to the town.

Caller commented about Patriot Prayer and the history they have of inciting violence. Caller asked Mayor Listek what her role is because he is hearing her commenting and negating the things the callers have to say. He doesn't feel that it is her job, as the mayor of this town, to argue, to fight, to minimize what people who call in are saying. Mayor Listek responded that she is actually allowing citizens comments more than she needs to. She doesn't even have to open it up to the community to speak. She invites citizens communications into our meetings.

Jack Thompson - asked to speak during councils' comments and Mayor Listek allowed it. He asked if there was an incident with Patriot Prayer. Mayor Listek stated there wasn't. Jack supports the press but not hashtags. The town was painted poorly by the message of the press.

Council's Comments

Council Member Noble thanked the Public Works Department and all they do. Thanked Council Member Boget for bringing up his bye bye comment and explained why he said it.

Council Member Dawson stated that she has never seen any violence out of Joey Gibson or Patriot Prayer. It was Antifa that caused the problems. She invited the callers to have conversations with her, Joey Gibson or any Patriot Prayer member to see what they are all about.

Council Member Boget let everyone know that the financial committee will be going over the current budget and expenses in preparation for the upcoming budget process in accordance with the Town's Financial Policy. She also thanked anybody on the council or anyone else that listened to the Clark County Councils listening session. She looks forward to the next 2 listening sessions and you can pre-register for them.

Council Member Noble asked if citizens can comment at the budget meetings. Comments are not allowed at the budget workshops, but they will be available to make comments at the 2 public hearings that will be held.

Council Member Moseley wanted to remind everyone that getting nationwide attention for our activities is the American way. That is freedom of the press, the open public meetings act, everything we do is open to the public and should be open to the public. If it needs to be documented, if it needs to be shown around the country, that is just the way it is. We don't do things behind closed doors. That is not how government is supposed to work even in a small town like Yacolt. I want people to think about that when the Columbian is tagged about any of our meetings. The Columbian was brought to town when I passed a legal vote for Danny Moseley to get on the council and I didn't complain that the media got involved because that is how America works.

Council Member Viray responded to a callers' question about the Saturday Market and if it will run into September. Council will look at extending it.

Mayor's Comments

Mayor Listek listened in on the Clark County Councils listening session because she thinks it's good to be open minded and to know different perspectives and to understand. She can't say it changed her mind whatsoever, but she will be listening to the next one also. Council Member Viray also listened in on the session. If anybody wants to listen in, they can access it at cvtv.org.

The town has started the budget process. This year the budget statements will show the towns total cash balances at the beginning of the year as well as the final balances projected for the end of the year. The new look will give a better understanding of the town's financial health. We will also be talking about how reserve funds and contingency funds work under the budget statutes. The council may want to set aside money in reserves to plan ahead of time. The budget can also provide for emergency funds if needed for capitol purchases. More information about these changes will be shared at future meetings.

The Saturday market is going wonderful at the new location where the town reader board is located. The owner of the property is gracious enough to allow the town to use his property for the Saturday Market. With the proceeds of the market, the town was able to rent an ADA porta potty for the month of August. There were 14 vendors this week. The Mayor thanked everyone that has participated.

National Night Out is cancelled due to the Governors Emergency orders. She hopes to have a town event to make up for all the events we have had to cancel.

Mayor Listek thanked the council and hopes that everyone can do better to work together and put these emotions behind us. She knows we can do wonderful things for our town. We all have the best interest of our town and community, and she would really love for that to be shown instead of all the negativity. This town is a wonderful place to live and visit.

Approve to Pay Bills on Behalf of the Town

001 General Fund	1,189.39	
101 Streets	785.57	
105 REET/Real Estate Excise Tax	<u>405.63</u>	
	2,380.59	Check # 17232 - 17239
		Claims: \$2,380.59

Motion made by Council Member Moseley, Seconded by Council Member Boget.
Voting Yea: Council Member Boget, Council Member Dawson, Council Member Moseley, Council Member Noble, Council Member Viray

Adjourn

Mayor Listek adjourned the meeting at 8:10 pm.

Katelyn Listek, Mayor

Dawn Salisbury, Clerk



Town of Yacolt Request for Council Action

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name: Devin Jackson/Dawn Salisbury

Group Name:

Address:

Phone:

Email Address: clerk@townofyacolt.com

Alt. Phone:

ITEM INFORMATION:

Item Title: Pay Request #1-July for Hedval Sitework Specialties CDBG Hoag Street

Proposed Meeting Date: 08/17/2020

Action Requested of Council: Approve pay request for Hedval Sitework Specialties for CDBG Hoag Street Project

Proposed Motion: I make a motion to approve the pay request #1- July for Hedval Sitework Specialties for the CDBG Hoag Street Sidewalk Project

Summary/ Background: Town Engineer Devin Jackson has reviewed and approved pay request #1-July from Hedval Sitework Specialties for the CDBG Hoag Street Sidewalk project and recommends council approve for payment.

