

**Town of Coupeville
Regular Council Meeting
Tuesday, October 27, 2009
6:30 p.m.**

PRESENT: Mayor pro tem Bob Clay, Councilmembers Dianne Binder, Ann Dannhauer, Molly Hughes, and Jim Phay.

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Binder, to excuse Mayor Nancy Conard. The motion passed 5-0.

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

APPROVAL OF AGENDA

Council Action: A motion was made by Councilmember Binder, second by Councilmember Phay, to approve the amended agenda (Revised 10/27/09) as provided. The motion passed 5-0.

APPROVAL OF MINUTES

Regular Meeting of October 13, 2009 and Council Workshop of October 19, 2009

A motion was made by Councilmember Hughes, second by Councilmember Binder, to approve the minutes of the Regular Council Meeting of October 13, 2009 with the following correction and additions by Councilmembers Dannhauer and Phay: A) Page 3, last paragraph, correction of name to "~~Kathryn Moler~~ Katherine Molton,..."; B) Page 4, last paragraph, second sentence should read, "...as quasi public, and the conservation easement to the Krueger Farm purchase is held by the Whidbey..."; C) Page 7, second Council Action from the bottom of the page, should read, "Discussion: Councilmember Dannhauer expressed ~~several concerns about designating this as high density~~ the following concerns: 1) Even though the property to the west of the area is zoned high density residential it consists of single family homes on single lots; 2) There is no tradeoff in rural areas when increasing density in town; 3) There is no tradeoff for affordable housing at least not in perpetuity. The motion passed 5-0. The minutes of the Council Workshop of October 19, 2009 were approved as submitted.

AUDIENCE INPUT

Gary Piazzon, Coupeville, spoke about climate change and an article from MIT scientists predicting that climate change odds are much worse than previously thought. New analysis shows warming could be double previous estimates and he gave some statistics. He provided copies of the MIT article.

Jerome Rosen, Coupeville, questioned the process for appointments to boards and commissions and suggested that a member of the commission or board, and someone from the community sit in on the interview with the applicants; he would like more transparency in the process.

Councilmember Hughes explained the appointment process and Mayor pro tem Clay added that it is a council decision to confirm the appointment.

PUBLIC HEARING

Conditional Use Permit 09-01 for Unity Church to be located

Mayor pro tem Clay explained the procedures of the public hearing process and asked if any Councilmembers had any possible conflict of interest or appearance of fairness problems.

Councilmember Dannhauer responded that she had overheard three discussions on this topic but

did not think it would affect her decision. There was no response from the audience when asked the same question about possible council conflicts.

Mayor pro tem Clay declared the public hearing open at 6:59 p.m.

Mr. Kwarsick explained that the applicant is requesting a conditional use for a public-quasi-public use for a church to be located in a low density residential zone. The Town Code requires that the application meets six conditions/findings to grant a conditional use permit. The Planning Commission held a public meeting and reviewed the application and recommended approval of CUP 09-01 based on the following six findings:

1. ***The proposed use, at the proposed location, is consistent with the purposes of the Development Regulations and zone district in which it is to be located, and that the proposed use will meet all the applicable requirements of the development regulations.***

Comment – The proposed use is a designated conditional use in the low density residential zone and can be conditioned to comply with the Town development regulations. The minimum setback for a building in this zoning district is 25 feet. The church is proposing a 90 foot building setback. In their deliberations the DRB will be reviewing building setbacks and the location of parking. Potentially the DRB may require the building to move slightly forward on the lot and shift some parking to the rear of the building. The maximum lot coverage in this zoning district is 25% or 206,910 square feet. The proposed building lot coverage is 2,560 – 2,700 square feet. Churches, theaters, auditoriums are required to provide one parking space for every five seats in the principal place of assembly or in this case 16 spaces. A twenty (20) parking spaces are proposed in excess of the Town standard.

