

**Town of Coupeville
Regular Council Meeting
Tuesday, April 24, 2007
6:30 p.m.**

COUNCILMEMBERS PRESENT: Mayor Nancy Conard, Councilmembers Dianne Binder, Marshall Bronson, Bob Clay, Molly Hughes, and Jim Phay.

STAFF PRESENT: Town Planner Larry Kwarsick, Public Works Director Malcolm Bishop, Clerk Treasurer Judy Thomas

APPROVAL OF MINUTES

The minutes of the regular meeting of March 27, 2006 and the council workshop of March 20, 2007 were approved as submitted.

MAYOR'S REPORT

- Copies of the Economic Development Council quarterly report were distributed to Councilmembers.
- Several trees from the Plum Creek seed farm have been transplanted along the new trail located on the north side of Highway 20, between Broadway and Birch Street. Students from the Cedar Program, Coupeville School District, will be planting ten more trees along the trail next week.
- She will be meeting with Mark Priess, director of Ebey's Landing National Historic Reserve, on April 30th to discuss historic preservation workshops, with the first workshop this summer. The purpose of the workshops will be to work with property owners on preservation of historic buildings.
- She and Larry Kwarsick will meet with Larry Cort on May 17th to review the draft historical preservation plan.
- Regarding the Shoreline Master Plan (SMP), Mr. Kwarsick has been working with the Department of Ecology (DOE) to fine tune the draft SMP, then a workshop will be held with Town Staff and Council to review the draft, with staff from DOE, then a public hearing will be scheduled and we hope to submit the final draft to DOE by the end of August. DOE will conduct a public hearing and will submit any changes of the plan to the Town. After approval of the SMP by DOE and the Town, any appeals to the final plan would have to be submitted to the Growth Management Hearings Board.
- She received a draft agreement from Island County granting easement to the Town for two wells to be located on property owned by Island County.
- Since discussion of low impact development at the March 27th Council meeting, she has requested a copy of the code adopted by Langley and spoke with Kelly Donahue, at Whidbey Island Conservation District, who will work with the Town.
- Mayor Conard will give the 'State of the Town' address to the Central Whidbey Chamber of Commerce at their meeting on May 15th.

Mayor Conard noted that there will be an executive session for approximately 20 minutes at the end of the meeting, with no action to follow. She added two discussion items to the Agenda before the second audience input to include:

- New legislation on burn bans
- Update on the sale of the old fire hall

AUDIENCE INPUT

Dianne Piazzon, Coupeville, discussed the rare sighting of a Pileated Woodpecker on the way to this meeting.

Peggy Burton, Coupeville, gave a copy of an article from the *Coupeville Examiner*, from Friday, February 18, 2000, about the tree inventory by Larry Cort that was near completion, and questioned why it was still not complete.

Gary Piazzon, Coupeville, commented that the tree inventory report was complete but seems to be missing. He spoke about the Bristle Pine tree that was cut down from the town park, and discussed the history of the Bristle Pine. He spoke about working on a tree ordinance and noted two fir trees that were recently cut down, in the Town's right-of-way. He distributed a few copies of the *State of the Sound 2007* publication that was prepared by the Puget Sound Action Team and spoke about how the Town can help by controlling stormwater runoff into Puget Sound. He discussed efforts by Skagit College to put together resources regarding global warming. *(Email response sent April 25, 2007 from Mayor Conard to Gary Piazzon: In response to your comment about the trees that were cut on the right of way. I assume you are referring to the trees at the intersection of Faris and 4th Street. The roots from those trees grew into the water main in Faris Street. During the wet winter, when the ground became saturated, the wind on the trees rocked the trees and the roots broke the water main. The Town crew repaired the water main and cut down the two trees.)*

Roxallanne Medley, Coupeville, gave a document and a compact disc (CD) to Ms. Thomas, discussing 'a walk through Coupeville' and pictures from the walk (on CD). She discussed the low impact development tour she attended in Bellingham and provided Ms. Thomas with a copy of the materials she received on the tour. She encouraged Mayor and Council to review the materials and go to Bellingham to see what they have done to implement low impact development.

Margaret Storer, Coupeville, suggested the Council not pay the invoice from Sound Planning Services because of the demolition of the historic home on Sixth Street, as she felt it was a mistake on his part.