Staff Contact(s): Dawn Salisbury

A ITEM NO.	B DESCRIPTION OF WORK	QTY	UNIT	Unit Price	C SCHEDULED VALUE	D WORK COMPLETED						G %	H BALANCE TO FINISH (C-F)	
						PREVIOUS QTY	VALUE PREVIOUS APPLICATIONS	CURRENT QTY	VALUE CURRENT APPLICATION	TO DATE QTY	TOTAL TO DATE (D+E)			F/C
1	SPCC Plan (SS 1-07.15(1))	1.00	LS	\$100.00	\$ 100.00	0.0	\$ -	1.00	\$ 100.00	1.0	\$ 100.00	100%	0.00	
2	Mobilization, Cleanup, and Demobilization (SP 1-09.7)	1.00	LS	\$9,000.00	\$ 9,000.00	0.0	\$ -	0.80	\$ 7,200.00	0.8	\$ 7,200.00	80%	1,800.00	
3	Project Temporary Traffic Control (SS 1-10.5(1))	1.00	LS	\$5,000.00	\$ 5,000.00	0.0	\$ -	0.80	\$ 4,000.00	0.8	\$ 4,000.00	80%	1,000.00	
4	Clearing and Grubbing (SS 2-01.5)	1.00	LS	\$3,000.00	\$ 3,000.00	0.0	\$ -	1.00	\$ 3,000.00	1.0	\$ 3,000.00	100%	0.00	
5	Removal of Structures and Obstructions (SP 2-02.5)	1.00	LS	\$1,200.00	\$ 1,200.00	0.0	\$ -	1.00	\$ 1,200.00	1.0	\$ 1,200.00	100%	0.00	
6	Excavation, Embankment and Grading, Incl. Haul (SP 2-03.5)	25.00	CY	\$15.00	\$ 375.00	0.0	\$ -	25.00	\$ 375.00	25.0	\$ 375.00	100%	0.00	
7	Crushed Surfacing Base Course (SP 4-04.5)	40.00	TN	\$75.00	\$ 3,000.00	0.0	\$ -	72.94	\$ 5,470.50	72.9	\$ 5,470.50	182%	(2,470.50)	
8	HMA CI 3/8", PG 58H -22 (5-04.5)	48.00	TN	\$175.00	\$ 8,400.00	0.0	\$ -	63.30	\$ 11,077.50	63.3	\$ 11,077.50	132%	(2,677.50)	
9	Schedule A Culv. Pipe 18 In. Diam., (Incl. Bedding) (SP 7-02)	10.00	LF	\$115.00	\$ 1,150.00	0.0	\$ -	10.50	\$ 1,207.50	10.5	\$ 1,207.50	105%	(57.50)	
10	Solid Wall PVC Storm Sewer Pipe 12 In. Diam., (Incl. Bedding)	24.00	LF	\$60.00	\$ 1,440.00	0.0	\$ -	13.00	\$ 780.00	13.0	\$ 780.00	54%	660.00	
11	Catch Basin, Type 1P (SP 7-05.5)	1.00	EA	\$1,800.00	\$ 1,800.00	0.0	\$ -	1.00	\$ 1,800.00	1.0	\$ 1,800.00	100%	0.00	
12	Topsoil, Type A (SP 8-02.5)	64.00	SY	\$14.00	\$ 896.00	0.0	\$ -	0.00	\$ -	0.0	\$ -	0%	896.00	
13	Seeding and Fertilizing (SP 8-02.5)	64.00	SY	\$7.00	\$ 448.00	0.0	\$ -	0.00	\$ -	0.0	\$ -	0%	448.00	
14	Erosion/Water Pollution Control (SP 8-02.5)	1.00	LS	\$900.00	\$ 900.00	0.0	\$ -	1.00	\$ 900.00	1.0	\$ 900.00	100%	0.00	
15	Cement Conc. Traffic Curb and Gutter (SP 8-04.5)	260.00	LF	\$43.00	\$ 11,180.00	0.0	\$ -	250.00	\$ 10,750.00	250.0	\$ 10,750.00	96%	430.00	
16	Omega Pad (SP 8-5.5)	2.00	EA	\$9,500.00	\$ 19,000.00	0.0	\$ -	2.00	\$ 19,000.00	2.0	\$ 19,000.00	100%	0.00	
17	Cement Conc. Sidewalk (SS 8-14.5)	77.00	SY	\$100.00	\$ 7,700.00	0.0	\$ -	77.78	\$ 7,778.00	77.8	\$ 7,778.00	101%	(78.00)	
18	Cement Conc. Curb Ramp Type A Parallel (8-14.5)	3.00	EA	\$2,500.00	\$ 7,500.00	0.0	\$ -	3.00	\$ 7,500.00	3.0	\$ 7,500.00	100%	0.00	
19	Cement Conc. Curb Ramp Type B Parallel (8-14.5)	3.00	EA	\$2,500.00	\$ 7,500.00	0.0	\$ -	3.00	\$ 7,500.00	3.0	\$ 7,500.00	100%	0.00	
20	Cement Conc. Curb Ramp Type B Perpendicular A (8-14.5)	1.00	EA	\$2,500.00	\$ 2,500.00	0.0	\$ -	1.00	\$ 2,500.00	1.0	\$ 2,500.00	100%	0.00	
21	Detectable Warning Surface (SS 8-14.5)	30.00	SF	\$35.00	\$ 1,050.00	0.0	\$ -	10.00	\$ 350.00	10.0	\$ 350.00	33%	700.00	
22	Permanent Signing (SS 8-21.5)	1.00	LS	\$2,400.00	\$ 2,400.00	0.0	\$ -	0.00	\$ -	0.0	\$ -	0%	2,400.00	
23	Painted Wide Line (SS 8-22.5)	293.00	LF	\$5.00	\$ 1,465.00	0.0	\$ -	320.50	\$ 1,602.50	320.5	\$ 1,602.50	109%	(137.50)	
24	Painted Stop Line (SS 8-22.5)	10.00	LF	\$5.00	\$ 50.00	0.0	\$ -	14.00	\$ 70.00	14.0	\$ 70.00	140%	(20.00)	
25	Painted Crosswalk Line (SS 8-22.5)	340.00	SF	\$5.00	\$ 1,700.00	0.0	\$ -	304.00	\$ 1,520.00	304.0	\$ 1,520.00	89%	180.00	
CO1	Rail Modifications	1.00	LS	\$8,575.16	\$ 8,575.16	0.0	\$ -	1.00	\$ 8,575.16	1.0	\$ 8,575.16	100%	0.00	
Total					\$ 107,329.16		\$ -		\$ 104,256.16		\$ 104,256.16	97%	3,073.00	

