

**Project name:**  
Clark County Demolition Study

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**Date:**  
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# Memo

**Subject:** Demolition Review Policy Analysis for Historic Resources

## Introduction and Purpose

Clark County Community Planning currently lacks a program for gathering and documenting information about older buildings that have not been previously recorded in the Clark County historic resources inventory, or the Washington Information System for Architectural and Archaeological Records Data (WISAARD).<sup>1</sup> Clark County Community Planning retained AECOM to provide Clark County and its seven cities (Battle Ground, Camas, La Center, Ridgefield, Vancouver, Washougal, and Woodland) with recommendations for responding to demolition permits for older buildings and preserving historic information.

The demolition of older buildings potentially precludes the opportunity for Clark County residents to understand and learn more about the County's historic built environment and forecloses on potential opportunities for adaptive reuse alternatives. With increasing population, the pressure to develop increases thus causing properties to be modified for new commercial, residential, institutional, and industrial uses. The demolition of buildings is often an inevitable outcome as is the desire to learn more about its impact on county's heritage.

Clark County currently requires a demolition permit to demolish any structure that a building permit was required to initially construct.<sup>2</sup> Demolition may be characterized differently in municipal jurisdictions referenced in this study. For the purposes of this study, a demolition permit serves as the initial regulatory prompt.

This memo provides:

- An overview of existing policies concerning demolition review and historical resource data collection for jurisdictions in Clark County.
- An analysis of demolition review programs used by comparable Certified Local Government (CLG) jurisdictions in Washington that incorporate the State Environmental Policy Act (SEPA) into their review.<sup>3</sup>

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<sup>1</sup> WISAARD is managed by the Washington Department of Archaeology and Historic Preservation (DAHP).

<sup>2</sup> See Clark County, "Demolition Application," accessed May 13, 2019 at <https://www.clark.wa.gov/sites/default/files/dept/files/community-development/building/demolition-permit.pdf>.

<sup>3</sup> The CLG program was established through the 1980 amendments to the National Historic Preservation Act of 1966 and codified in 36 C.F.R. 61.6. The State of Washington created the mechanism for certification. CLG status allows Clark County (and other qualifying jurisdictions in Washington) access to pass through funds from the federal Historic Preservation Fund as dispensed by DAHP. To remain eligible for the program benefits, the County must continue to meet State and federal program requirements.

- An analysis of demolition review programs used throughout the country to provide a more widespread understanding of relevant processes for documenting older structures subject to demolition permits.
- Recommended changes to the demolition review and permit processes and forms for Clark County and its seven cities, including specifications for building age, photography, documentation, and compliance with SEPA.

### Demolition Review

Demolition review is a legal preservation tool that ensures potentially significant buildings and structures are not inadvertently demolished without consideration. Consideration may involve documentation, public notice, local review, and demolition delay. To maintain eligibility for the CLG program, the federal government and the State of Washington requires CLGs to be “empowered to review and comment on any proposed public and private development projects that would affect a locally designated historic property. Protection provisions in such legislation include a local review process under state or local law for proposed demolitions of, changes to, or other action that may affect designated historic properties.”<sup>4</sup>

## Status of Demolition Policies for Jurisdictions in Clark County

The Clark County Historic Preservation Commission follows demolition review procedures for properties locally designated in the Clark County Heritage Register, and, upon request from staff, provides comment on other historic and cultural resources.

Clark County’s Code for Historic Preservation (40.250.030) states that it is the Historic Preservation Commission’s responsibility to:

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 ((40.250.030(F)(4)(d));

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 (40.250.030(F)(4)(h)).<sup>5</sup>

Each city within Clark County, except for Woodland, shares inter-local Certified Local Government status through Clark County and DAHP.<sup>6</sup> The Cities of Battleground, Camas, La Center, Ridgefield, Vancouver, and Washougal provide demolition review for properties that are designated as local historic landmarks, or are listed in or have been determined eligible (by a federal agency) for listing in the National Register of Historic Places (NRHP).

## Washington’s State Environmental Policy Act (SEPA) and Historic Preservation

Washington’s SEPA requires that state and local agencies consider the potential adverse environmental impacts before acting on a proposal by completing the SEPA Checklist. Many types of projects are exempt from SEPA requirements under the Washington Administrative Code (WAC 197-11-800). Categorical exemptions to SEPA review, codified at WAC 197-11-800(2)(g) exempts “the demolition of any structure or facility, the construction of which would be exempted”, except for structures or facilities with “recognized historical significance.”

<sup>4</sup> See 36 C.F.R. 61.6(e)(1)(ii) and State of Washington Certified Local Governments Program Requirements and Procedures (Amended 2002). <https://dahp.wa.gov/sites/default/files/WA%20State%20Requirements%20and%20Procedures.pdf> (Accessed May 13).

<sup>5</sup> Clark County, Washington. Clark County Code, 40.250.030 Historic Preservation, 2019. <https://www.codepublishing.com/WA/ClarkCounty/html/ClarkCounty40/ClarkCounty40250/ClarkCounty40250030.html> (Accessed July 11, 2019).