2. ***The proposed use, at the proposed location, will not be significantly detrimental to the public health safety and welfare, will not substantially harm or diminish the value of nearby property or improvements, and will not materially disturb the owners of nearby properties in the reasonable use of these properties.***

Comment – The church as proposed is residential in scale and intensity with a small congregation. A 7 lot residential development would generate approximately 70 vehicular trips every day of the week and 7 peak hour trips. It is expected that trip generation from the church will be far less than a residential development of the property. The Institute of Traffic Engineer's estimated trip generation for this size church is 31 – 49 trips on Sunday. Occasionally small evening meetings/classes will be held in the church and the church may also rent the facility for occasional events, e.g. wedding, funerals and community meetings. The proposal has a very low development impact and a substantial portion of the property will be restricted to passive use and preserved as open space. The native screening that exists along the south property line shall be maintained in a natural state and the proposed landscaping should buffer the proposed use from the road and the adjoining land uses. The future conditions of the DRB will likely further augment the landscaping and therefore increase buffering.

3. ***The proposed use will generally be in harmony with the comprehensive plan.***

Comment – A church at this location provides a well-balanced mix of land uses, including commercial, residential, public services and recreational and cultural opportunities. The proposal as submitted and conditioned establishes appropriate buffers to minimize visual, sound, and odor impacts between residential neighborhoods and adjacent more intensive uses.

In addition to the three required findings for conditional use permits in general, approval of quasi-public uses is subject to making three additional findings, in accordance with Section 16.14.030(D).

4. *That the proposed location of the public/quasi-public facility and the size and characteristics of the site will maximize its benefit to the public.*

Comment – Preservation of open space is a priority of the comprehensive Plan and in this case constitutes 84% of the property. The design review process and standards will ensure that the project will be appropriately sized and designed, and that the “important rural entry” will be enhanced and not diminished.

5. *That the proposed location of the public/quasi-public facility and the plan for entrances and exits will not create hazards on public streets.*

Comment – As stated above traffic generation is less than what would be expected from the residential development of the property. The church site is at the southerly town limits and therefore within a transitioning speed zone to the town posted speed limit of 25mph. Visibility and stopping sight distance are excellent. The street is designated as a collector arterial in the Town’s Comprehensive Plan, intended to shoulder a larger portion of daily trips than local access streets.

6. *That the proposed public/quasi-public facility will not occupy land which would be more beneficial to the community if put to a different use.*

Comment – The Town has a supply of undeveloped residentially zoned property to accommodate reasonable residential growth in the foreseeable future and especially under the current economic conditions. Preservation of opens space, especially at the southerly entrance to the town and the adjacent a farmed prairie, is a paramount community purpose.

Mr. Kwarsick noted that Council is not considering the design of the building, as that will be done by the Design Review Board (DRB) and Council will only consider the design if there is an appeal to the DRB decision.

Councilmember Hughes asked if there is a time limit on the conditional use permit and Mr. Kwarsick said there isn’t but there is with a building permit application.

There was discussion on the possibility of the property being used for something other than the church and Mr. Kwarsick explained that there should be some type of conservation easement on the property to protect it in the future. Councilmember Dannhauer asked about the height limit and he explained that steeples and cupolas are excluded in the total height of the structure, but it is a one story building and does not exceed the 28 ft (maximum height). Mr. Kwarsick added that the Planning Commission approved the church to not exceed 2,700 sq ft.

Stewart Woods, 17104 Marine Drive, Stanwood, spoke on behalf of the Unity Church, explained that the building size will be between 2,500-2700 sq ft; and their only plan is for a church. They already own the land, and upon approval of the conditional use permit, they are 90% agreed on the design of the structure. He has not met with the Whidbey Camano Land Trust (WCLT) about the conservation easement but had some concerns that he will discuss when they meet to discuss the possible easement. He responded to the question about a playground on the property and that he didn’t think so but had thought about a gazebo.

Mr. Kwarsick responded to Councilmember Dannhauer’s question that the parking lot is not a conventional parking lot; it won’t be paved except for the handicap parking space; and the parking standard for this proposal is 16 spaces.