Retainage @ 0% \$ - Retainage Bond
Total \$ 104,256.16



Town of Yacolt Request for Council Action

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name: Dawn Salisbury

Group Name:

Address:

Phone:

Email Address: clerk@townofyacolt.com

Alt. Phone:

ITEM INFORMATION:

Item Title: Liquor License Renewal for Yacolt Market LLC and Backroads Food and Spirits LLC.

Proposed Meeting Date: 8-17-2020

Action Requested of Council: Approve liquor license renewals for Yacolt Market LLC and Backroads Food and Spirits LLC

Proposed Motion: I make a motion to approval the liquor license renewals for Yacolt Market LLC and Backroads Food and Spirits LLC.

Summary/ Background: Council must approve or object to the yearly renewal of liquor licenses in the Town of Yacolt.

Staff Contact(s): Dawn Salisbury



Washington State
Liquor and Cannabis Board
PO Box 43098

, Olympia WA 98504-3098, (360) 664-1600
www.liq.wa.gov Fax #: (360) 753-2710

July 06, 2020

Dear Local Authority:

RE: Liquor License Renewal Applications in Your Jurisdiction - Your Objection Opportunity

Enclosed please find a list of liquor-licensed premises in your jurisdiction whose liquor licenses will expire in about 90 days. This is your opportunity to object to these license renewal requests as authorized by RCW 66.24.010 (8).

1) Objection to License Renewal

To object to a liquor license renewal: fax or mail a letter to the Washington State Liquor and Cannabis Board (WS-LCB) Licensing Division. This letter must:

- o Detail the reason(s) for your objection, including a statement of all the facts upon which your objection or objections are based. You may include attachments and supporting documents which contain or confirm the facts upon which your objections are based.
- o Please note that whether a hearing will be granted or not is within the Board's discretion per RCW 66.24.010 (8)(d).

Your letter or fax of objection must be received by the Board's Licensing Division at least 30 days prior to the license expiration date. If you need additional time you must request that in writing. Please be aware, however, that it is within the Board's discretion to grant or deny any requests for extension of time to submit objections. Your request for extension will be granted or denied in writing. If objections are not timely received, they will not be considered as part of the renewal process.

A copy of your objection and any attachments and supporting materials will be made available to the licensee, therefore, it is the Local Authority's responsibility to redact any confidential or non-disclosable information (see RCW 42.56) prior to submission to the WSLCB.

2) Status of License While Objection Pending

During the time an objection to a renewal is pending, the permanent liquor license is placed on hold. However, temporary licenses are regularly issued to the licensee until a final decision is made by the Board.

3) Procedure Following Licensing Division Receipt of Objection

After we receive your objection, our licensing staff will prepare a report for review by the Licensing Director. The report will include your letter of objection, as well as any attachments and supporting documents you send. The Licensing Director will then decide to renew the liquor license, or to proceed with non-renewal.

4) Procedure if Board Does Not Renew License

If the Board decides not to renew a license, we will notify the licensee in writing, stating the reason for this decision. The licensee also has the right to request a hearing to contest non-renewal of their liquor license. RCW 66.24.010 (8)(d). If the licensee makes a timely request for a hearing, we will notify you.

The Board's Licensing Division will be required to present evidence at the hearing before an administrative law judge to support the non-renewal recommendation. You may present evidence in support of your objection or objections. The administrative law judge will consider all of the evidence and issue an initial order for the Board's review. The Board members have final authority to renew the liquor license and will enter a final order announcing their decision.

5) Procedure if Board Renews License Over Your Objection

If the Board decides to renew the license over your objection, you will be notified in writing. At that time, you may be given an opportunity to request a hearing. An opportunity for a hearing is offered at the Board's discretion. If a hearing is held, you will be responsible for presenting evidence before an Administrative Law Judge in support of your objection to license renewal. The Board's Licensing Division will present evidence in support of license renewal. The Licensee may also participate and present evidence if the licensee desires. The administrative law judge will consider all of the evidence, and issue an initial order for the Board's review. The Board members have final authority to renew the liquor license and will enter a final order announcing their decision.

For questions about this process, contact the WSLCB Licensing Division at (360) 664-1600 or email us at wslcb@liq.wa.gov.

