

**Joint Public Hearing of the Coupeville Town Council and
Island County Board of Commissioners
Commissioner's Hearing Room
October 3, 2011
10:15 am**

TOWN COUNCIL PRESENT: Mayor Nancy Conard; Councilmembers Dianne Binder, Bob Clay, Ann Dannhauer, Molly Hughes.

TOWN STAFF PRESENT: Town Planner Larry Kwarsick, Clerk-Treasurer Judy Thomas

OTHERS: Island County Commissioners Angie Homola, Kelly Emerson, Helen Price-Johnson, Island County Planning Director Bob Pederson, Secretary to the Board Debbie Thompson.

Joint Public Hearing (Continued from September 26, 2011)

Commissioner Homola called their meeting to order at 10:17 am.

Mayor Conard called the meeting of the Coupeville Town Council to order at 10:18 am to continue the public hearing.

Mr. Pederson explained the changes to the Island County Code since the September 26th public hearing. Mr. Kwarsick explained and provided copies of the changes to the Coupeville Town Code since the September 26th public hearing; and explained the change in 16.13.210 Penalties and enforcement by the Town attorney.

Mr. Pederson gave an update and explanation of the documents being considered in this continued public hearing, particularly to those persons who were not at the previous public hearing.

Mr. Kwarsick explained the intention of this ordinance is that it is a collaborative process to work together with the property owners and Town, County and Reserve, to work together and to not interfere with property owners plans. He noted that we have all worked hard to make it appropriate for the Reserve. There is still more work to do and we will have annual reviews of the Design Manual.

Mark Preiss, Reserve Manager, explained the intention was to make a level playing field for all property owners in the Reserve; to streamline the process and make it a more user friendly process for development in the Reserve. The Heritage Farm Plan was developed to provide flexibility with historic farm structures.

Commissioner Emerson commented on the change to the Design Manual, page 53, Part 4, 14 regarding Murals, that the county version is different from the town version.

Mayor Conard declared the continued public hearing open at 10:50 am.

Bill Ethridge, Coupeville, expressed concerns about penalties and civil rights, interfering with our property rights. He strongly objected to some of the words used in this document. It is his understanding that the guidelines are just as the title indicates; guidelines, and suggestions only. Not adhering to these suggestions will not be tagged as violations or subject to any penalties. That is contrary to what he hears and he would like a clarification. He objected to the Town and County dealing with individual's rights. He insisted that names of individual's not following the guidelines will not be recorded; he did not want any record that said what someone did, or didn't do.

Mayor Conard explained that responses by Staff, Commissioners or Council will be after the public comments period.

Robert Warder, 202 NE 9th Street, Coupeville, explained that he had an issue with the certificate of appropriateness (CPA); it seems that the COA is the hammer that HPC will use to stop any project, even though we are hearing that these are voluntary guidelines. He received a letter that he was in violation of the Design Review Board and that there are penalties. He does not want anyone to be penalized for trying to keep up your house. He asked if the COA was the document that would stop any project in the historic review area or on a historic home.

Ricardo Reyes, Coupeville, referred to the differences in verbiage between the County Code and the Town Codes, regarding penalties if he lives in Town he 'shall' be penalized, but in the County he 'may' be penalized. He noted some other differences regarding 'timely notice' and actually days (ICC). He asked about when the code refers to the number of days, i.e. 60 days or 90 days; is that actual calendar days or business days. He noted some redundancy in the CTC pages 41 and 42.

Wilbur Bishop, 1520 Hill Road, Coupeville, appreciated all the work that has been done by staff in developing the guidelines, and responding to his email this morning. He discussed murals in the Reserve and showed some pictures of murals in the reserve, and a graphic on one of his buildings. He noted that it is his right to freedom of expression to have this on his building, but according to the language in the guidelines, they are not allowed; and this and other things in the guidelines are not backed up by the ICC. He doesn't think that the guidelines should use the word 'shall', but should be replaced with the word 'should.' He expressed some concerns with the way the Design Guidelines were developed. He did not feel that the guidelines were ready for adoption and there should be a committee working on it. There is too much language that says that things are not allowed or prohibited. The ordinance is pretty good, two things in the composition of the HPC is that there will be representatives from agricultural, and that should not be just 'anyone' who has an interest in agriculture. He felt that the two experts on historic should live in Island County; he thinks we should be able to find these people in the community.

Paul Messner, 115 Donahey Road, Coupeville, as a volunteer firefighter, and fire commissioner for Central Whidbey Fire & Rescue, he was concerned about two issues. On signage, he noted that the reflective (address) signs must be allowed. Also, the guidelines state that driveways need to be as narrow as possible; but that is not a good idea because fire vehicles are big and they can't make sharp turns, and must be need to be able to turn around.

Betty Gewald, 603 NE 9th Street, Coupeville, expressed the following concerns about the Design Guidelines: that energy efficiency is not allowed. Also, she can't change her driveway from gravel; and she can't add a porch to her historic home. She stated, "You are coming over on my rights." She agreed with Mr. Bishop's comment that the guidelines aren't ready.

Rufus Rose, South Whidbey, asked if there are there provisions that allow for a hardship for a property owner. He discussed the requirements of a real estate licensee to provide a disclosure statement when selling a piece of property; and the real estate licensee must have all the information associated with the property. He asked if the Town and County planned to ask the NW Multiple Listings Service to provide two different disclosure documents, one from the Town and one from the County, because there are differences in the two. He asked if the original language in the Federal agreements of the Reserve was considered in developing these requirements. There was a lot of Federal funding used to purchase the development rights in the

Reserve that clearly protected property rights; and he asked if the federal language was consistent with the proposed changes.

