



SAN JUAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMO

DATE: May 11, 2020

TO: San Juan County Council,
Planning Commission,

CC: Mike Thomas, County Manager

FROM: Linda Kuller, AICP, Planning Manager *LK*
Sophia Cassam, Planner I

RE: 2036 Comprehensive Plan Update
Draft Section B, Element 9 Historic and Archaeological Preservation

BRIEFINGS: TBD – County Council and TBD – Planning Commission

ATTACHMENTS: A. Draft Element 9, Historic and Archaeological Preservation
B. May 20, 2016, Email: WA State Dept. of Archaeology and Historic Preservation
C. May 5, 2020 Email from Jason Hensel, SJC Building Official

Purpose: Transmittal of the first draft of Element 9, Historic and Archaeological Preservation for early review and comment.

How to Comment: Please submit comments by June 1, 2020 to compplancomments@sanjuanco.com
subject line: RE: Historic and Archaeological Element. Provide your contact information for the record and identify the page and line number pertaining to the comment. If possible, provide specific alternative language. If you would like a word version to mark-up, please contact Sophia at SophiaC@sanjuanco.com. Comments may also be submitted to the SJC Department of Community Development at PO Box 947 935 Rhone Street, Friday Harbor, 98250, c/o Sophia Cassam, Planner I.

Background: Potential amendments to this draft are shown in ~~strikeout~~ underline. They include:

- Minor edits to “activate” the goals and policies;
- Clarification of Policy (4)(a) to make the policy better aligned with San Juan County Code 18.70.010(C)(10) (general provisions of the Land Division chapter);
- Deletion of unnecessary policies regarding building codes, permit processing timelines, and demolition permits; and
- Addition of a new Goal 6 related to:
 - Review of permit applications including coordination with different entities,
 - Providing customer service for applicants who should have a cultural resources review done on their property prior to making development plans, and

- Giving direction regarding professional qualifications for people preparing cultural resource reports and standards for them.

Policies 2 and 5: Staff recommends discussion about policies 2 and 5, creation of a historic preservation plan and appointment of a Historic Review Board, which have not been implemented. If no resources are available for them, and if existing nonprofits provide such services, perhaps they should be deleted.

Policy 2 suggests that the County appoint a Historic Review Board. This policy does not appear to have been implemented. The question is, should it remain in the plan?

Policy 5 is discussed in the last section of this memo under the discussion about the 2016 Comment Letter from WA. State. Dept. of Archaeology and Historic Preservation (DAHP).

Code Amendments for Consistency: If proposed Policy 6(c) and (d) are adopted, SJCC 18.60.210 Archaeological and historic resources should be amended for consistency to include a section regarding qualifications for Cultural Resource report to require that cultural resource reports comply with the *WA State Standards for Cultural Resource Reporting*. This would be a benefit to DCD permit processors and ease permitting issues.

Proposed code amendment language is provided in items (F) and (G) underlined below.

SJCC 18.60.210 Archaeological and historic resources.

A. When an application for a permit is received for an area known to contain archaeological artifacts and data, the County shall not take action on the application and shall inform the applicant thereof, and the applicant shall not initiate any excavation or development activity until the site has been inspected and a written evaluation is provided by a qualified archaeologist. Significant archaeological data or artifacts must be recovered before work begins or resumes on a project. No application will be delayed more than 10 working days for such an inspection. If the application is approved by the County, conditions shall be attached reflecting the recommendations of the archaeologist regarding preservation or protection of the site.

B. All permits shall contain a special provision advising the permit holder that if during excavation or development of the site an area of potential archaeological significance is uncovered, all activity in the immediate vicinity of the find must be halted immediately and the administrator must be notified at once. Activities authorized by the permit will not be delayed more than five working days for a finding of significance by the administrator, following the administrator's receipt of notification, unless the permit holder agrees to an extension of that time period.

C. All development proposed for location adjacent to sites which are listed, or are determined by the appropriate state or federal authority to be eligible for listing in the state or national registers of historic places, must be located so as to complement the historic site. Development which degrades or destroys the historical character of such sites is not permitted.