Sincerely,

Rebecca Smith

Rebecca Smith, Director,
Licensing and Regulation Division

LIQ 864 07/10

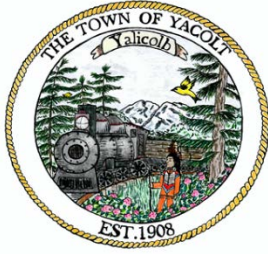
C091080-2

WASHINGTON STATE LIQUOR AND CANNABIS BOARD

DATE: 07/06/2020

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF YACOLT
(BY ZIP CODE) FOR EXPIRATION DATE OF 20201031

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1 . YACOLT MARKET LLC	YACOLT MARKET 315 N AMBOY RD YACOLT WA 98675 0000	361261	SPIRITS RETAILER SPIRITS RETAILER
2 . BACKROADS FOOD AND SPIRITS LLC	BACKROADS FOOD AND SPIRITS 303 N AMBOY YACOLT WA 98675 5442	353849	SPIRITS/BR/WN REST LOUNGE -



Town of Yacolt Request for Council Action

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name: David W. Ridenour **Group Name:** Town Attorney
Address: 4001 Main St., Suite 306 **Phone:** Office: 360-906-1556
Vancouver, WA 98663 Cell: 360-991-7659
Email Address: davidwr@copper.net **Alt. Phone:**

ITEM INFORMATION:

Item Title: Interlocal Agreement Concerning Cultural and Historic Resources.

Proposed Meeting Date: August 17, 2020.

Action Requested of Council: Approve and sign a proposed Interlocal Agreement to join Clark County's revised program for the preservation of historical and cultural buildings and resources.

Proposed Motion: "I move to approve the Interlocal Agreement as presented, and to authorize the Mayor to execute the Agreement on behalf of the Town."

Summary/ Background: Since the 1980's, Clark County has shouldered most of the responsibility for managing the preservation of historical buildings located in the County – even inside the boundaries of the incorporated cities. The County's Historic Preservation Commission maintains the Clark County Heritage Register and encourages the preservation, restoration, and rehabilitation of eligible historic or cultural resources within the County. The arrangement with the cities is described by Interlocal Agreements. The last Interlocal Agreement between the County and the cities was signed in 2005. Yacolt was a party to the 2005 Agreement.

In 2018, Clark County updated its Code on the subject, (CCC 40.250.030). Once the Code update was complete, the County began to work on a new Interlocal Agreement. In February of 2019, the County circulated a draft Interlocal Agreement to the cities for review and comment. The Yacolt Town Council reviewed the Agreement at its February 19, 2019 meeting and raised some

“concerns”. The County revised the Interlocal Agreement based on comments from the cities, and began circulating the new version in March of 2020.

The Interlocal Agreement, and the Historical Preservation Commission in general, appear to have limited applicability in Yacolt. There are currently no properties in Town listed in the National Historic Registry.

However, the program may provide potential benefits in the future. The program provides tax incentives for the preservation and rehabilitation of qualifying historical buildings. Grant funding is sometimes available through the Commission. The Town itself might benefit from such funding in the future, (such as for work on Old Town Hall, the sensing of Cemetery plots, or the preservation of Cemetery records). In short, there is no cost to the Town for the County to administer a program that may be of benefit to the Town and its citizens in the future.

The Town Attorney has reviewed and approved the Agreement as to form. The Agreement has a term of 10 years. Any party may terminate its participation by giving 30 days’ notice. Participation will require no direct effort or financial contribution by the Town. Participating in the program would have no budget impact on the Town. [However, approval may require an amendment to Yacolt’s Municipal Code to reflect the County’s new regulatory language.]

The County Historical Preservation Commission hopes to have all cities sign the Agreement so that it may be presented to the County Council for approval as soon as possible. Currently only Battle Ground and Washougal have adopted the Agreement, but others are expected to follow suit soon. The Commission is waiting for decisions by the cities before the Agreement will be presented to the County Council.

Attachments: 1). Proposed 2020 Interlocal Agreement; 2). Clark County Code §40.250.030; 3). Yacolt’s Current Code – YMC §2.15; 4). 2005 Interlocal Agreement between Yacolt and Clark County; and 5). Yacolt Council’s comments on the 2019 version of the Interlocal Agreement.

Other Resources of Interest: 1). RCW 84.26 – Historic Property; and 2). WAC 254-20 – Special Valuation for Historic Properties.

**Staff
Contact(s):**

Town Clerk Dawn Salisbury. Town Attorney David W. Ridenour.

**INTERLOCAL AGREEMENT BY AND BETWEEN
CLARK COUNTY, THE CITIES OF CAMAS, WASHOUGAL, RIDGEFIELD,
LA CENTER, BATTLE GROUND, VANCOUVER,
AND THE TOWN OF YACOLT
CONCERNING CULTURAL AND HISTORIC RESOURCES**

THIS INTERLOCAL AGREEMENT (the “Agreement”) is made and entered into pursuant to Chapter 39.34 of the Revised Code of Washington, by and between Clark County (the “County”), and the Cities of Battle Ground, Camas, La Center, Ridgefield, Washougal, and the Town of Yacolt, all municipal corporations of the State of Washington (“the Cities”). Together, the Cities and the County shall be referred to as “the Parties”.

RECITALS

WHEREAS, the Interlocal Cooperation Act, as amended, and codified in Chapter 39.34 of the Revised Code of Washington provides that one or more public entities may contract with one another to perform government functions or services which each is by law authorized to perform;

WHEREAS, a Certified Local Government (CLG) is a local government that establishes a historic preservation program meeting federal and state standards and 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”;

WHEREAS, Clark County is a Certified Local Government (CLG) that has established a historic preservation program that meets federal and state standards of the National Park Service and the Washington State Historic Preservation Office (the Department of Archaeology and Historic Preservation);

WHEREAS, the County established a Historic Preservation Commission on December 23, 1981, which provides for the identification, evaluation, and protection of historic and prehistoric resources within the county;

WHEREAS, the Historic Preservation Commission is responsible for maintaining the Clark County Heritage Register and is intended to encourage the preservation, restoration, and rehabilitation of eligible historic, and/or cultural resources within the county for future generations;

WHEREAS, the County has adopted Clark County Code 40.250.030 Historic Preservation to implement the Clark County Historic Preservation program; and

WHEREAS, the County has previously cooperated with each of the Cities in these subject areas.