<sup>6</sup> Washington Department of Archaeology and Historic Preservation, CLG Program Participants, 2019. <https://dahp.wa.gov/local-preservation/certified-local-government-program/clg-program-participants> (Accessed May 6, 2019).

For jurisdictions to consider potential adverse impacts to resources with recognized historical significance, Washington's Department of Ecology SEPA Checklist Guidance requires that projects subject to SEPA must disclose whether buildings, structures, or sites located on or near a project site are over 45 years old and listed in or eligible for listing in national, state, or local preservation registers. Applicants with projects affecting structures 45 years or older must complete and submit an historic property inventory form to DAHP through the WISAARD. DAHP may require more intensive investigation or that the impacts to structures be mitigated, depending on a building's historical significance.<sup>7</sup>

The SEPA Checklist section for "Historic and Cultural Preservation" requires answers to the following questions:

- a) Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.<sup>8</sup>
- b) Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.
- c) Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.
- d) Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.<sup>9</sup>

When considering "d)" above, DAHP provides guidance for mitigation measures that include:

1. Limiting the magnitude of the undertaking; and/or
2. Modifying the undertaking through redesign, reorientation of construction on the project site, or other similar changes; and/or
3. Repair, rehabilitation, or restoration of an affected historic property (as opposed, for instance, to demolition);
4. Preservation and maintenance operations for involved historic properties;
5. Documentation (drawings, photographs, histories) of buildings or structures that must be destroyed or substantially altered;
6. Relocation of historic properties; and
7. Salvage of archaeological or architectural information and materials; and
8. Interpretation of the property via historical markers, plaque, publication, etc.<sup>10</sup>

## Demolition Review Programs in Washington

A cursory review of comparable jurisdictions and Certified Local Governments in Washington indicates that most jurisdictions require demolition review only for structures that are included on an existing local inventory or the state or national registers. The cities of Bellingham, Port Townsend, and Walla Walla, and the City and County of

<sup>7</sup> State of Washington Department of Ecology, SEPA Checklist Guidance, Section B: Historic and cultural preservation, 2019. <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-13-Historic-cultural-p>

<sup>8</sup> This generally includes the National Register of Historic Places (36 C.F.R. Part 60), Washington Heritage Register (Senate Bill 363, RCW 27.34.200, and 25-12 WAC), and local landmark listings. No specific administrative rules have been developed for the Washington Heritage Register.

<sup>9</sup> State of Washington, SEPA Checklist (WAC 197-11-960), 2016.

<sup>10</sup> Washington Department of Archaeology and Historic Preservation, DAHP Mitigation Options and Documentation Standards, 2010.

Spokane indicate on their permit applications that additional review may be required for structures that are over 45 or 50 years in age. It should be noted that not every jurisdiction has updated the language on their respective SEPA Checklist Guidance.

### **City of Bellingham**

The City of Bellingham reviews demolition permits for structures that are over 45 years old and coordinates with DAHP to determine if the structure is historically significant and requires SEPA review. The process involves determining whether the property is listed in a national or local registry, is within a historic district, or has been previously inventoried. If none of these situations apply, city staff will compare recent photographs to photographs taken by the county assessor in the 1980s to make a cursory assessment of historic integrity. If the structure appears to retain integrity, city staff uploads photographs and information about physical characteristics into WISAARD and requests a determination of NRHP and/or state register eligibility from DAHP. DAHP has confirmed that secondary structures (e.g. garages and sheds) that are over 45 years old require review only when the primary structure (e.g. a house) also meets the age requirement and was built during the same time period. Properties found to be NRHP eligible or that are locally designated are subject to SEPA review.

In Bellingham, demolition permits for eligible historic resources require a Land Use Cover Sheet, a completed SEPA Checklist, a SEPA review fee, and a historic impact analysis that contains the following:

- historic documentation with available photographs, drawings, and research
- current photographs with specific views
- a plan to salvage and preserve historic artifacts in a museum or incorporate architectural features into a compatible new construction
- a plan to deconstruct all or some of the building for recycling and/or re-use

The city encourages adaptive reuse for historic buildings and offers local incentives.<sup>11</sup>

### **City of Port Townsend**

The City of Port Townsend requires historic design review for all buildings over 50 years old that meet the city's scoring criteria for contributing primary, secondary, or pivotal resources. Demolition permit applicants are required to provide an economic and structural assessment justifying the need for demolition for all contributing properties. Although this requirement is geared toward non-residential buildings, it applies to all contributing resources.

