



CLARK COUNTY

HISTORIC PRESERVATION COMMISSION

Public Service Center
1300 Franklin St., 6th Floor
Vancouver, WA
www.clark.wa.gov/planning/historic

MEETING NOTES

Wednesday, July 7, 2021 – 6:00 p.m.

These are summary, not verbatim, minutes. Audio recordings are available on the Historic Preservation Commission’s page at www.clark.wa.gov/community-planning/historic-preservation-commission.

Members Present:	Andy Gregg (Vice Chair), Greg Fuz, Feli Garcia, Jan Bader, Morgan Frazier, and Paige Alfuth
Members Absent:	Julie Bohn
Staff Present:	Jacqui Kamp (Clark County), Dan Sommerville (Clark County), Taylor Hallvick (Clark County), Jason Nortz (City of Vancouver), Keith Jones (City of Vancouver), Philip Gigler (City of Vancouver), Greg Turner (City of Vancouver), Becky Rude (City of Vancouver), Sree Thirunagari (City of Vancouver), Chad Eiken (City of Vancouver)
Guests:	Maren Calvert (The Historic Trust-applicant representative)

1. Roll Call & Introductions:

Vice Chair Gregg called the meeting to order at 6:13pm. Commission members and staff present introduced themselves.

2. Meeting Minutes:

- June 2, 2021 Meeting Minutes: Commissioner Fuz moved to approve the minutes as recorded, seconded by Vice Chair Greg. The minutes were approved unanimously, by voice vote.
- June 14, 2021 Special Meeting Minutes: Vice Chair Greg moved to approve the minutes as recorded, seconded by Commissioner Fuz. The minutes were approved unanimously, by voice vote.

3. Public Comment on any items not on the agenda.

- Rob Freed spoke on two topics:
 - John Stanger House: A news article reported about a work being done at the house. Freed expressed concerned about the work and archaeological deposits there, in advance of an upcoming certificate of appropriateness hearing for the work.
 - Clark County Poor Farm: Freed encouraged commissioners to tour the property in advance of an upcoming certificate of appropriateness hearing for a solar project at the farm site.

4. Heritage Overlay Public Hearing – Providence Academy, 400 E. Evergreen Blvd., Vancouver- Smokestack Demolition Request



Vice Chair Gregg opened the public hearing and asked if any members had any ex parte contacts or conflicts of interest. Commissioner Frazier stated that she attended the June 14 special meeting as a member of the public. Commissioner Bader mentioned her past employment with and retirement from the City of Vancouver, and that she was on the Board of the Historic Trust when they purchased Providence Academy. She clarified that she has not been involved with the Trust's subcommittee overseeing development of the Providence Academy, and she has been off the Historic Trust's Board for 18 months.

Nortz presented the Demolition Request staff report, including articulation of the Commission's procedure per Vancouver Municipal Code (VMC). Because of the Smokestack's unique character as a monument, rather than a typical four cornered building that can have a reasonably accurate economic valued place on it, City Staff recommended that the Commission review the request for a demolition permit using the review criteria in VMC 20.510 to determine if an economic hardship exists per the requirements of VMC 20.510.050.A.3.b. and either approve or deny the Applicant's demolition permit.

Questions of staff: Commissioner Fuz asked if the City had yet issued any further decision on the Laundry, Boiler, and (possibly) Smokestack SEPA. Nortz reported that staff are reviewing public comment at this time, and would issue a further decision soon. Commissioner Fuz inquired if a City decision on the SEPA should precede a Commission decision on the Smokestack Demolition Request. Gigler confirmed that the City's SEPA determination and the Commission's Demolition Request determination are separate processes with the former not needing to be completed before the latter.

Maren Calvert, on behalf of The Historic Trust, preceded her presentation of the Smokestack Demolition Request raising The Trust's objection based on the Appearance of Fairness Doctrine. Calvert raised objection to Vice Chair Gregg, Commissioner Bohn, Commissioner Fuz and Commissioner Garcia's appearance of impartiality in today's hearing, based on the appearance of influence of former Commission Chair Sean Denniston. Commissioner Garcia, Commissioner Fuz, and Vice Chair Gregg each expressed verbal clarifications affirming their individual abilities and commitments to make decisions fairly and impartially on the Commission. After affirming his lack of conflicts of interest and lack of ex parte concerns, Vice Chair Gregg also volunteered to recuse himself from vote on the Demolition Request Commissioner in effort to maintain the integrity of the Commission, while proceeding with chairing the meeting. Commissioner Garcia also expressed apology for her recent absences from Commission meetings. Commissioner Bohn was absent and thus unable to respond to the objection.