NOW, THEREFORE, the Parties hereby mutually agree as follows:

AGREEMENT

- I. **PURPOSE**. The purpose of this Agreement is to:
 - A. Continue the Clark County Historic Preservation Commission as the local review body for the Parties;
 - B. Continue the established process for recognizing, nominating, designating, and listing historic and cultural properties to the Clark County Heritage Register, which have special significance and are, therefore, worthy of preservation;

- C. Continue the established process for reviewing alterations to properties listed in the Clark County Heritage Register;
- D. Continue the established process for the owners of local historic and cultural properties to take advantage of the Washington State Special Valuation program;
- E. Encourage private owners to preserve their significant historic and cultural properties;
- F. Provide owners and interested citizens with information about local historic and cultural resources;
- G. Allow the Parties to have input on the designation of significant historic and cultural resources within their jurisdictions, including historic districts, within their jurisdictions; and
- H. Allow the Parties to share information pertaining to historic and cultural resources.

II. ROLE OF HISTORIC PRESERVATION COMMISSION AND STAFF.

A. The Clark County Historic Preservation Commission:

1. Clark County Heritage Register: The Clark County Historic Preservation Commission will review all nominations to the Clark County Heritage Register. The Historic Preservation Commission shall ensure that each Party has reasonable notice and opportunity for input on an application that is within their jurisdiction.
2. Design Review: The Clark County Historic Preservation Commission will review applications for alterations, demolitions, and relocations of properties listed in the Clark County Heritage Register.
3. Special Valuation: The Clark County Historic Preservation Commission will review all applications for the Washington State Special Valuation for Historic Properties.
4. National Register of Historic Places: The Clark County Historic Preservation Commission will make recommendations to the State Historic Preservation Officer on nominations to the National Register of Historic Places.
5. Commission Membership: Because Clark County and the City of Vancouver are both Certified Local Governments and have chosen to have a joint Historic Preservation Commission, both the City of Vancouver and Clark County participate in the appointment process of commission members. The Clark County Historic Preservation Commission shall consist of seven (7) members. Except as provided in Clark County Code 40.250.030(D)(2)(b), five (5) members of the commission shall be appointed by the County Council and shall be residents of the county, and two (2) members of the commission shall be appointed by the city of Vancouver and shall be residents of the city of Vancouver.
6. The Cities shall have an adopted historic preservation code provision that provides guidance on the requirements of the historic preservation program or shall adopt by reference Clark County Code Historic Preservation 40.250.030.
7. Appeals of decisions by the Historic Preservation Commission will be heard as provided by a City's historic preservation code, or in the absence of an adopted code provision, will default to Clark County's Historic Preservation Code (Clark County Code 40.250.030), in which appeals are heard by the Superior Court, pursuant to Chapter 36.70C RCW.

B. Staff:

1. County Staff: Clark County Community Planning staff will be responsible for administrative functions of the commission, including minutes and agendas, and will prepare staff reports and recommendations on historic preservation cases, with assistance from City staff when needed, and will attend commission meetings and public hearings concerning properties in each City's jurisdictions. Other duties are referenced in the Historic Preservation Commission's Rules and Procedures and Clark County Code 40.250.030. The county's Prosecuting Attorney's office will provide general guidance to the commission on internal regulatory matters as well as guidance on legal matters regarding interpretation of the County Code and other cities/town codes.
2. City Staff: Staff to the Cities will be responsible to notify county staff to the Historic Preservation Commission when any building or demolition permit applications are applied for properties listed on the Clark County Heritage Register and the Cultural Resources Inventory.
3. Staff Cooperation: City and County staff will work cooperatively within the spirit of the commission's Rules and Procedures to provide the necessary flow of information and staff support to the commission.

III. DURATION. This Agreement shall become effective upon its recording with the Clark County Auditor following execution by the Parties and shall continue for ten years.

IV. ADMINISTRATION. No new or separate legal or administrative entity is created to administer the provisions of this Agreement. The Parties shall administer the performance of the Agreement.

V. MANNER OF FINANCING. Clark County provides administrative support to the Historic Preservation Commission. The Cities do not provide any financial support.

VI. NO PROPERTY. No property will be acquired, held, used, or disposed of in connection with this Agreement.

VII. TERMINATION. Any City may choose to terminate this Agreement by providing thirty (30) days written notice to the County, which action would not invalidate this Agreement among the remaining Parties. The County may choose to terminate this Agreement with any City by providing thirty (30) days written notice to the City.

VIII. DISPUTE RESOLUTION. In the event of a dispute between the Parties regarding performance of this Agreement, the Parties shall proceed as follows:

- a. The County Manager and the City Manager of the jurisdiction involved in the dispute, or their designated representatives, shall first review the dispute and provide the Parties options for mutual resolution of the dispute.
- b. Jurisdiction and venue over any controversy or claim arising out of or relating to this Agreement or the alleged breach of this Agreement that cannot be resolved pursuant to section 8.a shall be in the Superior Court for the State of Washington in Clark County.