The City's demolition permit application asks what year the structure was built. If the structure is over 50 years old, city staff, frequently with assistance from the historic preservation committee, will score the property's eligibility for local designation, and, if eligible, complete photographic documentation for internal records. The city does not currently share the documentation with DAHP but intends to do so in the future. The city encourages owners to salvage removed or demolished architectural features and materials.<sup>12</sup>

### **City and County of Spokane**

The City and County of Spokane performs demolition review for locally designated properties, contributing properties in NRHP districts, and properties located within the downtown overlay that are 50 years or older. For those properties in the overlay, the applicant is required to provide a research report to justify an eligibility finding at the local level. The City and County historic preservation officer reviews the report and provides an eligibility recommendation to the local landmarks commission, which makes the eligibility determination. No coordination with DAHP occurs except for a search in the WISAARD for previous inventories.<sup>13</sup>

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<sup>11</sup> Jackie Lynch, Planner, Planning and Community Development, City of Bellingham, personal communication, May 9, 2019.

<sup>12</sup> John McDonagh, Senior Planner, City of Port Townsend, personal communication, May 10, 2019.

<sup>13</sup> Megan Duvall, Historic Preservation Officer, City and County of Spokane, personal communication, May 8, 2019.

## City of Walla Walla

The City of Walla Walla's demolition permit application for residential and commercial buildings requires an historic review period of 10 business days for buildings 50 years and older or for places of historic value. The city maintains a list of local interest groups that have requested notification of demolition permit applications. During the initial 10-day review period, city staff invites comments from the Historic Preservation Commission and local interest groups on the structure or place's potential historic or architectural significance to the community. Based on the comments received, city staff will determine whether the structure or place possesses enough historic or architectural significance to warrant additional public input. Staff uploads photographs and information about the structure's physical characteristics to WISAARD, categorized the action as a SEPA review, and requests a determination of eligibility from DAHP.<sup>14</sup> If eligible, the demolition proposal may require additional time and will be subject to the following:

1. A 60-day staff level stay during which the city may consult with local and/or state organizations concerned with historic or architectural values. When a structure or place is found to be significant, staff or other interested parties may petition the city planning commission for a public hearing. During the hearing, the commission considers the structure or place's significance and examines options available to preserve the public interest.
2. Based on input received at the public hearing, the city may:
  - a. Authorize issuance of a demolition permit; or
  - b. Issue a continuance of the stay for no longer than one year to provide opportunity for acquisition of the property, establishment of an easement, or implementation of another negotiated preservation mechanism; or
  - c. Take other action as required by state statutes or administrative codes as advised by authorized DAHP representatives (Ord. 2018-53 § 21(part), 2018: Ord. 2000-6 § 2(part), 2000: Ord. 97-14 § 71, 1997: Ord. 95-5 § 1(part), 1995).<sup>15</sup>

Future changes to the city's demolition code will separate the historic review from the rest of the demolition application process to allow consideration of demolition alternatives (e.g. moving the structure) prior to action on other environmental regulations, such as asbestos remediation. Additional code modifications may also add a salvage condition to the demolition permit process.<sup>16</sup>

## Analysis of Demolition Review Programs in Comparable CLG Jurisdictions

AECOM asked CLG jurisdictions with comparable populations to describe their process for documenting older structures before demolition, including their interpretation of Washington's SEPA process. The National Trust for Historic Preservation's preservation law publication, *Protecting Potential Landmarks through Demolition Review*, provides the basis for analyzing jurisdictions outside of Washington.<sup>17</sup> The demolition review process varies among communities across the country. However, many communities share certain components of the review framework. Reviews are typically conducted based on "criteria of limitations" that include a building or structure's age, location, and/or designation as a historic resource. Communities use different considerations for

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<sup>14</sup> For resources that have not been evaluated for the NRHP, there are some complicating factors in requesting a "determination of eligibility" for the NRHP from DAHP. According to federal regulations (see 36 CFR Part 63 and 36 CFR Part 800, DAHP (acting as the State Historic Preservation Officer) may only concur with a federal agency's determination of eligibility. In the absence of a federal agency's determination or an actual nomination for the NRHP being processed under 36 CFR Part 60, DAHP does not retain independent authority to make determinations of eligibility for the NRHP. Additionally, according to WAC 25-12-060(8) only the Washington Council on Historic Preservation retains authority to determine a resource eligible for the Washington Heritage Register.

<sup>15</sup> City of Walla Walla, Walla Walla Municipal Code, Chapter 20.146, Conversion or Demolition of Historic Structures. December 19, 2018.

<sup>16</sup> Melissa Shumake, Planner, Development Services, City of Walla Walla, personal communication, May 9, 2019.

<sup>17</sup> Julia H. Miller, *Protecting Potential Landmarks Through Demolition Review* (Washington D.C.: National Trust for Historic Preservation, 2006).

applications that trigger demolition review. Some communities have implemented multiple triggers to ensure that all historic properties that may be significant receive review.