D. Archaeological sites are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Records) and must comply with Chapter 25-48 WAC (Archaeological Excavation and Removal Permit). Archaeological excavations are allowed subject to applicable state laws.

E. Identified historical or archaeological resources must be considered in site planning for public parks, public open space, and public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource.

F. When required, cultural resource reports must be prepared by a professional archaeologist who meets the Secretary of the Interior's Professional Qualification Standards and State Law.

G. Cultural resource reports must be prepared in accordance with the Washington State Standards for Cultural Resource Reporting.

2016 Comment Letter from WA. State. Dept. of Archaeology and Historic Preservation (DAHP):

A. Attachment B contains the 2016 comments from DAHP. Their first comment regarding development of a planning element for cultural and historic preservation relates to Policy 2. Policy 2 has not been implemented likely due to availability of County resources. Also many non-profits work individually in this sphere. If it is unlikely the County would have resources to create another plan, feedback is needed on whether this policy should be deleted.

B. The second comment from DAHP suggests that goals and polices in other *Plan* element should address the protection of cultural resources. The Land Use Element contains a related goal and policies in Section 2.2.H:

2.2.H Historic and Archaeological Preservation

Goal: To protect, preserve, and restore significant archaeological and historical resources in the county and encourage those types of new development that will enhance historic community identity.

Policies:

1. Protect areas of known archaeological and historic value from incompatible development and ensure that newly discovered areas uncovered during excavation are examined by the appropriate authorities.
2. Protect through voluntary measures the significant historic resources identified in an inventory, using a variety of preservation techniques including acquisition, incentives, conservation easements, transfer of development rights, overlay districts, and alternative re-use of structures.
3. Incorporate the preservation of sites and structures of historic and archaeological significance as a part of the environmental consideration in development permit and land division reviews.

C. The last comment from DAHP is related to implementation and suggests that regulations including land divisions, permitting, critical areas and shoreline management regulations (and program) should address identification and protection of significant cultural and historic properties. There are adequate protections in existing County Code and permit processes that help to identify and protect these properties.

The land division code addresses this. In addition, SJCC 18.60.210 addresses the permitting requirements specifically. The County provides a customer service that includes a critical area and cultural review. Property owners are encouraged to obtain this report prior to any land disturbance. The permit process

includes steps to protect such resources including the requirement for a cultural resources report when an activity is in a potential State cultural resource buffer. Every building permit is also conditioned to require an inadvertent discovery plan if any cultural resources are discovered during the land disturbing activity.

The shoreline regulations include SJCC 18.50.110 Archaeological and historic resources provides:

18.50.100 Archaeological and historic resources.

A. When an application for a development permit is received for an area known to be archaeologically significant, the applicant must submit a cultural resources report with the permit application. The department will forward this report to the Native American nations and Washington State Department of Archaeology and Historic Preservation (DAHP) with a request for comments within 10 working days. The County will not take final action on the application until the comment period has ended. If the application is approved by the County, conditions may be attached reflecting the recommendations of the archaeologist regarding preservation or protection of the site.

B. All development permits will contain a provision advising the permit holder that if during excavation or development of the site an area of potential archaeological significance is uncovered, all activity in the immediate vicinity of the find must be halted immediately, and the director, the DAHP and affected Native American nations must be notified at once.

C. Additional regulations to protect archaeological and historic resources are established in SJCC 18.60.210.

D. Structural shoreline stabilization measures may be allowed with a shoreline substantial development permit where wind, rain, storms, or waves expose verified archaeological and historic resources. Prior to issuing the permit, the authenticity of the cultural and historic resources must be verified by the DAHP in coordination with the affected Native American nations.

Shoreline regulations protect cultural resources in multiple ways. Even activities for things like residential landscaping or fences for which would not normally require a development or project permit for, or submittal of a shoreline exemption application require a shoreline exemption if they are within an archaeological buffer pursuant to SJCC 18.50.050(B)(2)(c):

2. When not part of an approved development or project permit a certificate of exemption is required for:
 - a. Dredging;
 - b. Flood hazard control structures;
 - c. Archaeological or historic site alteration;

San Juan County Funds Historic Preservation Activities: The San Juan County Council has discretionary funds, generated by recording fees that are distributed to promote historical preservation or historical programs. These may include preservation of historic documents. Projects are selected based on the best presentation of need, benefit and merit to San Juan County residents and visitors.