IX. EMPLOYMENT. The employees of the County and the Cities shall not in any manner be deemed to be the employees of the other Party. Nothing in this Agreement shall make any employee of a Party an employee of the other Party for any purpose, including but not limited to, for withholding of taxes, payment of

benefits, worker's compensation pursuant to Title 51 RCW, or any other rights or privileges accorded their respective employees by virtue of their employment.

- X. INDEMNIFICATION. The Parties hereby release, indemnify, and promise to defend and save harmless the other Parties, its elected officials, officers, employees, and agents from and against any and all liability, loss, damages, expense, action, and claims, including costs and reasonable attorney's fees incurred by the other Party, its elected officials, officers, employees and agents in defense thereof, asserting or arising directly or indirectly on account of or out of its performance of service pursuant to this Interlocal Agreement. In making such assurances, each Party specifically agrees to indemnify and hold harmless the other Party from any and all bodily injury claims brought by its employees and expressly waives its immunity under the Industrial Insurance Act as to those claims which are brought against the other Party; provided, however, this paragraph does not purport to require that either Party indemnify the other against the liability for damages arising out of bodily injuries to person or damages caused by or resulting from the negligence of the Party that would otherwise be entitled to indemnity under this provision, or its elected officials, officers, employees, and agents.
- XI. AMENDMENTS. This Agreement may be amended only by an instrument in writing executed by the Parties hereto.
- XII. ASSIGNMENT. No Party hereto shall assign its rights or obligations under this Agreement without the prior written consent of the other Party hereto.
- XIII. COUNTERPARTS. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.
- XIV. ENTIRE AGREEMENT. This Agreement contains all of the agreements of the Parties with respect to the subject matter covered or mentioned therein.
- XV. FILING. Within five (5) days from the date of execution of this Agreement, the Clerk of the Clark County Council shall file this Agreement with the County Auditor, and post this Agreement on the County website pursuant to RCW 39.34.040.
- XVI. SEVERABILITY. Any provision of this Agreement which is prohibited or unenforceable shall be ineffective to the extent of such prohibition or unenforceability, without invalidating the remaining provisions or affecting the validity or enforcement of such provisions.
- XVII. GOVERNING LAW. The rights and obligations of the Parties hereunder shall be construed and enforced in accordance with, and governed by, the laws of the State of Washington without regard to the principles of conflict of laws.

IN WITNESS WHEREOF, the authorized representatives of the Parties have executed this Agreement on the dates indicated below.

For the **COUNTY**:

CLARK COUNTY, WA

A municipal corporation

By: _____
Shawn Hennessee
Clark County Manager

DATED: _____

Approved as to Form only:
Anthony F. Golik
Prosecuting Attorney

By: _____
Christine Cook
Senior Deputy Prosecuting Attorney

DRAFT

For:

CITY OF BATTLEGROUND, WA
A municipal corporation

By: _____
[Signature and Title of Authorized Official]

[Printed Name and Title of Authorized Official]

DATED: _____

Approved as to Form only:

By: _____
Signature and Title

Printed Name and Title

DRAFT

For :

CITY OF CAMAS, WA

A municipal corporation

By: _____
[Signature and Title of Authorized Official]

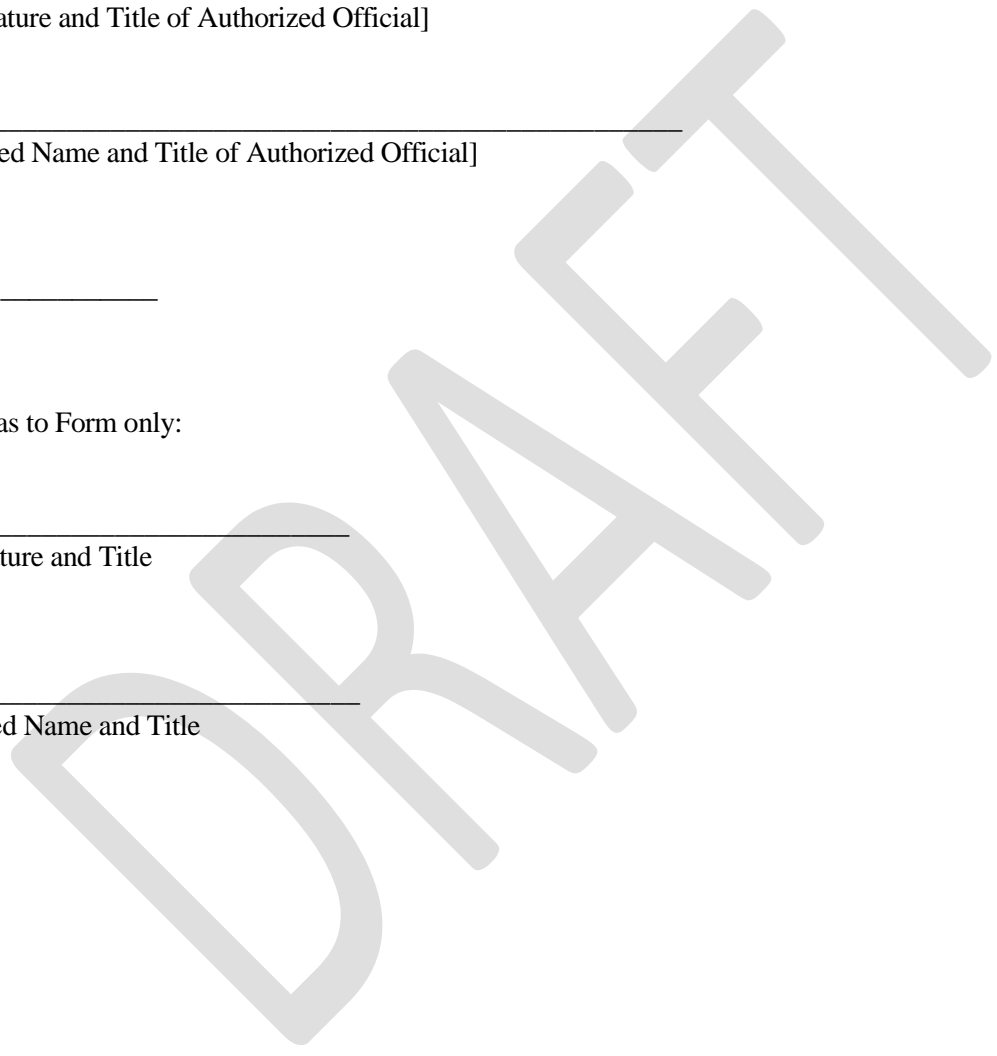
[Printed Name and Title of Authorized Official]