## Criteria of Limitations

### Age

Age is the most common factor in determining whether a review is necessary. Typically, properties that are 50 years old or older trigger demolition review (Boston, MA; Boulder, CO; New Castle, DE; Alameda, CA; Keene, Stratham, and Concord, NH). The trigger in other communities is properties that are 45 years or older (Gainesville, FL) or 40 years or older (Santa Monica, CA). Alternatively, some communities require review for all built resources constructed before a certain date (Alameda, CA and Weston, MA).<sup>18</sup> Fifty years is generally viewed by the NRHP as an initial age for considering a resource's importance although resources younger than 50 years old could be eligible for the NRHP if they are of exceptional importance. Some jurisdictions will request information on resources younger than 50 years as an acknowledgement that the project's duration could extend for multiple years, thus a resource could reach the fifty-year mark by the time a project is completed.

Communities for which property age triggers demolition review must provide clear guidance on how to determine age and who is responsible for providing evidence of age. The burden of establishing the date of construction may be placed on the applicant or left to the review body. Communities that require the applicant to establish age include Alameda, CA and Wilton, CT. Alameda also requires age verification through a review of city records. In Boston, MA; Santa Monica, CA; and New Castle County, DE, city or county staff determine age. In Weston, MA, further review occurs when the age of a building or structure cannot be determined from available records.<sup>19</sup>

### Location in Designated Areas

A building's location, such as along a historic main street, business district, or within a designated historic neighborhood or overlay, has also been used as a review criterion (Baton Rouge, LA; Keene, NH; Boston, MA).<sup>20</sup>

### Existing Inventories

Previous designation of a building or structure on a local, state, or national historic register, or in existing local inventories is a common trigger for demolition review (Boulder, CO; Keene and Stratham, NH).<sup>21</sup> Both Chicago, Illinois and Montgomery County, MD rely on previous historic resources surveys to determine which buildings and structures require review.<sup>22</sup> In Oakland, California, demolition permit applicants must provide demolition findings for historic structures present in the city's existing inventories.<sup>23</sup>

## Demolition Review Considerations

A determination of historic significance does not necessarily prevent the issuance of a demolition permit. Instead, communities generally delay permit issuance. The delay provides an opportunity to document and evaluate the property. Delay also enables the parties to explore demolition alternatives such as designating the property at the local, state or national level to establish more stringent regulations; locating preservation-oriented developers to purchase the property; or evaluating alternative project sites.

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<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.; Keen New Hampshire Community Development Department, "Application for a Permit to Demolish a Structure" <https://ci.keene.nh.us/sites/default/files/2018-07/DEMOAPPL%20revised%201.pdf> (accessed May 2, 2019).

<sup>21</sup> Miller; City of Boulder, Colorado, "Demolition Permit Review – Historic Preservation." <https://bouldercolorado.gov/historic-preservation/demolitions> (accessed May 2, 2019).

<sup>22</sup> Miller, 3.

<sup>23</sup> City of Oakland, "Findings Required for the Demolition of Historic Properties," (Oakland, CA: City of Oakland, 2018). <https://www.oaklandca.gov/resources/read-demolition-findings-for-historic-properties> (Accessed May 2, 2019).

## Demolition Delay

A demolition delay ordinance may be (1) adopted as an amendment to the building code; (2) implemented as a stand-alone ordinance; or (3) implemented as a bylaw in an existing historic preservation or zoning ordinance.<sup>24</sup> Although this legislation may help protect historically significant community resources, demolition delay ordinances or bylaws cannot indefinitely delay or prevent demolitions. Rather, the process allows for review of proposed demolitions to assess a building's historical significance. If the building is determined to be historically or architecturally significant, the issuance of the demolition permit is delayed for a specific period of time – typically 30 to 90 days, but in some cases up to 12 months. During the delay period, a public hearing is scheduled where the review body, building owner, and community members consider alternatives to demolition and options for preservation. Alternatives include incorporating the building into the project design, selling the property to a purchaser interested in rehabilitation, or finding alternative project sites. If no feasible alternatives are found, the delay period allows the building to be documented and architectural features salvaged.<sup>25</sup>

## Demolition Denial

In rare cases, demolition permits are denied unless they meet specific approval criteria. The Port Townsend, Washington, city code, for example, indicates that the demolition of a locally designated building or structure:

shall be denied unless the application is based on the building being an imminent threat, and/or the structure is so deteriorated, and there is so little historical fabric, that it would be unreasonably costly to retain the historic, cultural, and architectural significance of the structure through rehabilitation or renovation. An application for demolition of a building or structure in a commercial district (other than a building built for residential purposes) shall be allowed if:

1. denial or partial denial will deprive the owner of reasonable economic use of the property;
2. The building, structure, or portion thereof to be removed cannot be adapted for any other use, whether by the owner or by a purchaser, which would result in a reasonable economic return;
3. There is no viable or reasonable alternative which would have less impact.<sup>26</sup>