David Medley, Coupeville, expressed disappointment in finding out about certain issues after action has already been taken, such as the tree that was cut down and the house that was demolished because it had lost its historic character. He asked about the status of Channel 10. Mayor Conard responded that after the part was ordered, she was notified by the supplier that that particular part would not work and she has been working with Comcast to get the right part to fix the problem.

Gordon Burton, Coupeville, noted that Councilmember Clay has taken on the task of preparing a tree ordinance and suggested a Councilmember take on the task of getting the historic plan completed.

Buell Neidlinger, Coupeville, asked what happened with Channel 10 and why the part wasn't just being picked up at Radio Shack. He stated that the church on Broadway was supposed to have planted trees along the back of their property and it still has not been done; and stated that that should be done. He suggested that all staff and Council attend low impact development education classes. He asked what the new well was named and how many gallons per minute it was pumping. Mayor Conard responded that she did not have that information but would find out and respond via email tomorrow. He asked why the pine tree was removed. Mayor Conard

responded that the tree was removed because the Town employees thought it was dead and explained that no trees would be removed in the future without prior authorization.

(Email response sent April 25, 2007 from Mayor Conard to Buell Neidlinger: In response to your request at the meeting last night, the new well drilled last year at Ft. Casey is designated well 1-06. The Town's hydro geologist recommends pumping at 45 gallons per minute.)

PUBLIC HEARING

Conditional Use Permit (CUP) 07-02 to operate a two-room Bed and Breakfast Inn and a Guest House above the existing detached garage at 5 NW 8th Street - Staff recommends adopting the findings of fact and conclusions of law for CUP 07-02 and recommend approval of the request with conditions 1-8.

Mayor Conard asked if any member of the Council, staff or audience had a conflict of interest relating to CUP 07-02, and no one responded. She explained the public hearing process and declared the public hearing open at 7:16 p.m.

Mr. Kwarsick explained the CUP 07-02 was a proposal by Mitch and Lynda Richards to operate a two-bedroom bed and breakfast inn, and a guest house above the existing detached garage. He explained that the application meets the three required findings as identified in the Staff Report and recommends approval of CUP 07-02 based on Conditions 1-8, and the Findings and Conclusions 1-7, as follows:

Conditions 1-8:

The applicant must conform to the standards listed below. (Note that the conditions reflect certain code provisions for emphasis.):

1. The applicants shall obtain a Certificate of Occupancy prior to commencement of operation of the bed and breakfast inn and guest house. All interior spaces, access, and servicing utilities must be brought into compliance as required by the Town Building Official, Public Works Director, and Fire Chief.
2. The owner/manager of the bed and breakfast inn shall reside at the inn when it is open for business.
3. The bed and breakfast guest rooms shall be devoid of cooking facilities. The guest house must have cooking facilities.
4. An additional _ ERU must be purchased for the guest house, to conform to the requirements of an accessory dwelling unit. An application for the additional ERU and payment of the charge must be made in association with the issuance of the occupancy permit.
5. In addition to the parking requirements for single-family residences, one off-street parking space shall be required for each guest room for a total of 5 spaces. Parking for guests or nonresident employees is not permitted in the public right-of-way. Parking must be in place prior to issuance of an occupancy permit. Parking for all 3 guests must be located away from exterior property lines and must not block the residential use of the driveway. Signage depicting guest and residential parking is recommended.
6. Onsite meals and beverages may be served to room guests and their guests only, including the occupants of the guest house.
7. One business sign is permitted, subject to the commercial sign requirements. The sign may not be illuminated. A separate application is necessary for the sign approval.
8. If vehicle noise becomes a nuisance to adjoining residential uses as evidenced by complaints to the Town, the Town will require the paving of the access and parking areas during the next available construction season.