DATED: _____

Approved as to Form only:

By: _____
Signature and Title

Printed Name and Title



For:

THE CITY OF LA CENTER, WA
A municipal corporation

By: _____
Greg Thornton, Mayor

DATED: _____

Approved as to Form only:

By: _____
Daniel Kearns, City Attorney

DRAFT

For:

CITY OF RIDGEFIELD, WA

A municipal corporation

By: _____

[Signature and Title of Authorized Official]

[Printed Name and Title of Authorized Official]

DATED: _____

Approved as to Form only:

By: _____

Signature and Title

Printed Name and Title

DRAFT

For :

CITY OF WASHOUGAL, WA
A municipal corporation

By: _____
[Signature and Title of Authorized Official]

[Printed Name and Title of Authorized Official]

DATED: _____

Approved as to Form only:

By: _____
Signature and Title

Printed Name and Title

For:

THE TOWN OF YACOLT, WA

A municipal corporation

By: _____
[Signature and Title of Authorized Official]

[Printed Name and Title of Authorized Official]

DATED: _____

Approved as to Form only:

By: _____
Signature and Title

Printed Name and Title

DRAFT

- g. Allow the Parties and County to have input on the designation of significant historic and cultural resources, including historic districts; and
- h. Allow the Parties and County to share information pertaining to historic and cultural resources.

2. ROLE OF HISTORIC PRESERVATION COMMISSION AND STAFF.

A. The Clark County Historic Preservation Commission:

- 1. Clark County Heritage Register: The Clark County Historic Preservation Commission will review all nominations to the Clark County Heritage Register. The Historic Preservation Commission shall ensure that each Party has reasonable notice and opportunity for input on an application that is within their jurisdiction.
- 2. Design Review: The Clark County Historic Preservation Commission will review applications for alterations, demolitions, and relocations of historic properties.
- 3. Special Valuation: The Clark County Historic Preservation Commission will review all applications for the Washington State Special Valuation for Historic Properties.
- 4. State and National Registers: The Clark County Historic Preservation Commission will make recommendations to the State Historic Preservation Officer on nominations to the State and National Registers.
- 5. Commission Membership: The Historic Preservation Commission chair will appoint a committee to review applications for open positions on the commission. The committee will conduct interviews and provide a recommendation to the Vancouver City Council. The Vancouver City Council may conduct its own review and interview process and then forward a recommendation to the County. The county manager and county council have concurrent authority to nominate members to the Historic Preservation Commission. Members are appointed by the county council. Commission members will be selected based on professional or demonstrated expertise rather than geographic distribution.
- 6. Appeals of decisions by the Historic Preservation Commission will be heard as provided by a Party's code, or in the absence of an adopted code provision, will be heard by the Superior Court.

ISSUE →

B. Staff:

- 1. County Staff: Clark County Community Planning staff will be responsible for administrative functions of the commission, including minutes and agendas, and will prepare staff reports and recommendations, with assistance from city staff when needed, and will attend commission meetings and public hearings concerning properties outside the city of Vancouver. Other duties are referenced in the Historic Preservation Commission's Rules and Procedures and Title 40.250.030.
- 2. City Staff: Staff of the City of Vancouver's Department of Community and Economic Development, Development Review Division will be responsible for the designation and review processes of the historic preservation program in their jurisdiction, including preparing staff reports and recommendations, and will attend commission meetings and public hearings concerning properties within the city of Vancouver.
- 3. Staff Cooperation: City and county staffs will work cooperatively within the spirit of the commission's Rules and Procedures to provide the necessary flow of information and staff support to the commission.

ISSUE could be COMSIDERED

C. The Parties

The parties will each adopt by reference the Clark County Historic Preservation Ordinance 2018-08-04.

copy - Elise S.

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INTERGOVERNMENTAL AGREEMENT
BETWEEN THE TOWN OF YACOLT AND CLARK COUNTY
CONCERNING CULTURAL AND HISTORIC RESOURCES

JUN 24 1998

Clark County
Community Development

Clark County
Community Dev/Records

The Town of Yacolt and Clark County agree to record and protect significant cultural and historic resources, and to provide heritage education. We hereby agree to the following provisions:

Section 1: PURPOSE

- A. Establish the Clark County Historic Preservation Commission as the local review body for the Town of Yacolt.
- B. Establish a process for recognizing and designating historic and cultural properties which have special significance and are, therefore, worthy of preservation;
- C. Establish a process for reviewing alterations to significant historic and cultural properties;
- D. Establish a process for the owners of local historic and cultural properties to take advantage of the Washington State Special Valuation Tax Incentive program;
- E. Encourage private owners to value their significant historic and cultural properties;
- F. Provide owners and interested citizens with information about local historic and cultural resources;
- G. Allow the Town of Yacolt to have input on the nomination and /or designation of significant historic and cultural resources;
- H. Allow the Town of Yacolt and Clark County to share information pertaining to historic resources.