## Documentation

When demolition review is triggered, communities impose varying requirements for the amount and type of documentation necessary to determine a resource's age and potential historical significance. As part of the review application, jurisdictions typically require the submission of information sufficient to enable an informed decision on a building's age and significance. Almost all jurisdictions in this study require the submission of recent photographs. The number of photographs required varies, with some jurisdictions requiring several photographs to depict a building's location within the setting, elevations from the public right-of-way, and architectural features and details. Several communities require the submission of site plans that depict the building to be demolished as well as surrounding structures, roads, and other features (Santa Monica, CA; New Castle County, DE).<sup>27</sup> For partial demolitions, some communities require proposed plans and elevation drawings (Newton, MA; Boulder, CO).<sup>28</sup> Santa Monica also requires that applicants provide photographic verification that the property has been posted with a notice of intent to demolish. Boston's requirements are atypical, requiring applicants to submit photographs of surrounding properties with demolition permit applications; a location map; a site plan for the building and those in the immediate vicinity; plans for site improvements, including elevations if a new structure is planned; and the notarized signatures of all owners-of-record along with proof of ownership. If additional review is anticipated, supplemental documentation may include reports on structural analysis,

<sup>24</sup> Local jurisdictions should ensure that a demolition delay requirement is consistent with the state's planning enabling legislation.

<sup>25</sup> Emily Paulus, *Protecting Historic Resources through Demolition Review* (Concord, NH: New Hampshire Division of Historical Resources, 2007), 1.

<sup>26</sup> City of Port Townsend, Port Townsend Municipal Code, Chapter 17.30.370 Historic Preservation Code, December 3, 2018.

<https://www.codepublishing.com/WA/PortTownsend/html/PortTownsend17/PortTownsend1730.html#17.30.030> (Accessed May 6, 2019).

<sup>27</sup> City of Santa Monica, "Demolition Permit Process." [https://www.smgov.net/uploadedFiles/Departments/PCD/Applications-Forms/Demolition%20Permit%20Packet%20\(8-2017\).pdf](https://www.smgov.net/uploadedFiles/Departments/PCD/Applications-Forms/Demolition%20Permit%20Packet%20(8-2017).pdf) (Accessed May 2, 2019); New Castle County Delaware Department of Land Use, "Building Permit Requirements: Demolition of Structure." <https://www.nccde.org/DocumentCenter/View/488/Demolition-Permit-Requirements-PDF> (Accessed May 2, 2019).

<sup>28</sup> Miller, 4; City of Boulder Colorado.

adaptive reuse feasibility, alternative project sites, effects of post-demolition plans on the community, and other materials the City Landmarks Commission may require for a feasibility determination.<sup>29</sup>

## Evaluation

Communities also vary on how they assign the reviewer and methodology for demolition reviews. Keen, Concord, and Stratham, NH rely on members of their Heritage Commissions to review demolition permit applications and provide preliminary recommendations.<sup>30</sup> In Boulder, CO, the Landmarks Board reviews applications related to buildings determined potentially eligible for landmark designation by the city's historic preservation program. The Landmarks Board considers the building's eligibility for designation as an individual landmark; the building's relationship to the character of the neighborhood as an established and definable area; the reasonable condition of the building; and reasonable projected cost of restoration or repair. (Note: The board may not consider deterioration caused by unreasonable neglect).<sup>31</sup> In Alameda, CA, the Planning Director determines whether the building or structure meets the criteria of a landmark as described in the County's proposed Historic Preservation Ordinance, or pending the Ordinance's adoption, in accordance with the requirements of CEQA.<sup>32</sup>

In Boulder, Colorado, if a property is determined potentially eligible for landmark designation, the Landmarks Board may 1) issue the demolition permit, 2) impose a stay of up to 180 days to explore demolition alternatives, or 3) initiate the landmark designation process.<sup>33</sup> If a property is determined historically significant in either Keen or Concord, New Hampshire the Heritage Commission conducts a meeting to explore demolition alternatives.<sup>34</sup> In Stratham, New Hampshire, if the property is determined to be potentially significant, no permit is issued until a more thorough investigation is conducted. Following the investigation, the Heritage Commission provides a written recommendation to the Code Enforcement Officer for the final decision.<sup>35</sup> Similarly, in New Castle County, Delaware, if the property is at least 50 years old and historically significant, the application will be scheduled for further review by the Historic Review Board. The Board may delay the issuance of a permit for up to 9 months from the date of application to consider demolition alternatives. At this level of review, the applicant must provide the Board with complete information about the project.<sup>36</sup>

## Designation

In Santa Monica, CA, if the property is determined to meet criteria for designation as a local landmark, it is designated as a historic resource, an action is appealable to City Council.<sup>37</sup> In Alameda, CA, if the property is determined to meet the criteria for designation as a local landmark, the applicant must apply for a Certificate of Appropriateness. The County of Alameda Planning Department will recommend a Certificate of Appropriateness if they determine the proposed alteration or demolition would not have a significant adverse effect on a historical or cultural resource. Once the review is complete, the demolition request will be forwarded to the Parks Recreation and Historical Commission (PRHC) for review. The PRHC will review the application and hold a public meeting before making a determination. The PRHC may determine that the structure does not meet the criteria for designation and that the application materials provide sufficient information to recommend to the Planning Director approval of the Certificate of Appropriateness and authorization of demolition. Alternatively, the PRHC may require that the applicant retain a qualified consultant to prepare State Historic Resource Inventory forms, a historical resource evaluation report, or submit additional information. Upon PRHC's completion of review and the public hearing, the PRHC will forward a written recommendation to the Planning Director, who will make the final decision.<sup>38</sup>

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<sup>29</sup> Miller, 6.