Commissioner Frazier asked Calvert if she could report the amount of funds raised for the purpose of stabilization of the Smokestack. Calvert expressed that \$3 million is needed for the stabilization, and that much has not been raised.

Maren presented the applicant presentation for the Smokestack Demolition, including a brief history of the Providence Academy site, studies of the site commissioned by The Trust, damages sustained by the Smokestack over the years, rehabilitation work The Trust has completed at the Providence Academy site so far, engineering analysis of the Smokestack's

structural safety, summary of the decision-making process before the Commission per VMC, response to some publicly expressed critique of The Trust's A.3.b report, interpretation of the City's Heritage Overlay One, The Trust's Mitigation Plan, a review of demolition alternatives The Trust evaluated before submitting for this Request, and the impacts The Trust expects if the Commission were to deny the Demolition Request.

Questions of applicant: Commissioner Bader asked Jessica Engeman if the Smokestack would not be eligible for federal tax credits because it is not a revenue generating property. Engeman confirmed that the Smokestack is not eligible for federal tax credits because it is not an income producing property, and it does not meet the IRS definition of a building. Commissioner Alfuth asked if the Smokestack does not qualify as a building according to the IRS, why the VMC would apply to it in this circumstance. Calvert confirmed the VMC applies to structures, which encompass a broader definition than buildings. Thirunagari clarified requirements for structural adequacy. Commissioner Fuz asked if the structure was stabilized, could an economic return not be generated on the remainder of the property. Calvert contended that this would require a \$6 million dollar investment from The Trust on a property worth \$3 million. Calvert added that two prospective buyers had been identified by The Trust, but neither expressed interest. Commissioner Garcia expressed her belief that The Trust has exercised all options to rehab the Smokestack, and that it only makes sense to get the best and highest use of the property. Thirunagari expressed that the City has not made a formal determination about whether the guidewire stabilization option would be accepted. He added that he has questions in mind as to whether this option would be appropriate. Commissioner Fuz asked Calvert what The Trust estimates to be the cost of demolition would be. Calvert reported a \$200-700 thousand estimate, excluding asbestos removal fees. Commissioner Frazier repeated her ask of how much funding has been raised to stabilize the Smokestack. Calvert reported that at least \$600,000 in commitments were at hand, but that there is still \$2 million more needed. Commissioner Frazier asked if The Trust had applied for any grants to add to these raised funds. Calvert said she will ask, and report back.

Public Comments:

Glen Yung expressed that he was disturbed by the proceedings of this public meeting, due his perception of bullying. He asked how much the value of the land would change without the Smokestack. He suggested the Commission consider recessing to allow Commissioners challenged under the Appearance of Fairness Doctrine to further consider if they need to recuse themselves or not. He also recommended that the Commission write to the Vancouver City Council to recommend that the City update the VMC to restrict demolition to only be applicable when immediate danger is determined.

Sean Denniston apologized for the trouble that his actions have caused in this process. He apologized if he had made factual errors in his comments. He encouraged the Commission to ignore the content of his comments, because the question at hand is whether or not The Trust's submitted documents meet the approval criteria in Code. Sean Denniston also responded to personal critiques of him. He recounted consulting the advise of City Attorney Brett Boger, who he said advised him that he needed to recuse himself from judicial action in order to participate in any advocacy on the matter. Out of concern for the appearance of fairness, Sean Denniston

recounted recusing himself from all items pertaining to the Providence Academy. He stated that he did apply for a job at The Trust in May 2018, but withdrew his application in June 2018 out of concern for the appearance of fairness. He noted reporting these actions to Commission staff as well. Sean Denniston contended that he did not repeatedly ask for a job at the Historic Trust. He offered to provide emails to prove his statements, and expressed astoundment at the accusations directed at him in the Trust's objection based on the Appearance of Fairness Doctrine. He requested that The Trust formally withdraw its accusations toward him. Sean Denniston closed by recommending the Commission make their decision on the Demolition Request based on the issue at hand, and not about him.

