

**Town of Coupeville  
Regular Council Meeting  
Tuesday, August 14, 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, Town Marshal Dave Penrod, Clerk Treasurer Judy Thomas

**APPROVAL OF MINUTES**

The minutes of the regular meeting of July 24, 2007 were approved with two corrections to last paragraph on page three, as follows: ‘~~Mayor Conard~~ Councilmember Clay explained that the County Commissioners will meet on August 6<sup>th</sup>, to consider a mental health initiative. ~~She~~ He added that the Town and ...’

**ADDITIONS TO THE AGENDA**

Mayor Conard asked that an executive session be added at the end of the meeting to discuss potential litigation, with no action to follow.

**MAYOR’S REPORT**

- Mayor Conard reported that Congressman Rick Larsen will be coming to Coupeville on August 16<sup>th</sup> to meet with her and downtown business owners, to hear issues regarding Coupeville.
- Next week, she will meet again with representatives from the Whidbey Island Conservation District to discuss low impact development and what other communities are doing. She is especially interested in training for citizens and how home owners can incorporate low impact procedures, such as rain gardens.
- Councilmember Bob Clay will represent Coupeville at the Sustainable Communities Conference at the end of September.
- She and Mark Preiss will attend the Historic Preservation Conference during the first week in October.
- She noted that the Town’s website is up and running and it is a work in progress, with frequent updates. The Town’s municipal code is available on the website and the website address is [www.town.coupeville.wa.us](http://www.town.coupeville.wa.us).

**PRESENTATION**

**Washington State Ferries update on Keystone/Port Townsend Ferry**

Hadley Greene, Washington State Ferries, explained that this update is as of October 2006, when work was suspended on the Port Townsend terminal improvement project due to community concerns about elements of the proposed terminal improvements. A partnership group has been formed with representatives from Coupeville, Port Townsend, Island County, Washington State Ferries and Washington State Department of Transportation (DOT). As noted in the May 31, 2007 letter from Michael Anderson, Executive Director of Washington State Ferries, the focus is

on replacing the 80 year old Steel Electric vessels with vessels that carry 100 cars or less, and will fit in the existing Keystone Harbor. A vessel study will be conducted to determine options for new vessels that fit this criteria and the final vessel decision will be made by the Legislature. The traffic analysis shows that vessels of this size have less impact on the community. The focus group is working to replace the vessels and re-route traffic.

Ms. Greene noted that some of the information from the previous studies related to this Keystone/Port Townsend Ferry improvements project will be used in the formation of the vessel study; and a proposal will be delivered to the Legislature in January of 2008.

Mayor Conard added that there is much information on the Washington State Ferries website and the Washington State Department of Transportation website related to what is happening with this and other projects.

### **PUBLIC HEARINGS**

**CUP 07-05 - Conditional Use Permit 07-05 to locate public professional offices within the Town Commercial Zoning District** - *Staff suggests approving the Planning Commission recommendation to adopt Findings of Fact and Conclusions of Law for Town of Coupeville CUP 07-05 and approve the request subject to Conditions, as stated in Staff Report.*

Mayor Conard explained the procedures of a public hearing and asked if any members of the Council had a possible conflict of interest or appearance of fairness issue related to CUP 07-05. No one responded.

Mr. Kwarsick explained the application for CUP 07-05 to relocate the County Auditor's election department to the building at 402 North Main Street. The reason for the CUP is because the Auditor's Office needs more space due to the changes in the election process; to accommodate a mail-in ballot process. The Planning Commission reviewed the application and recommends approval based on the staff report.

Mayor Conard declared the public comment period open 7:21 p.m.

Gordon Burton, Coupeville, asked why an architect could have a business located in this building without a conditional use permit, but the County couldn't. Mr. Kwarsick responded that professional services are an allowed use for this location, and quasi-public are conditional uses.

Peggy Burton, Coupeville, explained that the County has a huge imprint on the town and asked if the property owner looked for another tenant for the building; and asked how the County could have run out of room? Mr. Kwarsick responded that the mail-in ballot process takes more space.

There was no more public comment and Mayor Conard declared the public hearing closed at 7:25 p.m.