<sup>30</sup> Miller, 6.

<sup>31</sup> "City of Boulder Colorado.

<sup>32</sup> Alameda County California Planning Department, Demolition Request Application Guide."

<https://www.acgov.org/cda/planning/ordinance/documents/DemolitionRequestForm.pdf> (Accessed May 2, 2019).

<sup>33</sup> City of Boulder Colorado.

<sup>34</sup> Miller, 6.

<sup>35</sup> Town of Stratham, "Town of Stratham Zoning Ordinance," accessed May 2, 2019,

[https://www.strathamnh.gov/sites/strathamnh/files/uploads/stratham\\_zoning\\_ordinance\\_2016.pdf](https://www.strathamnh.gov/sites/strathamnh/files/uploads/stratham_zoning_ordinance_2016.pdf)

<sup>36</sup> New Castle County Delaware Department of Land Use.

<sup>37</sup> City of Santa Monica.

<sup>38</sup> Alameda County California Planning Department.

## Recommended Considerations and Range of Options

Based on the project goals and an analysis of CLG demolition review programs in Washington and other states, this section provides a range of options on recommended considerations for a demolition review program. These considerations were discussed in a workshop with Clark County Community Planning and the Clark County Historic Preservation Commission and have been refined as recommended next steps.

### Clarify how SEPA review is triggered for historic resources

It is recommended that the County clarify its interpretation of how “historical significance” is “recognized” for the purposes of SEPA. Two interpretations (based on a review of various jurisdictions) are provided below:

1. Resources previously identified as listed or eligible for listing in local, state, or historic registers have recognized historical significance and trigger SEPA for historic resources.
2. All resources that meet the SEPA checklist age requirement (45 years or older) are considered potentially historic and require further investigation for the jurisdiction to determine if the resource has recognized historical significance for the purposes of SEPA.

### Determine Criteria of Limitations

#### Age

AECOM recommends that Clark County establish an age requirement to trigger demolition review. Most jurisdictions who provided input use 50 years. For other types of historic reviews, such as undertakings reviewed under Section 106 of the NHPA, 45 years is commonly used to consider the duration of project activities. Some jurisdictions apply a specific trigger date, such as 1945, but this is not recommended for Clark County, because it unreasonably restricts categories of resources that may become historically significant in the future.

It is recommended that the county consider relaxed limitations for secondary structures, such as garages or outbuildings on older properties.

#### Location

Clark County contains designated historic properties, sites, and districts that are regulated under provisions of the Clark County Historic Preservation Ordinance. Additional historic overlays could provide demolition review for geographic areas targeted for high concentrations of potentially significant historic resources.

Main Street Communities in Clark County, recognized by the Washington Trust for Historic Preservation, such as the Downtown Camas Association, Ridgefield Main Street, and Vancouver Downtown Association may not have historic designation but could be given geographic consideration for demolition review due to the concentration and cohesive character of older buildings.

#### Existing Inventories and/or Registers

Clark County maintains a local historic resources inventory and the Clark County Register of Historic Places. Properties included in the inventory or register are already entitled to demolition review.

Other applicable historic designations in Clark County include DAHP’s Washington Heritage Register and Heritage Barn Register, and the Washington State Department of Agriculture’s Centennial Farms. These could be added to the County’s list of properties requiring demolition review to address a broader range of historically designated resources.

Updates to Clark County’s historic resources inventory would incorporate new research about the county’s historic resources and include historic resources from the recent past that would have been considered too young at the time the inventory was conducted.

## Develop Demolition Permit Review Process

Clark County could include information on the permit application form that informs applicants about the possibility of demolition review for properties that meet the determined criteria of limitations, specifically an age requirement, since the review could delay the project or require additional materials from the applicant. A code or policy revision would be required. The following could be incorporated into the demolition permit application form:

1. A requirement that the applicant provide clear photographs of the building or structure. This could include all elevations, only those visible from the public right of way, and/or interior photographs.
2. A request for historic information about the building or structure, including construction history, identity of previous occupants, and other relevant historical information.
3. Tax records or other property records to verify the building or structure's age (county or city responsibility).
4. Verification of existing geographic overlays that require demolition review (county or city responsibility).
5. A check box on the demolition permit application form stating that historic review is required. Development of a separate historic review form for properties that meet the limitations, with requirements for photographs, questions about history, and other information necessary to complete the documentation process.
6. If demolition alternatives are to be integrated in the review process, separate the historic review from the asbestos removal requirements to preserve interior materials for potential building relocation and reuse.