Section 2: LOCAL REVIEW AUTHORITY

This section applies to properties located within the Yacolt town limits.


- A. Local Register: The Clark County Historic Preservation Commission (CCHPC) will review all nominations to the local historic register (Clark County Historic Register). Properties will be so designated on maps available from Clark County. The Town shall have a opportunity for input on applications submitted to the CCHPC. Appeals of these decisions will be heard by the Yacolt Town Council.
- B. Design Review: The CCHPC will review alterations, demolitions and relocations of historic properties. Appeals of the CCHPC decision are to be heard by the Yacolt Town Council.
- C. Special Valuation: The Clark County Historic Preservation Commission will review all applications for the Washington State Special Valuation tax incentive program for historic properties designated tot he local or National Register of Historic Places.
- D. State and National Registers: The CCHPC will make recommendations to the State Historic Preservation Office on nominations to the State and National Registers.

- E. Commission Membership: All appointments to the CCHPC will be made by the Clark County Board of Commissioners. Commission member will be selected based on the professional or demonstrated expertise rather than demographic distribution as stated in CCC 18.328.040 (B).
- F. Staffing: City staff or officials with knowledge of the local historic or cultural resources, and the nomination, designation and review processes will assist County staff in preparing staff reports and recommendations, and will attend Commission work sessions and public hearings concerning properties within the Yacolt urban growth area.
- G. Local Historic Register Ordinance: The Town of Yacolt will adopt by reference the Clark County Historic Preservation Ordinance #1996-03-16.
- H. Enforcement: For purposes of exacting compliance with the Historic Preservation Ordinance within the Town of Yacolt, city staff shall be responsible for enforcement of the Code, unless other agreements are in force designating the County as the enforcement body responsible for this ordinance.

Section 3: FILING


The Town and County shall file a fully executed copy of this agreement as required.

PASSED by the Town of Yacolt on this 15th day of June, 1998.



Kenneth Case, Mayor of Yacolt

ATTEST:



Town Clerk

Town Attorney

Clark County Code - 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; Ord. 2019-11-06)

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; Ord. 2019-11-06)

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 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 <u>27.53.030</u> .
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; Ord. 2019-11-06)

D. Clark County Historic Preservation Commission.

1. Creation and Size. There is established a Clark County Historic Preservation Commission (the Commission), consisting of 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 the Commission 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 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 even if there is a 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 appointments to the Commission are staggered. The terms are for three (3) years. Membership on the Commission 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 without 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; Ord. 2019-11-06)

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; Ord. 2019-11-06)

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; Ord. 2019-11-06)

- G. Appeals of the Historic Preservation Commission's Decision. A final decision of the Historic Preservation Commission on a certificate of appropriateness or a nomination to the CCHR may be appealed only by a party of record, as that term is defined in this section. 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; Amended: Ord. 2019-11-06)

- 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; Ord. 2019-11-06)

- 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(1)(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(1)(3) and 40.250.030(1)(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(1)(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; Ord. 2019-11-06)

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; Ord. 2019-11-06)

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; Ord. 2019-11-06)

YMC 2.15

Chapter 2.15 HISTORIC PRESERVATION COMMISSION

Sections:

- [2.15.010 Local review board designated.](#)
- [2.15.020 Review board responsibilities.](#)
- [2.15.030 Historic properties.](#)

2.15.010 Local review board designated.

The Clark County historic preservation commission is hereby designated as the local review board required by Chapter [84.26](#) RCW and Chapter 221, Laws of 1986, and shall have all powers and responsibilities defined and authorized by or pursuant to Chapter [84.26](#) RCW and Chapter 221, Laws of 1986. [Ord. 379 § 1, 1998.]

2.15.020 Review board responsibilities.

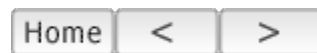
Said local review board shall have the responsibilities in Chapter [254-20](#) WAC including the following:

- A. Make determinations concerning the eligibility of individual properties;
 - B. Verify that improvements are consistent with the Washington State Advisory Council's standards for rehabilitation and maintenance;
 - C. Enter into protective agreements as required under Chapter [254-20](#) WAC;
 - D. Approve or deny applications for special valuations; and
 - E. Monitor property for continued compliance with the covenant and statutory eligibility requirements.
- [Ord. 379 § 2, 1998.]

2.15.030 Historic properties.

The class of historic properties which shall be eligible for special valuation in accordance with Chapter [84.26](#) RCW and Chapter 221, Laws of 1986 shall be all historic property meeting the criteria set forth in such state act and which is:

- A. Listed on the National Register of Historic Places; or
- B. Listed on the Clark County Heritage Register as provided for in Clark County zoning ordinance 18.328.050. [Ord. 379 § 3, 1998.]



The Yacolt Municipal Code is current through Ordinance 581, passed June 15, 2020.

Disclaimer: The Town Clerk's Office has the official version of the Yacolt Municipal Code. Users should contact the Town Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Town Website: <https://townofyacolt.com>

Town Telephone: (360) 686-3922

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