Anne Denniston expressed appalment at the way the Trust spoke toward Sean, her husband, and agreement with Yung in seeing The Trust as bullying the Commission today. She identified herself as a very strong advocate for preservation of the site, and recounted that she had asked her husband more than once to help her advocacy, but he declined due to his past position on the Commission. Anne Denniston recounted that her husband was requested to recuse himself from Providence Academy proceedings by the Mayor through the St. James community. Anne Denniston expressed that the Mayor verbally attacked her husband during the meeting, and identified herself as speaking on The Trust's behalf. Anne Denniston expressed support for Sean's integrity, fairness, and Catholic faith. She closed contending that the Trust had rejected offers from two community members to start a fundraiser for the Smokestack's preservation.

Elie Kassab identified himself as the developer active in downtown Vancouver, including sites such as the City Center 12 Cinema, Lewis and Clark Plaza, Prestige Plaza, and Our Heroes Place. He said that Providence Academy is very important to him, and that he had made an attempt to develop the Academy site. He contended that there is no way of saving the laundry, boiler, and smokestack buildings at the site.

Rob Freed read from his submitted written testimony: "As an archaeologist who has worked in the field of historic preservation for 40 years & as a former chair of the HPC when the overlay district was created, I recommend the Commission deny The Trust's request to demolish the smokestack on The Academy property pursuant to VMC 20.510.050 (section A. 3. d. i.) which is listed as one of the criteria to be taken into consideration for approval of an application for demolition within the Historic Overlay District. This section states: "The extent to which demolition of the building will have a serious adverse impact on the cultural significance of the historic preservation overlay district." The smokestack is clearly an iconic historic feature in the overlay district (not to mention the City of Vancouver) & its removal would certainly be a significant loss to & impact upon the overlay district. The integrity of The Academy's setting has already undergone significant degradation (i.e., incompatible development on the property, lack of stewardship, the imminent demolition of the boiler & laundry structures, etc.) & cannot tolerate any further adverse impact. Some of these impacts would surely have been avoided if the applicant had agreed to the recommendations previously made by the HPC to prepare a master plan for the entire property instead of piecemealing the development project and thereby avoiding a discussion to address the cumulative effects & impacts on the historic property. I would further recommend the HPC require the applicant to restore the smokestack by seeking

alternatives other than those previously proposed as not economically feasible. Sean Denniston has suggested two such alternatives worthy of study. Further engineering investigation is warranted. I also believe each portion of The Academy property does not necessarily need to yield an economic benefit or return. In the world of historic preservation, doing the right thing means doing what is best for the historic resource, not squeezing every last dollar from the property. Such decision-making runs counter to an engagement with the concept of historic preservation. Restoration of the smokestack is critical to preservation of the historic integrity & setting of The Academy property. No amount or level of mitigation would compensate for the loss of the smokestack. I agree with the Kearney's letter restoration of the smokestack is a reasonable cost for The Trust to bear. Furthermore, I would recommend saving an outline of the boiler building, perhaps by retaining several of the lower courses of brick to show its context with & relationship to the smokestack. I also strongly recommend the applicant nominate the property to the Clark County Heritage Register. The Trust & previous owners have been urged to do so on numerous occasions but have resisted.....but for what reason? This decision speaks to a missed opportunity for collaboration, not to mention forgoing eligibility for historic preservation grants & other financial incentives. I have been perpetually disappointed with the City of Vancouver's lack of embracing the spirit of historic preservation & holding The Trust accountable for their historic preservation responsibilities.”

Staff Response to Public Comments:

Gigler clarified his and other City and County attorneys presence, and their respect roles representing the staff and Commission.

Commission Deliberation:

Commissioner Garcia expressed love for the City of Vancouver, that it motivates her to serve on the Commission, and a desire to see the city come alive through the highest and best use of its land. She expressed belief that The Trust had exercised all options for preservation, and expressed a motion for the approving the demolition request.

Commissioner Bader expressed that while she would not like to see the boiler, laundry, and smokestack removed, she felt that the Trust has met the requisite criteria they were required to answer.