County staff can do one or more of the following with this information:

1. Enter the information and photographs into the local inventory.
2. Assess whether the property meets the designation criteria for the CCHRP.
3. Request and/or conduct research to better understand the property's historical significance.
4. Enter the information and photographs into the WISAARD and leave the property unevaluated.
5. Notify the public and interested entities about the demolition permit application and inquire about the property's history and/or significance. It is recommended that the County develop and maintain a list of organizations interested in receiving notifications about such applications.
6. Consult with DAHP and/or the public about whether the property has recognized historical significance
7. Include conditions for consideration of demolition alternatives or feasibility assessments.

## Allocate Responsibilities

The County must allocate responsibility for all demolition review tasks, including:

1. Reviewing the demolition permit application and accompanying materials
2. Determining whether the subject building or structure is historically significant and whether the property should be added to a local inventory or designated in a local register, and
3. Deciding if a demolition permit should be issued

These responsibilities could be handled by staff, the local historic preservation commission, or a historic preservation consultant. The same individual or group does not necessarily have to be responsible for each action. For example, county staff could review the application and associated materials, determine historical significance and provide a recommendation to the historic preservation commission for a final determination on

issuing a demolition permit. Beware of potential conflicts of interest occurring when a consultant may also represent a developer involved in the demolition process. The timeliness of reviews, whether handled administratively or by the historic preservation commission should also be considered.

## Consider Demolition Delay and/or other Preservation Initiatives

Determine whether Clark County intends to add demolition delays or other conditions to the demolition process for structures found to be historically significant. Conditions could include the following:

1. Consideration of adaptive reuse opportunities
2. Examination of alternative locations and property owners
3. Material salvage
4. Feasibility assessment to determine financial and/or structural need
5. Historic documentation and/or interpretation
6. Demolition denial

## Recommended Next Steps

The following next steps are recommended to Clark County regarding its demolition review procedures.

### SEPA Compliance Recommendations

To comply with SEPA, Clark County is obligated to consider potential adverse impacts to resources with recognized historical significance, including those that are listed or eligible for listing in local, state, or national registers. AECOM recommends that Clark County update the GIS overlays that are visible at the permit office to show properties that are not only listed in Clark County Heritage Register, but also those that are listed in or have been determined eligible for listing in the NRHP (determined by a federal agency or through Section 106), the Washington Heritage Register, and Washington Heritage Barn Register. County staff is responsible for the SEPA checklist. The historic preservation commission is responsible for the demolition review of properties listed in the Clark County Heritage Register and to provide comment on other historic and cultural resources when requested by staff.<sup>39</sup>

### Demolition Review Policy Recommendations

AECOM recommends that Clark County proceed by adopting a demolition review policy with responsibilities allocated to the permit center, planning department, and historic preservation commission. It is recommended that Secretary of the Interior (SOI) qualified staff complete certain tasks. The following flow-charts outline three tiered options for a demolition review program:

1. Require photo documentation
2. Demolition delay for documentation and outreach
3. Demolition delay for documentation, outreach, evaluation, and historic preservation commission review

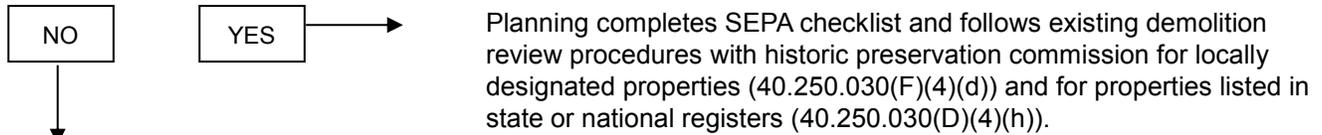
It is also recommended that city jurisdictions within the county adopt the same procedures as Clark County.

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<sup>39</sup> Clark County, Washington, 2019.

### 1. Require Photo Documentation

Permit Center determines if SEPA review is required. Is the building or any adjacent properties listed or previously determined eligible for listing in a local, state, or national register?



Is the building 50 years in age or older?



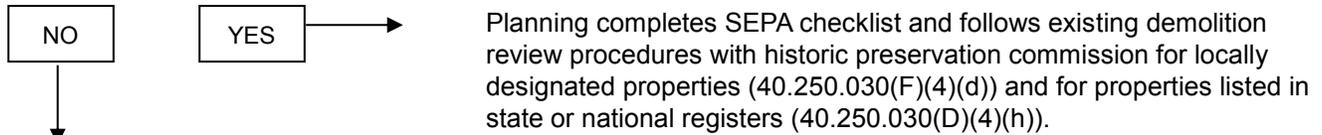
Applicant provides 2 photos of each building 50 years in age or older (required) and provides information about history of property and buildings if available (optional).

Permit Center issues demolition permit and forwards application, photos, and documentation to Planning.

Planning digitizes and archives records and uploads to WISAARD and/or local inventory.

## 2. Demolition Delay for Documentation and Outreach

Permit Center determines if SEPA review is required. Is the building or any adjacent properties listed or previously determined eligible for listing in a local, state, or national register?