Findings and Conclusions 1-7:

1. The Town of Coupeville received an application from Lynda and Mitchell Richards to locate a two-bedroom bed and breakfast inn and guest house in RM-9600 zone district at 5 NW 8th Street, in the Town of Coupeville.
2. The RM-9600 Medium Density Residential zone district list bed and breakfast inns up to 2 bedrooms in size and a guest house as conditional uses. Issuance of conditional use permits is governed by CTC 16.14.030, and such permits are employed to assign conditions to otherwise permitted uses, which mitigate potential adverse impacts on a neighborhood or community.
3. A Notice of Completeness was issued by the Town on March 11, 2007.
4. On March 15, 2007 the Town issued a Notice of Application with a 14-day comment period. No comments were submitted in response by either neighbors or other agencies.
5. The Planning Commission held a public meeting on the proposal at their regular meeting on April 3, 2007.
6. The parcel size, the adjacent commercial zoning and screening from existing adjacent residential uses preserves the integrity of the surrounding residential uses.
7. The proposal, with conditions, meets the required findings of CTC 16.14.030.C.

Mr. Richards commented that he was excited and looking forward to being a good neighbor and living in Coupeville.

Peggy Burton, 901 NE Center, Coupeville, asked Councilmember Binder how many parking spaces she was required to have, as it was a similar situation for the Anchorage Inn.

Councilmember Binder responded that the Anchorage Inn is located in the Commercial Zone and has different parking requirements.

There was no more public comment and Mayor Conard declared the public hearing closed at 7:34 p.m.

Council Action: A motion was made by Councilmember Clay, second by Councilmember Bronson, to adopt the findings of fact and conclusions of law for CUP 07-02 and accept the Planning Commission recommendation to approve the request with Conditions 1-8 and adopt the Findings and Conclusions 1-7 as presented in the Staff Report with one exception to Condition #8 to read, 'If vehicle noise becomes a nuisance to adjoining residential uses as evidenced by complaints to the Town, the Town will require the paving hard-surfacing (with water permeable paving blocks or similar material) of the access and parking areas during the next available construction season.'

Discussion: Councilmember Clay commented that operating a bed and breakfast was an excellent way to give the owners an income and incentive to preserve an historical property. Council agreed and expressed support of this proposal. Councilmembers Bronson and Binder welcomed another bed and breakfast in town.

The motion passed 5-0.

RECESS: Mayor Conard called for a recess at 7:35 p.m. and reconvened to regular session at 7:41 p.m.

NEW BUSINESS

Approval of the Special Events Permit for the 2007 Arts & Crafts Festival - Staff recommends approval of the Special Events Permit for the 2007 Coupeville Arts & Crafts Festival scheduled for August 11 & 12, 2007.

Mayor Conard explained that Marshal Marlborough prepared the staff report recommending approval of the special events permit.

Council Action: A motion was made by Councilmember Bronson, second by Councilmember Clay, to approve the Special Event Permit application for the 2007 Coupeville Arts and Crafts Festival scheduled for August 11 and 12, 2007. The motion passed 5-0.

Approve appointment of Jon Roberts to Ebey's Reserve Trust Board - Mayor recommends confirmation of Jon Roberts to the Ebey's Reserve Trust Board

Mayor Conard explained that Ebey's Trust Board vetted several applicants for this position and recommended long-time Coupeville resident, Jon Roberts, to fill the position. He has good skills and has worked with Ebey's on construction and remodel efforts within the Reserve.

Councilmember Bronson added that the board is looking for people who have certain skills to establish a pool of people who will be able to start the preservation forums.

Mayor Conard apologized for omitting the information on Jon Robert's from the agenda packet; and noted that Marshall Bronson and Jan Pickard are the other two positions on the board, who are also confirmed by the Town Council.

Council Action: A motion was made by Councilmember Bronson, second by Councilmember Clay, to confirm the appointment of Jon Roberts to the Ebey's Reserve Trust Board. The motion passed 5-0.

Approval of April Claims Vouchers and March Payroll - Staff recommends approval of April 24, 2007 claims vouchers/warrants #19640 through #19704 for \$70,990.58; and March payroll warrants #11482 through #11516 for \$82,545.28.

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Hughes Binder, to approve the April 24, 2007 claims vouchers/warrants #19640 through #19704 for \$70,990.58; and March payroll warrants #11482 through #11516 for \$82,545.28.

Discussion: Several questions were asked and answered but no changes were recommended. The motion passed 5-0.

STAFF REPORTS

Ms. Thomas submitted a written staff report and added that she is working on the 2005-2006 Annual Operations Report, to be completed prior to May 15th.

