TOWN COUNCIL MEETING
AGENDA
Island County Hearing Room
June 11, 2019
6:30 pm

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CHANGES AND APPROVAL OF AGENDA

APPROVAL OF MINUTES

- Council Meeting of May 28, 2019

MAYOR'S REPORT

AUDIENCE INPUT - See ***NOTE***

NEW BUSINESS

1. **Appoint Mayor Pro-tem –** *Council appoints _____ Mayor Pro-tem for a term ending December 31, 2019.*

STAFF REPORTS

DISCUSSION

- Potential Comp Plan Amendment
- Proposed Code changes to chapter 16.13 CTC addressing the HPC membership

AUDIENCE INPUT - See ***NOTE***

EXECUTIVE SESSION

- Per RCW 42.30.110 to review the performance of a public employee.

ADJOURN

***NOTE*:** **Audience Input -** *This is time set aside for members of the public to speak to the Council about subjects of concern or interest, or items not already set aside for a public hearing. Questions presented may not be answered immediately if all information is not available, but will be responded to as soon as possible. To ensure your comments are recorded properly, you need to state your name and address clearly into the microphone. Please limit your comments to 5 minutes. Input requiring more lengthy comment is best submitted in writing.*

NOTE: Persons with disabilities requiring elevator access to the Hearing Room, please call twenty-four (24) hours prior to the scheduled event to Clerk-Treasurer (360) 678-4461, ext.7.

Town of Coupeville
Regular Council Meeting
May 28, 2019
6:30 p.m.

PRESENT: Mayor Hughes, Councilmembers Catherine Ballay, Rick Walti, Michael C. Moore, and Jackie Henderson.

Council Action: A motion was made by Councilmember Henderson, second by Councilmember Walti to excuse Councilmember Pat Powell from the Regular Council Meeting of May 28, 2019. The motion passed unanimously.

STAFF PRESENT: Clerk Treasurer Kelly Beech, Planning Director Owen Dennison.

CHANGES AND APPROVAL OF THE AGENDA

The Agenda was approved as submitted.

APPROVAL OF MINUTES

The minutes of the Regular Meeting of May 14, 2019 were approved as submitted.

MAYOR'S REPORT

- Mayor Hughes reported that he remodel on the public restrooms at Town Park is officially complete. Mayor Hughes recognized the hard work of the Public Works staff to complete this project in time for the Memorial Day celebration.
- Mayor Hughes and Commissioner Price-Johnson toured the Wharf with Executive Director Michalopoulos. During the tour she learned that the Port is seeking grant funding from the County for much needed repairs, rather than pursuing a levy.
- Mayor Hughes spoke at the League of Women Voters annual Mayors Dinner where she discussed the Town's collaboration with the Navy on the water treatment plant expansion/upgrade.
- Mayor Hughes met with Congressman Larsen's new Everett Office staff member, Kit Larson.
- Mayor Hughes attended the ribbon cutting for the Tyee Restaurant, which was purchased by new owners earlier this year.
- Mayor Hughes reported that the Memorial Day Parade and Celebration went well, including the flyover by World War II-era B-25 bomber, "Grumpy"; and that Captain Arny's address was moving, and heartfelt.

NEW BUSINESS

Resolution 19-08, relating to the disposition of equipment owned by the Town of Coupeville

Council Action: A motion was made by Councilmember Henderson, second by Councilmember Moore to approve Resolution 19-08, declaring the listed equipment as surplus and allowing for the surplus equipment to be used toward the purchase of replacement equipment. The motion passed unanimously.

Approval of April 2019 Payroll and May 2019 A/P Transactions and Warrants

Council Action: A motion was made by Councilmember Walti, second by Councilmember Moore to approve April 2019 payroll transactions and warrants #34034 to #34063 for a total of $97,148.24; and May 2019 A/P transactions and warrants #34064 to #34125 for a total of $271,569.35. The motion passed unanimously.

COUNCIL REPORTS

Councilmember Henderson had nothing to report.

Councilmember Moore attended the second of three scheduled strategic planning meetings for the Ebey's Reserve Trust Board. The meeting lasted two hours and the next meeting is expected to last two hours as well. The focus of the meeting was on a strategic plan. Councilmember Moore reported the Mayor also attended the meeting.