Commissioner Fuz echoed the comments of Commissioners Garcia and Bader. He acknowledged that the process has been painful for all involved, and that this project will have a large impact on the city. He acknowledged the city for the lengths go through to recognize the site's historic importance through the NRHP listing and the Historic Overlay district. He also recognized The Trust for all their efforts to bolster the site as a historic resource. He said that The Trust have provided adequate information on the difficulties of preserving the Smokestack. He commended City staff's efforts to inform the Commission's process. Commissioner Fuz expressed support for the demolition, but admitted that he wished the final determination on the SEPA was in hand already. Commissioner Fuz expressed desire for the entire Academy site to be added to the Clark County Heritage Register.

Commissioner Alfuth expressed opposition to the demolition, because she felt too much focus is often put on money. She also contended that the site was prime real estate market in downtown Vancouver, and eventually someone would pay for it. She identified the Smokestack as a landmark for the community.

Commissioner Frazier echoed Commissioner Alfuth in expressing opposition to the demolition, belief that funds and public support existed to support the stabilization, and that within a few years the site could command any price desired in the Vancouver real estate market. She also expressed belief that the property is under-valued. Commissioner Frazier identified every brick of the site as an artifact, and suggested that the demolition should be done in coordination with the Fort, instead of housing bricks in a warehouse facility. Commissioner Frazier noted that the archaeological report identified the buildings as archaeological features that could not just be knocked down. Commissioner Frazier asked if anyone had read how intact the soil is, and highlighted that the likelihood of hitting a precontact archaeological site is extremely high. Commissioner Frazier expressed appreciation for the history of Mother Joseph, but stated that the Academy had also been a Native American boarding school, and that more attention was needed to what could be found to that effect at the site. Commissioner contended that more investment had been put into development of Parcel 5, and not enough into preservation. She highlighted how the closer you get to I-5 and the Fort, the higher probability of finding archaeological materials, and the soil is more intact. She expressed belief that there is enough money out there available to preserve the site, but said that she would support the decision the Commission makes.

Vice Chair Gregg asked Calvert to remind the Commission of how The Trust intends to preserve and share the memory of the Smokestack, Laundry, and Boiler buildings. Calvert re-highlighted measures from the Mitigation Plan from her presentation. This included coordination with DAHP to comply with archaeological requirements, tribal coordination, archaeological monitoring during the proposed demolition, and an additional AI&W survey. She also highlighted completing the HABS documentation, updating and replacing the NRHP nomination, and educational offerings. She offered that there shall be additional contractual agreements made with the developer, and requests for additional record of the architect, Robert Tegen, in online resources from PCAD and DAHP. Vice Chair Gregg expressed concern for a witnessed trend of undelivered promises on mitigation plans in the past, but clarified that this was an expression of a trend and not an aspersion on The Trust. Calvert expressed that The Trust is saddened to see these buildings go and motivated to preserving their memory. She reiterated The Trust's commitment to implementing the Mitigation Plan.

Commissioner Bader asked Commissioner Frazier to confirm her concerns that the property appraisal are out of date, and also that archaeological work has not been done on Parcel 5. Commissioner Frazier confirmed. Calvert re-iterated that The Trust intends to comply with DAHP's permitting requirements, as they are required to do.

Vice Chair Gregg asked Calvert to respond to Commissioner Frazier's concern that Providence Academy was a Native American boarding school. Calvert relayed that The Trust staff report that Native American students did attend the Academy in the past, but the Academy was not a

Native American boarding school. Commissioner Frazier contended that the determination would require research with the Catholic Church, and that staff would not know that themselves unless they had done the research at the Church's archives in Seattle. Calvert further relayed The Trust's staff reporting that based on research with the Catholic Church, the Academy was a private non-profit orphanage, not a federal boarding school. Commissioner Frazier stated that she disagreed with this statement from The Trust. Calvert reported the most recent valuation of the property was a valuation from January 2020 putting Parcel 5 at \$3.67 million. Commissioner Frazier countered that her house in Clark County has doubled in value in one year. Calvert added that The Trust checked with a real estate broker prior to submittal of their Demolition Request, and it was estimated that the parcel had increased to \$3.76 million in value.