The public comment portion of the public hearing was declared closed at 11:25 am.

Staff responses to questions:

Mr. Kwarsick responded to Mr. Etheridge's question about penalties, that the penalties are actually being carried over; they are the same version as is already in the Town Code.

Mr. Pederson responded to Mr. Warder's question about the COA, that there is a clear path with each step. Mr. Kwarsick added that we have added a lot of flexibility in the types of materials that can be used on historic structures. It is the responsibility of the Planners to ensure that they will work with the HPC and the applicant to provide guidance to both.

Mr. Kwarsick explained the difference in the language noted by Mr. Reye's comments about redundancy, which was at the direction of the two attorneys. Also, on days, it is always 'calendar days.' Regarding the use of the language 'reasonable period of time', we don't want to put in 30 days or 60 days when we can do it in 7 days.

Mark Preiss responded to the comment about the Trust Board involvement in the process, which it was actually members of the Trust Board, Jon Roberts and Hank Florence, who we worked with; it has been thoroughly vetted at the Trust Board level.

Mr. Pederson explained that the reflective address signs are exempt from the sign regulations; and regarding driveway widths, they always make sure that all development has adequate ingress and egress.

Larry Kwarsick responded to Ms. Gewalt's comment, that we want to encourage energy efficiency; there is nothing in this document that doesn't allow solar panels, but the guidelines suggest sensitive placement of the panels. There is nothing in these guidelines that would deny an appropriately designed porch or other addition to an historic home. Regarding driveways, there are maintenance exemptions, and for new driveways they are at a low level of review.

Mr. Pederson responded to Mr. Rose's comments that there is disclosure language in both the town and county codes. Mr. Preiss explained that the Trust Board, on behalf of the National Park Service, monitors and manages the 30 conservation easements within the Reserve. Under the new guidelines they would only need to go through the Trust Board and NPS for review. Mr. Pederson added that there are a number of provisions in the code regarding ordinary repairs and hardships; we have provisions to cover those and they are dealt with on a one-on-one basis.

Town Council Action: A motion was made by Councilmember Binder, second by Councilmember Clay, to approve Ordinance 692, provided at the September 26, 2011 Public Hearing, including the amendments submitted on October 3, 2011. The motion passed 4-0.

ORDINANCE NO. 692

An Ordinance of the Town Council of the Town of Coupeville, Washington, relating to amendments to the Historic Preservation Element and Appendix C of the Town's Comprehensive Plan, CTC Title 15 - Building and Construction Code and CTC Title 16 - Development Regulations; repealing CTC Chapter 15.16, Demolition of Historically Significant Properties; amending CTC 16.04.060 - Definitions; amending CTC 16.06.020 - Assignment of Review Authority, CTC 16.06.040 - Public Notification, CTC 16.06.050 - Review and Approval, and CTC 16.06.060 Appeals; repealing CTC 16.08.070 - Historic Restoration Overlay Zone and amending the adopted Town zoning map to delete

the Historic Restoration Overlay zone; repealing CTC 16.12.080 - Community Design Standards; amendment of Section 16.10.020 Nonconforming Uses; amending CTC 16.10.040 - Duplex Dwellings, CTC 16.10.050 - Accessory Dwelling Units, and CTC 16.10.100 - Special Needs Lodging and Care Facilities; amending CTC 16.12.030 - Setback Standards, CTC 16.12.050 - Height Structures; adopting new CTC Chapter 16.13, Ebey’s Landing National Historical Reserve Design Review and Community Design Standards to include the Ebey’s Reserve – Review Area Maps; amending CTC 16.18.040 - Procedure and Requirements – Preliminary Binding Site Plan; amending CTC 16.28.050 - Administration; amending CTC 16.30.370 - Commercial Development; amending CTC 16.44.010 - Authority; and adopting the Findings of Fact and Conclusions of Law of the Town of Coupeville Planning Commission regarding these amendments to the Comprehensive Plan and CTC Title 16.

County Commissioners Action: A motion was made by Commissioner Price-Johnson, second by Commissioner Emerson, to approve Island County Ordinance No. C-84-11 PLG-019-11 adopting amendments to ICC Chapter 17.04 relating to the Unified code and design review manual for Ebey’s Landing National Historical Reserve. The motion passed 3-0.

Town Council Action: A motion was made by Councilmember Clay, second by Councilmember Hughes, to approve Appendix 3 – CTC 16.13 Ebey’s Landing National Historical Reserve Design Guidelines dated August 5, 2011, as amended by staff memo of October 3, 2011. The motion passed 4-0.

County Commissioners Action: A motion was made by Commissioner Price-Johnson, second by Commissioner Emerson, to adopt Island County Resolution C-100-11 PLG-21-11 adopting the Ebey’s Landing National Historical Reserve Design Guidelines. The motion passed 2-0-1 (Emerson abstained).

Island County Board of Commissioners recessed their meeting to 6:00 pm this evening.

Mayor Conard declared the Town Council meeting adjourned at 12:17 pm.

ADJOURNMENT: 12:17 p.m.

Respectfully Submitted:

MAYOR:

Judy A. Thomas, Clerk Treasurer

Nancy Conard, Mayor