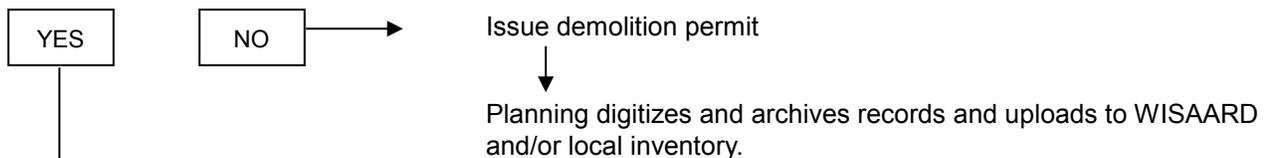


Is the building 50 years in age or older?



Applicant provides 2 photos of each building 50 years in age or older and information about history of property and buildings, including design, construction, development, occupants, historic maps, and other available documentation. SOI-qualified staff determines that documentation is complete.

Does the building retain historic integrity (evaluated by SOI-qualified staff)?



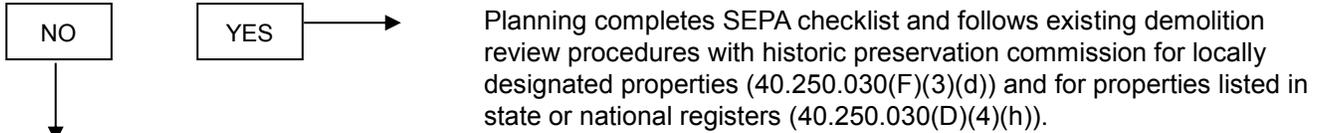
Permit Center issues 10-day demolition delay. Planning issues notice of permit application to interested parties and newspaper inviting public comment on historic significance of property. Applicant receives brochure about alternatives to demolition and options for architectural salvage.

Following 10-day demolition delay, Permit Center issues demolition permit.

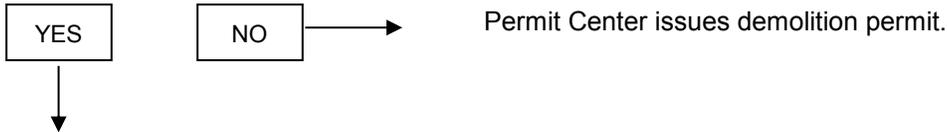
Planning digitizes and archives records and uploads to WISAARD and/or local inventory.

### 3. Demolition Delay for Documentation, Outreach, Evaluation, and Historic Preservation Commission Review

Permit Center determines if SEPA review is required. Is the building or any adjacent properties listed or previously determined eligible for listing in a local, state, or national register?

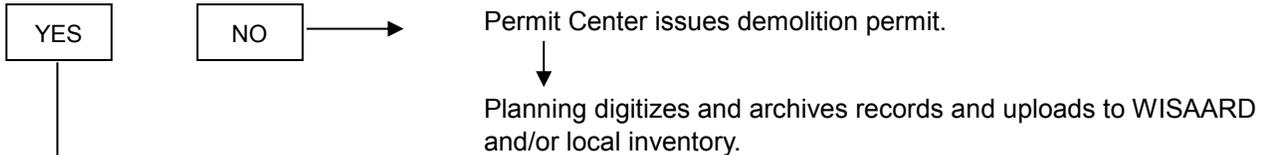


Is the building 50 years in age or older?



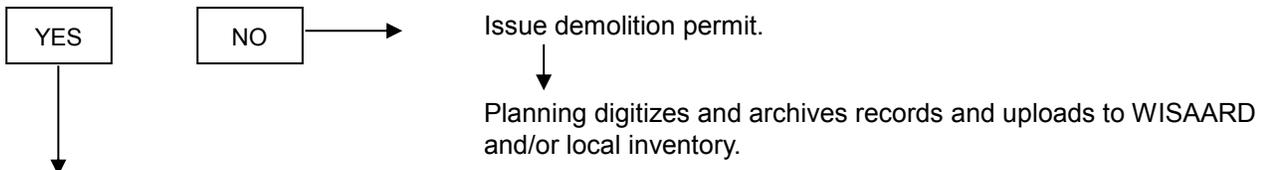
Applicant provides 2 photos of each building 50 years in age or older and information about history of property and buildings, including design, construction, development, occupants, historic maps, and other available documentation. SOI-qualified staff determines that documentation is complete.

Does the building retain historic integrity (evaluated by SOI-qualified staff)?



Permit Center issues 40-day demolition delay for 10-day public outreach and historic preservation commission review. Planning issues notice of permit application to interested parties and newspaper inviting public comment on historic significance of property. Applicant receives brochure about alternatives to demolition and options for architectural salvage.

Is the property locally significant as a historical resource (determined by historic preservation commission following public comment period)?



Designate the property on the local register with owner consent (40.250.030(E)(3)) and follow existing demolition review procedures for locally designated properties (40.250.030(F)(3)(d)).

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