Vice Chair Gregg brought Commissioner Garcia's motion back to the table, clarifying that each commissioner understood the question at hand in the motion. Commissioner Garcia requested assistance with clarifying the motion's phrasing. Vice Chair Gregg articulated the motion as an approval or denial vote on the question: "Shall the Clark County Historic Preservation Commission approve The Historic Trust's application to demolish the Smokestack on the Providence Academy site, provided that the effective date of the permit will be delay?" Commissioners Fuz and Frazier raised consideration of applying a 90-day waiting period for third parties to potentially propose alternatives to demolition. Commissioners Garcia, Frazier, and Alfuth expressed support for this friendly amendment.

Vice Chair Gregg restated the motion with the friendly amendment added: "Shall the Clark County Historic Preservation Commission approve The Historic Trust's application to demolish the Smokestack on the Providence Academy site, with the condition that the effective date of the permit is delayed for 90 days to allow third parties to propose alternatives to demolition to the owner?"

Commissioner Bader seconded the motion. Commissioner Fuz requested clarification from The Trust that they commit to expand the archaeological survey of Parcel 5 above and beyond what has already been submitted, as shall be required of the DAHP permit, before the buildings are demolished. Calvert agreed that is The Trust's plan.

Vice Chair Gregg and Calvert agreed that the Commission and Trust will be collaborating on the implementation the Mitigation Plan, and doing so in the spirit of collegiality.

Commissioners voted by roll call: Pass 5-0

- Bader: Yes
- Garcia: Yes
- Fuz: Yes
- Alfuth: Yes
- Frazier: Yes
- Gregg: Abstain, so that there is no appearance of impropriety, bias, or partiality

Calvert thanked the Commission for it's focus and attention on this matter.

Rude advised the Commission to work with staff to issue written notice of the decision to the applicant tomorrow, noting that transmission of the written decision initiates the 21-day appeal period for any appeals with standing.

5. **Committee updates/announcements**

- **SEPA Academy committee**

The committee submitted comments on behalf of the Commission during the Boiler, Laundry, and (possibly) Smokestack SEPA comment period. The City has not yet made final determination.

- **Vancouver Heritage Overlay code committee – new volunteers**
- **Underrepresented communities committee**
- **Historical Promotion Grant committee needed**

Further committee updates were deferred to the August meeting given the late hour.

6. **Old Business and Updates**

- **Rules and Procedures Update project**

The update was also deferred to August meeting given the time.

7. **New Business**

- **Chair Elections**

Commissioner Gregg was the only commissioner expressing prior interest in the Chair position. Commissioner Gregg opened the floor for nominations.

Commissioner Garcia nominated Commissioner Gregg for the position of Chair, with second from Commissioner Bader. Commissioner Fuz motioned to close nominations for Chair, seconded by Commissioner Frazier. Commissioners voted by voice vote, with unanimous approval.

Commissioner Gregg nominated Commissioner Bader for the position of Vice Chair, with second from Commissioner Garcia. Commissioner Fuz motioned to close nominations for Chair, seconded by Commissioner Alfuth. Commissioners voted by voice vote, with unanimous approval.

- **Training Opportunity**

Kamp informed Commissioners of a training opportunity through DAHP on design review.

- **US Army Corps of Engineers: Lower Columbia River Channel Maintenance Program Dredge Material Management Plan – Programmatic Agreement Participation Request**

Sommerville presented a summary of the Lower Columbia River Channel Maintenance Program Dredge Material Management Plan project, and the US Army Corps of Engineers' request for the Commission to participate in a Programmatic Agreement for the project. Vice Chair Gregg and Commissioner Frazier expressed interest in participating in and representing the Commission in participation in the Programmatic Agreement.

8. Adjournment

Chair Gregg welcomed new Commissioners Bader, Frazier, and Alfuth to the Commission, and thanked Commissioners Garcia and Fuz for their continued service. Chair Gregg also stated his intent to bring back an agenda item to future meetings, called “Good of the Order” when commissioners express thanks for each other’s service. Chair Gregg also recognized the magnitude of this meeting. Chair Gregg also expressed thanks to City and County staff present for their counsel and expertise in guiding the meeting.

Commissioner Bader motioned to adjourn the meeting, seconded by Commissioner Garcia. The motion passed unanimously, and the meeting adjourned at 9:35 pm.