Bill Skubi, Fort Casey Road, explained that he and his wife own the property across the street from this property. They have no objection to the conditional use permit and welcome the congregation and building of the church at this site. He gave a brief history of their property that has been in his wife’s

family since 1910. He felt that there will be people who question this group and others will welcome them. He expressed a safety concern that people frequently turn around in his driveway and asked if maybe the church could provide a better at this spot. He added that churches have a life of their own; and positive contributions to the community should be welcomed.

Randy King, 47 SW Bainbridge Lane, explained that he purchased his home 19 years ago and they were told that this property is part of Ebey's Reserve, and he likes the idea that the open space will be preserved; and they support the applicant. He noted that he was also speaking for his neighbors, the Sirings.

Sheilagh Byler, 105 NE Faris, explained that they own the property at 608 South Main, and they have no issues with a church being located at this site. She had two issues, the first is that if owner gives the easement to the WCLT that it would require as a condition that the back three acres be put aside for open space; consistent with adjacent farm fields. Her second concern was about the entry points and a steeple would not be consistent with the surrounding farms and historic structures. She does not believe they have to have a steeple. She suggested placing conditions on the design of the church; with strong easement language and guidelines for the Design Review Board.

Stewart Woods, appreciated everyone's comments he does not want to be hamstrung on the conservation easement; if they could benefit in some way; but no benefit, did not seem fair. He noted that the church should look like a church; they are willing to compromise but not completely change.

Mr. Kwarsick explained that the Bylers divided their property and set aside some of their property for agricultural use of the land, as part of the open space. WCLT and conservation easements allow agricultural use. He explained that we want to see the property preserved and WCLT to work with the land owner for a conservation easement; but provide a standardized process that this land will be undeveloped. He pointed out that even though there was lots of discussion on the design of the church; the applicant is willing to work with the Town. Councilmember Phay was concerned that the easement idea has not been discussed or may not occur but Mr. Kwarsick explained that the second condition of approval, is that it must be retained as open space although, as such, it may be used by the church. He added that maybe the driveway could be used as a turnaround.

Mr. Kwarsick explained that Stuart Woods met with Hank Florence, historical architect for the National Park Service, to discuss an appropriate architecture and they are really close to resolving this issue.

Randy King asked if there could be development beyond this property and Mr. Kwarsick said there is a 30 ft strip of land to the south of this property but he was not sure how that could be used.

Bill Skubi, added that he thought the church should look like an historic building or historic church; he would like to see the structure blend in. He sees nothing wrong with having a farm on one side and a church on the other side of the road, as you enter town; he does not think bunkering it and hiding is the answer.

Steve Byler, 105 Faris Street, explained that they subdivided their property and left the back part as open space; he wanted to mention that it is not without benefit as they have a deed restriction that does not allow development, and he did not consider the financial gain or loss.

Mr. Kwarsick responded to Councilmember Dannhauer's comment that the Planning Commission's recommendation was to set aside the property as open space for three uses; which is very similar to the conditions that the Bylers had. He also responded to the concerns about what happens to the conditions (CUP) if the property sells; that the conditional use permit stays with the property whether it is sold or not.

Steve Byler explained that if the church wanted to do anything different then they would have to resubmit a new conditional use permit.

Lyla Snover, 601 Snomont, asked what if, in 20 years, if it is no longer a viable church. Mr. Kwarsick explained about two churches in town that were approved with conditional use permits and are viable.

Stewart Woods explained that this property is equivalent to seven building lots and they just want to put a church on it. He believes that if the church is doing well and wants to do something else with the property then that opportunity should not be given away to WCLT; and there is no monetary benefit. He could not speak for two generations from now, but if they need something done, it leaves an opportunity for doing so. Mr. Kwarsick explained that there is still some room for expansion of the structure, which would have to go thru the CUP process.

There was no more public comment. Mayor pro tem Clay declared the public hearing closed at 8:44 p.m.