Councilmember Walti reported the Utility Advisory Committee meeting this month included a discussion about the possibility of interties with neighboring water districts; an extension of the sewer main up Pennington Loop by a private developer; some proposed changes to the storm water study project for which the Town has received a grant from the Department of Health, and continuing discussions with the County on the Town's water service area.

Councilmember Ballay reported that Chief Briones was featured on NPR in a story about his relationship with Fred Farris, the father of an inmate who died while in custody during 2015, and their collaborative work to make improvements in the resources available to inmates, and processes followed by jailers, in the Island County Jail. There was no formal meeting of the Law & Justice Council in May. Councilmember Ballay shared that the group is considering statistics related to the timeliness of inmate transfers to mental health facilities when deemed appropriate, the effectiveness of the opioid outreach program that has been operating for two years, and the effectiveness of a program designed to help strengthen the connection between inmates, their families, and their communities. The program also helps inmates further their education and secure employment. Inmates work on resume writing, explore employment opportunities available upon release, and some are even eligible for internship programs upon release.

ADJOURNMENT: 6:59 p.m.

Respectfully Submitted: MAYOR:

_____ _____

Kelly Beech, Clerk Treasurer Molly Hughes

A complete audio recording of this meeting is available upon request from the Clerk-Treasurer.

STAFF REPORT

DATE:	**June 6, 2019**
TO:	**Mayor and Town Council**
FROM:	**Clerk Treasurer Kelly Beech**
RE:	**May 2019**

Average Tasks for the month:

- The 2018 Annual Financial Report was submitted to the State Auditor's Office on May 30th.
- 1144 Utility Statements were mailed in May, totaling $208,094.19.
- We processed 287 payments in May, including 211 utility payments, and we had 26 "move-in/move-out" transactions.
- We processed 17 separate Rec Hall rental and Pavilion rental applications processed, and no cancellations/refunds.
- There were 15 invoices sent out in May. No second notices in an attempt to collect on delinquent accounts were sent out in May. *Invoices are generated for everything from Fire Inspections to reimbursements for expenses related to meter installation.*

Special Events Permit Applications

- We processed 5 Special Events Permit Applications in May:
    - 2019 Ragnar Relay
    - 2019 Memorial Day Parade & Celebration
    - 2019 Senior Parade
    - 2019 Race the Reserve
    - 2019 Troll Stroll

Out of the Ordinary Tasks for the month:

- The final report on our Archive Project was filed with the Secretary of the State on May 24, 2019. I have not heard back on this final report. There has been a personnel change at the Secretary of the State's Office and they still have not reassigned the grant management responsibilities. I will let the Council as soon as I receive confirmation the project has been accepted.

Before Pictures

STAFF REPORT

Date: June 2, 2019

To: Mayor Hughes and Town Council

From: Marshal Warwick

Re: Month of May 2019

Penn Cove Boat Festival
It was a great day for the festival. The weather was wonderful and the boat races were fun to watch. It appeared everyone had a good time.

Memorial Day Parade
The Memorial Day Parade went well with 45 entries and a flyover by a vintage B25 bomber

Coupeville Elementary School Bike/Walk to School
We were able to participate in the event riding with the students and I was a surprise guest speaker

Training
Deputy Haugen and I both had the opportunity to attend courtroom violence training this month. The training involved less lethal and lethal instruction.

COUPEVILLE MARSHAL

ISLAND COMMUNICATIONS CALLS FOR SERVICE

2019

Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Alarm	3	9	7	7	8								34
Animal Complaint	6	6	11	11	8								42
Assault			1	6	2								9
Assist Agency	1	1	1		4								7
Assist Public	5	12	7	17	12								53
Burglary			3										3
Child Abuse/Neglect				2									2
Court Order Viol		2	2										4
Dispute		2	5		5								12
Disorderly Conduct	6	6	9	9	8								38
Domestic Violence	2	1	5	4	3								15
Fire / Medical Call	2	1	1	4	3								11
Fraud / Forgery	2			2	2								6
Hang Up 911	13	14	10	12	4								53
Harassment		1	2		1								4
Juvenile Complaint			2	1	2								5
Liquor Violation		1			2								3
Malicious Mischief		1		1	1								3
Marine Incident		1		1									2
Mental		1		1									2
Missing Person				1									1
Vehicle Accident	4	4	6	3	1								18
Noise	1			1	1								3
Nuisance													0
Property	1		2	1	2								6
Sex Crime			1	2	1								4
Vehicle Theft		2	2										4
Suicide Threat	2		7		1								10
Suspicious Activity	6	6	7	5	3								27
Theft	2	2	2	2	2								10
Threats		1	2	2	2								7
Traffic Complaint	7	13	4	5	15								44
Trespassing	2		3	5	4								14
Unsecure Premise			1										1
Vehicle Prowl	1		1										2
Death Investigation		1	2										3
VUSCA - Drugs			1		1								2
Wanted Person		1	1										2
Weapons Violation	1	1											2
Welfare Check	2	5	1	4	4								16
Misc / Other Calls	10	8	3	7	7								35