Council Action: A motion was made by Councilmember Bronson, second by Councilmember Clay, to approve Conditional Use Permit 07-05 to locate public professional offices within the Town Commercial Zoning District, based on the following four Conditions:

Conditions:

Based on the analysis, findings and conclusions noted in the staff report, staff recommends that the Planning Commission recommend that the Town Council approve CUP 07-05, subject to the following four conditions:

1. That no storage or activity associated with the proposed use cause or involve any substance considered detrimental to the Town's drinking water supply to come within 100' of the wellhead for Well #5;
2. The Conditional Use permit is issued for a maximum period of three (3) years.
3. The parking stalls shall be repainted and delineated for the use of specific occupants or general public use.
4. The County shall apply for and obtain an occupancy permit and sign permit.

The motion passed 5-0.

**CUP 07-06 - Conditional Use Permit 07-06 for an accessory barn structure on a 9.7 acre parcel zoned Residential Reserve** - *Staff suggests approving the Planning Commission recommendation to adopt Findings of Fact and Conclusions of Law for Town of Coupeville CUP 07-06 and approve the request subject to Conditions, as stated in Staff Report.*

Mayor Conard explained the procedures of a public hearing and asked if any members of the Council had a possible conflict of interest or appearance of fairness issue related to CUP 07-06. No one responded.

Mayor Conard declared the public hearing open at 7:27 p.m.

Mr. Kwarsick described the application for CUP 07-06 to construct a barn on this property which is the last lot on the east boundary of the Town Limits, on the south side of Parker Road. The proposal meets the requirements of the Comprehensive Plan related to barns and animal husbandry. No written comments were received on this application; he did receive a phone call but the caller did not seem to object to the application.

There was no public comment and Mayor Conard declared the public hearing closed at 7:35 p.m.

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Phay, to adopt the Findings and Conclusions of Law and approve CUP 07-06, subject to conditions 1-3.

Findings and Conclusions of Law:

1. The Town of Coupeville received an application from Robert Davenport to construct a 1,728 square foot accessory structure in Residential Reserve zone district at 2201 NE Parker Road., in the Town of Coupeville.
2. The Residential Reserve zone district lists accessory structures greater than 1,200 square feet in size 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 June 12, 2007.
4. On, June 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 July 2, 2007.
6. Small scale agriculture is a principal use in the Residential Reserve zone. Given the size of the parcel and the location of the barn the proposal is consistent with and implements the comprehensive plan.
7. The proposal with conditions meets the required findings of CTC 16.14.030.C.

Conditions:

The applicant must conform to the standards listed below:

1. The applicants shall obtain a building permit prior to construction of the barn.
2. The applicants must install a town-approved backflow prevention assembly immediately downstream of the town's water meter to protect the public water supply system from potential contamination prior to issuance of the occupancy permit for the barn.
3. The use of the accessory barn structure and the agricultural use of the property must be in and remain in conformance with the Town zoning ordinance

The motion passed 5-0.

**NEW BUSINESS**

**BSP 06-02 - Final Binding Site Plan 06-02 - Krueger Commons - Staff recommends approval of Final BSP 06-02 as noted in Staff Report.**

Mr. Kwarsick explained that this is the final binding site plan for Krueger Commons. Upon review of the recommendations of the Design Review Board and the record of the public hearing, the Town Council approved the preliminary binding site plan on February 13, 2007, with 26 conditions. The application is for a 20-unit condominium project with five buildings to be constructed in two phases. Town Council approved the right of way deed dedication for Wilkes Street on June 26, 2007. The applicant has submitted an Agreement Deposit In-Lieu of Construction and Maintenance Bonds.

Councilmember Phay asked if a pervious surface material would be used on the sidewalks on Wilkes Street. John Meehan, representing Cascadian Holdings, LLC, responded that it would be poured and formed cement on the sidewalks; and there will be a rain garden to take care of run-off.