The following proposed findings and conclusions are from the Staff Report and are referenced in the motion to approve CUP 09-01:

Proposed Findings and Conclusions of Law:

1. The Unity Church submitted a conditional use permit application on March 26, 2009;
2. The application was determined to be of such a size and scale to be exempt from review under the State Environmental Policy act, although the application was still subjected to the Town's concurrency requirements and standards;
3. A Notice of Application and a Notice of the Planning Commissions consideration of the CUP were sent to adjoining property owners;
4. On September 1, 2009, the Planning Commission held a public meeting to consider the CUP request;
5. As a low intensity use, the Planning Commission does not believe it to be necessary to attach to the conditional use permit conditions which are more restrictive and in excess of the dimensional standards for the district in which the conditional use is proposed or to attach to the conditional use permit time limits for some or all conditions of the conditional use permit;
6. The Planning Commission does however believe it is appropriate to limit the scale of a church use at this location and to also consider that some appropriately scaled joint accessory use of this small community church could be beneficial to other Public –Quasi Public organizations which serve the community;
7. The final design of the church, site layout, and landscaping shall all be reviewed by the Town's Design Review Board in a future public hearing and be subject to the detailed design standards of the Town;
8. After due and proper consideration of the application and public comments received the Planning Commission found that the proposal complied with the required conditions as specified in CTC 16.14.030 and that the project as presented and conditioned mitigates any likely potential adverse impacts on the adjacent neighborhood and community.

Council Action: Based on the analysis presented, the Planning Commission's recommendation, and in consideration of public testimony received; a motion was made by Councilmember Phay, second by Councilmember Binder, to adopt Findings and Conclusions of Law (one through eight above) and approve CUP 09-01, subject to the following six conditions:

1. The project design, landscaping, and site layout must comply with the Town's Community Design Standards as they now exist or as hereinafter are amended as approved by the Town's Design Review Board and must be in general conformity to the site plan presented as part of this Conditional Use Permit Application;
2. The undeveloped portion of the property must be retained as open space although such may be used by the church for passive recreational use, undeveloped parking, or be leased for agricultural purposes consistent with the Town Code;
3. The site must be developed using low impact development techniques with all that portion of the existing vegetation along the south property line owned by the applicant be maintained in a natural undisturbed state;
4. The property shall be retained as a single parcel and may not be divided unless divided for the purposes of preservation of conservation; and

5. The recommendation is based upon the scale of the proposed use. The Planning Commission recommends that no expansion of the church be permitted in the future unless a new or amended CUP is submitted and approved by the Town Council in the future.
6. The church may be used by other public–quasi –public organizations as an appropriately scaled accessory use without need of a conditional use permit.

Discussion: Councilmember Phay will be voting in favor of this motion and that the applicant will engage in discussion with WCLT. Councilmember Binder thanked Mr. Kwarsick on all the work he's done and agrees that the conservation easement can happen. Councilmember Hughes added that she will support this motion; and felt the applicant has shown good faith; this is an appropriate use of the property in this location. She appreciated all the public input and it was good to hear from supporters of the proposal. Councilmember Dannhauer spoke about the conditions and asked if there needed to be more specific conditions set for low impact development of the parking lot. Mr. Kwarsick said that the parking lot will be an impervious surface. Mayor pro tem Clay thanked the public for coming and giving input; and the thought that went into this process; and the church will be a welcome addition.

The motion passed 5-0.

Mayor pro tem Clay called for a short recess at 8:55 pm and reconvened to regular session at 9:01 pm.

NEW BUSINESS

Approve contract with Porter Group LLC, for management of Aquifer Storage and Retrieval Grant

Mayor pro tem Clay explained that Mayor Conard has provided an explanation of the contract in a memo and there was no discussion.

Council Action: A motion was made by Councilmember Binder, second by Councilmember Hughes, to approve the contract with Porter Group LLC for the Aquifer Storage and Retrieval Project. The motion passed 5-0.

Approval of October Claims Vouchers and September Payroll - *Staff recommends approval of October 27, 2009 claims vouchers/warrants #22327 through 22417 22418 for \$216,999.42 258,443.73; and September payroll warrants #12611 through #12648 for \$92,273.35.*

Several questions were asked and answered and no changes were made to what was submitted.

Council Action: A motion was made by Councilmember Hughes, second by Councilmember Binder, to approve the October 27, 2009 claims vouchers/warrants #22327 through 22418 for \$258,443.73; and September payroll warrants #12611 through #12648 for \$92,273.35. The motion passed 5-0.