Total Town calls	**79**	**103**	**112**	**116**	**109**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**519**
CPD response in Town	40	65	70	69	63								**307**
ICSO response in Town	39	38	42	47	46								**212**
CPD response in Coun	25	8	22	11	25								**91**

STAFF REPORT

DATE:	**June 7, 2019**
TO:	**Mayor Molly Hughes and Members of the Town Council**
FROM:	**Kelly Riepma, Public Works Superintendent**
RE:	**Public Works Report for May**

The biggest accomplishment this month for Public Works was the completion of the Town Park Restroom Remodel. We were able to get them open and in full use before the Memorial Day festivities even though we hit a few hurdles along the way. This was one of the largest projects that this team has undertaken where we completed the entire project in-house without any outside contractors. It was a complete gut and rebuild and the crew did a tremendous job. While work was underway at the restrooms, all of our other regular duties still continued and every Public Works employee stepped up to help and get the job done. I couldn't be more proud of each one of the team for going above and beyond day after day for the community they serve. The Mayor held an official ribbon cutting at the park with all town staff in attendance to check out the work we completed and enjoy lunch together. It was a great celebration. We have been receiving so many positive comments from the community and are pleased that they are enjoying a facility that was remodeled not only for our ease of maintenance but also for their use.

Water meter reading was also this month. We've still been chipping away at replacing old meters and adding radio read devices to meters that are difficult to read. By completing these improvements we were able to set a new record on completing the meter reading. We were able to read every meter in one day. This is not only good news for Public Works but also Administration who has to process all the invoices. A few of the meters that were recently replaced were filled with debris that was clearly slowing down an accurate meter read. Our water production versus consumption will only get better as we are able to remove these meters from our system. We have 8 more old manual read meters to change out and of the 8, 3 are large commercial meters. We are very close to having the entire system be touch read which saves an incredible amount of time. I anticipate the final 8 meters being changed out in the next couple months.

The Memorial Day Parade was this month and Public Works set out 22 barricades and many no parking signs to help with the event. We also spent time pressure washing the tables and kitchen at Town Park as well as mowing all Town properties to have everything looking great for the event. We contract with the City of Oak Harbor to do street sweeping on the sections of street that have curbs once a month. They were able to schedule us for the Friday before the parade in order to have our town looking good. Public Works staff went before the street sweeper and blew off all the sidewalks so the sweeper could collect that too.

The Garden Club planted all the barrels through town and the Coupeville Historic Waterfront Association hung flower baskets. This was all completed before the Memorial Day Parade adding to the beauty of the town. Public Works will water the baskets and barrels 3 times a week through the summer. It takes between 3 to 4 hours a day to complete all the watering.

STAFF REPORT

DATE: June 6, 2019

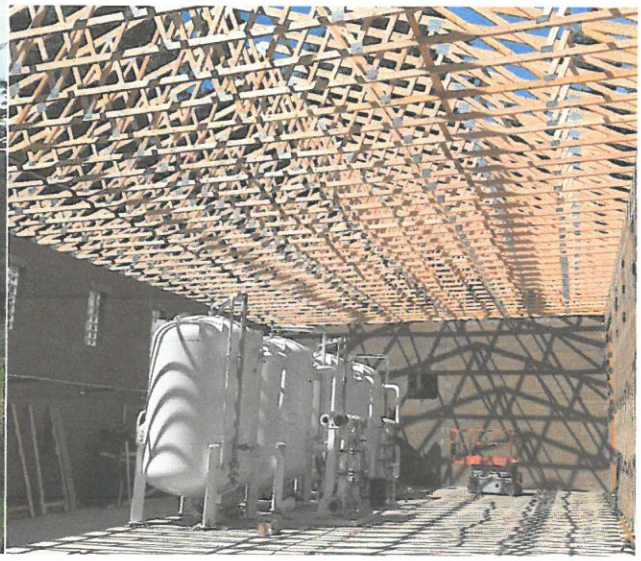
TO: Mayor Molly Hughes and Members of the Town Council