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Binder, to adopt the Findings and Conclusions:

Findings and Conclusions:

Based on the analysis presented, staff proposes the following findings and conclusions with respect to the final binding site plan of Krueger Commons:

1. The applicant, Cascadian Holdings, LLC, has requested final site plan approval for Krueger Commons, a 20-unit condominium project constructed in two phases. Phase 1 will consist of the southerly 3 buildings as well as the associated infrastructure improvements for all phases. This phase will be completed by early fall of 2008. Phase 2 will consist of the remaining 2 structures. This second or final phase will be completed by the spring of 2010.
2. Approval of final site plans is subject to the provisions of Section 16.18.045 of the Coupeville Development Regulations and Chapter 58.17 of the Revised Code of Washington.
3. In accordance with CTC 16.18.045, the Town Council has authority to approve or disapprove the Final Binding Site Plan of Krueger Commons.
4. Pursuant to CTC 16.18.045, there is no requirement for public notice for consideration of or action to grant final approval of binding site plans.
5. The right of way for Wilkes Street and NW First Street external of the site plan have been deeded to the Town by separate instrument;
6. Staff has reviewed the submittals for Krueger Commons for compliance with the conditions of preliminary approval and the applicable standards and land use controls in

effect at the time of preliminary approval and recommends final approval of the binding site plan.

7. The application complies with the 26 conditions (attached for reference) of preliminary site plan approval.
8. The application complies with the applicable standards and land use controls in effect at the time of preliminary site plan approval.

And accept:

- The dedication of public street right-of-way for the Wilkes Street and NW 1<sup>st</sup> Street extensions shown on the face of the final site plan;
- The dedication of the public utility easements as shown on the face of the final site plan; and
- The dedication of the public utilities located within the dedicated rights-of-way and easements;
- The dedication of Tract B for open space; and
- The financial guarantee for the completion and performance of the improvements as required under the conditions of approval of BSP 06-02 as reviewed and approved by the Town attorney,

And further moves to approve the final binding site plan of Krueger Commons subject to compliance with the following:

1. All development and use of the land shall be in accordance with this binding site plan and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that have been imposed upon such land and the development and use thereof. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein; and
2. The future review and approval of the condominium survey and declaration by Town staff to ensure compliance with the terms and conditions of approval of BSP 06-02 – Krueger Commons. The face of the condominium survey shall be signed by the Town Planner prior to recording with the Island County Auditor to certify compliance with the Town requirements.

The motion passed 5-0.

**Confirm reappointments to Boards and Commissions** - *Mayor recommends reappointments to Planning Commission, Design Review Board, and the Parks & Recreation Commission.*

Mayor Conard explained that in the development of the Town's website, we noticed that some member's terms had expired on the Planning Commission, Design Review Board and the Parks and Recreation Commission. Therefore, she requested Council confirmation of the reappointments.

Council Action: A motion was made by Councilmember Bronson, second by Councilmember Clay, to confirm the reappointments to the Planning Commission, Design Review Board, and the Parks and Recreation Commission. The motion passed 5-0.

**Approve Employment Contract for Town Marshal David Penrod** - *Mayor recommends approval of contract.*

Mayor Conard explained the contract and noted that Marshal Penrod is doing a great job.

Council Action: A motion was made by Councilmember Clay, second by Councilmember Phay, to approve the employment contract with David Penrod for the position of Town Marshal. The motion passed 5-0.

**Approve Contract with Ryan Goodman for Engineering Services** - *Mayor recommends approval of contract.*

Mayor Conard explained that this contract formalizes the current working agreement with Ryan Goodman. Given the current and foreseeable workload, it is clear that we have need for at least 32 hours per month, as provided by this agreement.

Council Action: A motion was made by Councilmember Bronson, second by Councilmember Binder, to approve the Contract Services Agreement between Town of Coupeville and RG Engineers, LLC. The motion passed 5-0.

**EXECUTIVE SESSION**

Mayor Conard called for executive session for approximately 15 minutes to discuss potential litigation. Mayor Conard, Councilmembers Binder, Bronson, Clay, Hughes and Phay recessed to executive session at 8:17 p.m. and reconvened to regular session at 8:35 p.m. No action was taken.

**ADJOURNMENT** - 8:35 p.m.

Respectfully Submitted:

MAYOR:

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Judy A. Thomas, Clerk Treasurer

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Nancy Conard, Mayor