STAFF REPORTS

Judy Thomas provided a written report and offered to answer questions.

Public Works Director, Malcolm Bishop gave an update on the Prairie Station project: the contractor is prepping the parking lot ground for asphalt; and gave a progress update on the two buildings being constructed on the site. The demolition of the Johnson Building is complete and a split rail fence has been built along the sidewalk portion on Main Street; and grass seed planted. There are still a couple of fuel tanks in the ground that will need to be taken care of. Dan Miranda has started the site preparation for his building on Front Street. The telemetry project is pretty much in, still have some programming and antennas to be installed. He had one inquiry about the surplus meters. Most of the 800 auto-read meters will be installed by this winter.

Larry Kwarsick spoke about Dan Miranda's project on Front Street that he had a window of time (in accordance with the fisheries time-out) to get the foundation in, so he could continue with the project; and he did a nice job of the beach restoration. Cecil Stuurmans has begun work on the infrastructure of West Commons Phase II. The Lauren's Woods project has been taken over by the bank and they've hired a consultant to bring the final plat to Council, before the end of the year. Prairie Station - Island Transit has changed their plan to be consistent with the phytoremediation project and now there will be more landscaping on the site.

COUNCIL REPORTS

Councilmember Hughes attended NET meeting and received training on the emergency radios and how that system works. She attended the Central Whidbey Chamber of Commerce meeting in which Mayor Conard gave the State of Town address. The Coupeville Historic Waterfront Association Halloween parade was held on October 24th was great and they've begun the Red Ticket Campaign and will be selling Christmas in Coupeville sweatshirts. She spoke about the last public hearing Joint Planning Commissions on the Ebey's Reserve Unified Code and felt it was very informative. Ebey's Trust Board is finalizing their budget for next year and everyone is focusing on the Ebey's Forever Conference on November 6 and 7, 2009.

Councilmember Binder reported on tourism that they are looking at enhancements to website, which continues to get 20,000 hits. They just completed meetings with the county chambers of commerce as to where they would like to see their funding go for the next budget cycle. She attended the AWC regional meeting in Mount Vernon and the focus was on current initiatives and how they will affect the cities, if they pass.

Councilmember Phay spoke about the changes for in-town mail delivery and identified the in-town delivery area; and the Post Office will begin delivery in those areas next week. He noted that he is retiring from the U.S. Postal Service and his last day is Friday, October 30, 2009, and he already has a wish list.

Mayor pro tem Clay attended Island Transit Board meeting at which they reviewed the 2010 budget. Island Transit ridership is down by 5.2% but is coming back slightly. The year-to-date operating costs per mile has gone down by 3%. He attended the AWC Regional meeting and they discussed Initiative 1033, and met with other council members and mayors from the surrounding areas. He attended the ferry construction meeting at Todd Shipyards to see the progress on the ferry construction. Attended a community meeting in Oak Harbor and NAS Whidbey Commander David gave an update of what is going on, on the base with operations, aircraft, and health issues. He will attend the RTPPO meeting tomorrow. He attended the transportation concurrency meeting and the Highway 20 project on Fidalgo Island is complete; and the roundabout project at Sharps Corner has been postponed. He did get word that Amtrak will run a second train during the 2010 Olympics in Vancouver.

Councilmember Dannhauer attended the transportation concurrency meeting and the last joint public hearing of the Island County and Town Planning Commissions. The Parks and Recreation Commission met and discussed: tree planting areas; remodel of the Rec Hall Kitchen; the berm on Highway 20; tree removal at town park; and looking for locations for commemorative benches and bike racks.

AUDIENCE INPUT

Jerome Rosen, Coupeville, asked for clarification on the selection process for boards and commissions and if there was an opening on a commission or board. Mayor pro tem Clay explained that the Mayor recommends the appointments and the Council confirms the appointments.

ADJOURNMENT: 9:55 pm

Respectfully Submitted:

MAYOR:

Judy A. Thomas, Clerk Treasurer

Bob Clay, Mayor Pro-tem