Mr. Bishop gave an update on some of the current projects. 1) The sewer and water mains on the 3rd and 4th Streets NE are near completion. 2) Lauren's Woods (south of Albion and Faris Streets) the engineering is complete except the sewer lift station. 3) The Black Road water extension project will begin in a couple weeks. 4) He has been working with the County to include the paving of 3rd and 4th Streets NE during their annual overlay this summer. 5) The high school construction project is on schedule. Mayor Conard spoke about the Front Street Lift Station and that the Town will be paying for the video taping of the sewer laterals and Mr. Bishop will mail letters to all property owners requesting cooperation to access sewer lines from their property to the main line. The purpose of the video taping is to evaluate the condition of the system and address problems before the project begins.

Mr. Kwarsick has spoken with Megan Duvall regarding historic preservation and becoming a Certified Local Government (LCG). The Department of Ecology has extended the final date to June 30, 2007, for the shoreline master plan grant, and an additional \$1,900. He received a short

plat application to divide the property for the Inn at Penn Cove into two parcels, and a conditional use permit to operate a bed and breakfast at Glenwood Court. The final binding site plat for Krueger Commons should be ready for Council approval by late May or early June. The Port of Coupeville has applied for a building permit for repairs to the Port office.

COUNCIL REPORTS

Councilmember Hughes explained that she has been working on the Water Festival which will occur on May 12th. She gave a report of the Water Festival at the last Central Whidbey Chamber of Commerce meeting, along with other 'festival' organizations in Coupeville, who each gave a five minute report on their festivals (Arts & Crafts Festival, Penn Cove Mussel Festival, Water Festival, and new this year the Wharf Festival). She noted that NW Harvest celebrated their 40th birthday and gave a brief history and noted that they now serve 300 food banks.

Councilmember Binder noted that the recent tourism bill passed which will allow other uses for tourism funds to be used for other than tourism promotion. The tourism board is hoping the governor will veto the bill.

Councilmember Bronson spoke about Ebey's Reserve and noted that stewardship begins with the people.

Councilmember Clay attended the Island Transit Board meeting on April 20th in which they discussed communication and the communication problems that occurred during hurricane Katrina. They received some information on two types of communications systems being used in Washington state, one is very costly and the other is less expensive, very effective and is being used successfully on the Olympic Peninsula, and Island Transit is looking further into that system. He added that Ridership is increasing.

Councilmember Phay noted that postage rates will be increasing in May from \$.39 to \$.41, and discussed some other changes the post office will be implementing related to size and weight of packages being mailed.

DISCUSSION

Burn Ban Extension Legislation

Mayor Conard discussed the history of the Clean Air Act which was approved in 1991, and the in-town burn ban that went into effect on January 1, 2007. Legislation has been passed to allow municipalities to extend the burn ban date to July 1, 2008. She asked if Council was interested in the extension. Council discussed and consensus was that we have all adjusted to the change, and agreed to not extend the burn ban. Councilmember Clay suggested revisiting a possible solution to disposal of downed trees and what to do with chopped up branches, etc.

Update on Old Fire Hall

Mayor Conard explained that there needs to be a boundary line adjustment before the building can be sold to prospective buyer, George Lloyd. In the meanwhile the restrooms are in serious need of repair. There was some discussion about closing off the restrooms and bringing in some deluxe port-a-potties, until it is remodeled. She asked for Council input with any ideas they might have to resolve the temporary restroom issue.

AUDIENCE INPUT

Margaret Storer asked about the recent clearing behind the Inn at Penn Cove buildings and Mayor Conard responded that that property is owned by the Methodist Church property and they were clearing the blackberry bushes, probably to extend the playground.

Will Jones asked about the old fire hall and if there was a legal problem with the property line. Mayor Conard responded that we are working on that.

Gordon Burton asked if there could be more microphones installed at the dais for the Council.

Will Jones asked if anything was happening with telemetry and Mayor Conard replied that staff is working on it.

EXECUTIVE SESSION - Personnel

Mayor Conard called for executive session for approximately 20 minutes to discuss a personnel matter. Mayor Conard, Councilmembers Bronson, Binder, Clay, Hughes and Phay recessed to executive session at 8:55 p.m. and reconvened to regular session at 9:40 p.m. No action was taken.

ADJOURNMENT - 9:40 p.m.

Respectfully Submitted:

MAYOR:

Judy A. Thomas, Clerk Treasurer

Nancy Conard, Mayor