COMPREHENSIVE PLAN

SECTION B, ELEMENT 9

HISTORIC AND ARCHAEOLOGICAL PRESERVATION

XXXX XX, 2020

SUPERSEDES DECEMBER 20, 1998

"Our community is enriched by a strong sense of identity, tradition, legacy, and continuity, where past and present freely mingle. We recognize the contributions to our rural and maritime heritage made by indigenous peoples, explorers, and island pioneers, ~~and~~. We encourage the preservation of that heritage. We encourage preservation of historic sites, structures, and traditions for the enjoyment of all."

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ELEMENT 9 HISTORIC AND ARCHAEOLOGICAL PRESERVATION

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9.1 INTRODUCTION

San Juan County has a rich and unique heritage from its founding through its development over time. Historical and archaeological sites and pioneer structures still remain which represent early prehistoric settlements by indigenous peoples, the westernizing influence of 19th century pioneers, and a heritage of significant agriculture, fishing, limestone mining, and lumber economies of regional stature and importance.

~~In order to effectively preserve historical resources, an evaluation must first determine.~~ Preserving historical resources first requires an evaluation to determine which structures and sites are worthy of preservation. Then, to protect them, it is necessary to encourage preservation and to regulate the demolition of historic structures and or degradation of historic sites. ~~A method of encouraging preservation of these structures and sites and regulating the demolition of historic structures or degradation of historic sites is then necessary to protect them~~ This element provides goals and policies to achieve this effective historic preservation.

9.2 GOALS AND POLICIES

Goal: ~~To p~~Protect, preserve, and enhance the rich history and cultural resources of San Juan County; more particularly its significant places, traditions, artifacts, stories, family histories, and other important historical and archaeological items.

Policies (9.2.1.5):

1. ~~The County should w~~Work with local historical societies to prepare a comprehensive inventory of San Juan County historic and cultural sites, resources, buildings, and structures. The inventory should include the location, quantity, quality and significance of these resources using state, federal, and locally defined criteria.
2. ~~The County should w~~Work with local historical societies to prepare an historic preservation plan to be incorporated into this element, which includes:
 - a. a detailed description of the County's historical background, including Native American presence, an overview of local history, and identification of historical trends;
 - b. an assessment of local historic preservation needs, including an assessment of existing data, the status of any local historic preservation efforts, and a discussion of issues affecting local historic properties in the future; and
 - c. specific goals and policies for preservation and implementation measures, incorporating the goals and policies of this element. Implementation measures should focus on voluntary efforts and incentives.
3. Coordinate ~~The inventory and historic preservation plan should be coordinated~~ with similar programs of the Town of Friday Harbor and other public and private agencies within the e~~County~~ to ensure the county-wide comprehensiveness of the a comprehensive county-wide inventory.
4. Develop policies and programs to encourage the preservation of historic and archaeological resources and minimize conflicts with competing land uses. The following programs should be considered:

- a. ~~Allow~~ Exempt the segregation of parcels which contain significant historic or archaeological resources ~~through an exemption from plat requirements when the creation of such parcels is to transfer historic properties for special resource management;~~ solely for the purpose of transfer of a property listed on the National Register of Historic Places or Washington State Inventory of Historic Places, for the purpose of preservation or conservation of sites or landmarks of recognized archaeological or historic value; however, any subsequent transfer of such property for a purpose other than archaeological or historic preservation shall comply with the County's land division regulations.
 - b. Pursue private and public sources of funding for use by property owners in the renovation and maintenance of significant historic properties;
 - c. Coordinate and integrate preservation efforts for lands adjacent to significant historic properties;
 - d. Pursue options and incentives to allow productive, reasonable use, and adaptive re-use of historic properties;
 - e. Special valuation and open space taxation programs for rehabilitation and current use assessment;
 - f. ~~Amend the SJC Building Code to exempt historic buildings from compliance with the energy and building codes to the extent permitted by law;~~
 - g. ~~Accelerate permit processing time for relocation of historic structures; and~~
 - h. ~~Require a demolition permit for historical structures listed on the National Register of Historical Places.~~
5. Appoint an Historic Review Board composed of but not limited to, representatives from each local historical society. The Board may do the following:
- a. Conduct, monitor, and update the historic resources inventory;
 - b. Prepare a San Juan County Historic Landmarks document, which would include individual descriptions and maps of items in the resource inventory;
 - c. Review proposed demolition of historic resources not less than 30 days prior to demolition, recommend alternatives, and coordinate relocation or other preservation efforts;
 - d. Provide technical assistance and conduct workshops to provide educational programs regarding historic and archaeological resources in order to raise public awareness of the value of maintaining these resources and retaining community identity, heritage, and quality of life;
 - e. Make recommendations for designation of sites on the State or National Register of Historic Places;
 - f. Promote a mutually supportive relationship between historic preservation and economic development; and

- g. Pursue sources of public and private funding to cover costs incurred by this element.
6. Coordinate with permit applicants and the WA State Department of Archaeology and Historic Preservation, the Lummi Nation, and the Samish Indian Nation to protect cultural resources and provide an expedient permit process.
- a. Provide an early review service to the public that determines if a cultural resource report is required to be submitted with a permit application.
 - b. Provide cursory review of permit applications to ensure that the proper cultural resources reports are submitted when necessary.
 - c. Require cultural resource reports to be prepared by a professional archaeologist who meets the *Secretary of the Interior's Professional Qualification Standards* and State Law.
 - d. Require cultural resource reports, when required, to be prepared in accordance with the *Washington State Standards for Cultural Resource Reporting*.

Linda Ann Kuller

From: Ingrid Gabriel
Sent: Friday, May 20, 2016 2:56 PM
To: Erika Shook; Linda Ann Kuller; Colin Maycock
Subject: FW: Comprehensive Plan Comments from Washington State Department of Archaeology and Historic Preservation

For your consideration.

Ingrid R. Gabriel, CMC
Clerk to the San Juan County Council
360.370.7472
55 Second Street
Friday Harbor, WA 98250

Mailing: 350 Court Street #1

From: Griffith, Greg (DAHP) [mailto:Greg.Griffith@DAHP.WA.GOV]
Sent: Friday, May 20, 2016 2:29 PM
To: Ingrid Gabriel
Cc: Griffith, Greg (DAHP) ; Kaehler, Gretchen (DAHP) ; Sandy Strehlou
Subject: Comprehensive Plan Comments from Washington State Department of Archaeology and Historic Preservation

On behalf of the Washington State Department of Archaeology and Historic Preservation (DAHP), I am providing the following comments & recommendations for your consideration as the County moves into its Comprehensive Plan Update. Our comments are as follows:

- 1) Although not a required planning element, we recommend that San Juan County prepare and include a planning element on cultural and historic preservation. The element should include policies, goals, and tasks for the County to identify and protect significant cultural resources (including buildings, structures, sites, districts, objects, & landscapes). This element should also include disaster preparedness and recovery measures for cultural and historic properties as well as consideration of the impact of climate change on these resources.
- 2) In addition, other planning elements should include policies, goals, and tasks that address protection of cultural and historic properties. For example, elements such as housing, land-use, rural lands, economic development, capital facilities, and others will affect, and are affected by, cultural and historic properties.
- 3) Additionally, we recommend that comprehensive plan implementation documents including development regulations, subdivision codes, critical areas ordinances, and shoreline management program include provisions that incorporate procedures that result in the identification and protection of significant cultural and historic properties in the project planning and development process

Thank you for the opportunity to provide these comments. Feel free to contact me (see below for contact information) should you have any questions.

Greg Griffith

Deputy State Historic Preservation Officer
Washington State/Department of Archaeology & Historic Preservation
Greg.Griffith@dahp.wa.gov

360-586-3073 (desk)

360-890-2617 (mobile)

POB 48343/Olympia 98504-8343

My regular office hours are Monday through Friday, 8:00 am to 5:00 pm

Get involved! Check out Washington's State Historic Preservation Plan 2014-19: Getting the Future Right at www.dahp.wa.gov



Please note that in order to streamline our responses, DAHP requires that all documents related to project reviews be submitted electronically. Correspondence, reports, notices, photos, etc. must now be submitted in PDF or JPG format. For more information about how to submit documents to DAHP please visit: <http://www.dahp.wa.gov/programs/shpo-compliance>.

Linda Ann Kuller

From: Jason Hensel
Sent: Tuesday, May 5, 2020 5:13 PM
To: Linda Ann Kuller
Subject: RE: Building code question related to Comp Plan Update

Yes they do.

New work must comply with current codes, so an addition to an historic building could be built to LOOK historic, AND still meet current energy codes.

Repairs on historic buildings are allowed to work around the aesthetic that creates the historic parts of the buildings. You can even use the same materials that were used from when the building was built. The energy code takes a backseat to structural requirements, fire and life safety, and historic buildings are allowed that same exception.

I would say it could be deleted.

From: Linda Ann Kuller
Sent: Tuesday, May 5, 2020 4:59 PM
To: Jason Hensel <jasonh@sanjuanco.com>
Subject: RE: Building code question related to Comp Plan Update

Thanks,

Do building codes or energy codes allow any exemptions for historic buildings?
If not, I think we should delete the policy b highlighted below.

Linda

From: Jason Hensel <jasonh@sanjuanco.com>
Sent: Tuesday, May 5, 2020 4:50 PM
To: Linda Ann Kuller <lindak@sanjuanco.com>
Subject: RE: Building code question related to Comp Plan Update

Hi Linda, I'm well, thanks for asking. I hope you are also.

The International Existing Building Code already has language dealing with repair, replacement, change of occupancies, Accessibility, insulation and other items, when dealing with Historic buildings.

The intent behind it is to try to keep the aesthetics of the historic building or element as much as possible, while not sacrificing fire, seismic, and life safety concerns during remodels, and repairs.

Chapter 12 in the IEBC covers this extensively and we've adopted it.

Hope that helps. Let me know if you need more info.

Jason

From: Linda Ann Kuller
Sent: Tuesday, May 5, 2020 2:51 PM
To: Jason Hensel <jasonh@sanjuanco.com>
Subject: Building code question related to Comp Plan Update

Hi Jason,

Hope you are doing okay.

I am updating a part of the Comp Plan related to Historic preservation.

Could you read the highlighted part below and tell me your thought.

Don't the building and energy codes already include some special provisions for historic buildings? Is the policy unnecessary?

Do you think it should it get deleted, changed or retained?

Develop policies and programs to encourage the preservation of historic and archaeological resources and minimize conflicts with competing land uses. The following programs should be considered:

- a. Allow Exempt the segregation of parcels which contain significant historic or archaeological resources through an exemption from plat requirements when the creation of such parcels is to transfer historic properties for special resource management; solely for the purpose of transfer of a property listed on the National Register of Historic Places or Washington State Inventory of Historic Places, for the purpose of preservation or conservation of sites or landmarks of recognized archaeological or historic value; however, any subsequent transfer of such property for a purpose other than archaeological or historic preservation shall comply with the County's land division regulations.
- b. Pursue private and public sources of funding for use by property owners in the renovation and maintenance of significant historic properties;
- c. Coordinate and integrate preservation efforts for lands adjacent to significant historic properties;
- d. Pursue options and incentives to allow productive, reasonable use, and adaptive re-use of historic properties;
- e. Special valuation and open space taxation programs for rehabilitation and current use assessment;
- f. **Amend the SJC Building Code to exempt historic buildings from compliance with the energy and building codes to the extent permitted by law;**

Thank you

Linda Kuller, Planning Manager- Direct Line (360) 370-7572
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