FROM: Joseph Grogan, Utilities Superintendent

RE: Monthly Utilities Department Summary Report

This month the granular activated carbon filter vessels were installed.
We are currently connecting the pipes to the Town's existing treatment plant.
The granular activated carbon is scheduled to be delivered on the 19th of June.
The State Department of Health finalized the entire project report this month.
The Sampling Analysis Plan and the Start-Up Plan are also expected to be approved by The State Department of Health before June 19.

In addition to the Sampling Analysis Plan and the Start-Up Plan approval, a few things need to be accomplished before the treatment can go online;
Installing required physical equipment and connections,
Installing chlorine injection system with new injection point,
Completing and documenting required pressure and leakage tests and any required corrective actions,
Completing and documenting required disinfection and flushing/rinsing,
Completing and documenting required bacteriological testing, including sampling, lab testing, and results.
Site preparations and accommodations are needed for GAC startup (e.g. frac tanks, temporary piping, etc.).
And finally based on acceptable pressure, leakage, and bacteriological testing results and documentation, request and process WADOH construction completion report and a request for approval to startup GAC treatment processes.



The wastewater plant has been operating smoothly. In May, the 24 hour flows have been stable, from a high of 155,000 gallons to a low of 127,000 gallons per day.

The water plant treated 7,353,800 gallons last month. This is lower, but in line with May 2017. The "in town" plant only pumped 455,000 gallons in April.

STAFF REPORT

DATE:	**June 11, 2019**
TO:	**Mayor Hughes and Members of the Town Council**
FROM:	**Owen Dennison, Town Planner**
RE:	**Monthly Planning, Design Review, Historic Preservation, and Building Summary**

Design Review/Historic Preservation:
At its May meeting, the Historic Preservation Commission recommended issuance of certificates of appropriateness for new single-family residence on S Main Street, a new medical office on NW Birch Street, and improvements to a commercial site on S Main Street to accommodate a micro-brewery and outdoor seating. The Historic Reserve Committee met on June 5 and recommended certificates of appropriateness for an addition to a single-family residence on NE Schefflera Street and replacement windows for a historic building on NW Front Street.

Land Use:
Within the last month, staff issued a shoreline exemption for a new single-family residence. Two additional shoreline exemptions are currently under review.

Building:
Since the last update, the Building Official issued building permits for two single-family remodels with additions, two new single-family residences on NW Third Street, a garage repair, and a retail canopy.

Long Range:
At its June meeting, the Planning Commission meeting reviewed and recommended adoption of amendments to Chapter 16.13 CTC regarding Historic Preservation Commission membership. A public hearing on these amendments is scheduled before the Town Council at its June 25 meeting. The Commission also received a briefing on the potential private Comprehensive Plan amendments on the current Town Council agenda. Staff continues work on the transient accommodation ordinance as directed by the Town Council at its April 30 workshop session and May 14 regular meeting A public hearing to extend the guest house moratorium is scheduled for the Town Council's June 25 agenda.

STAFF REPORT

DATE: **June 4, 2019**

TO: **Mayor Hughes and Members of the Town Council**

FROM: **Owen Dennison, Town Planner**

RE: **Privately-Initiated Comprehensive Plan Amendments**

The purpose of this agenda item is for the Town Council's discussion and direction to staff on whether to advertise an application window for privately-initiated Comprehensive Plan amendments in 2019.

According to the Washington State Growth Management Act (RCW 36.70A), in most circumstances, the Town may consider Comprehensive Plan amendments once per year at most. All Town-initiated and privately-initiated amendments received in a given year must be considered concurrently so the cumulative effect of the various proposals can be ascertained. In many jurisdictions, an annual application window provides the opportunity for interested parties to request amendments. This is frequently incorporated into the jurisdiction's code. The Coupeville Town Code does not require an annual or periodic review. Historically, it appears that the Town Council has established by resolution a schedule for consideration of Town amendment proposals and privately-initiated proposals in alternating years. According to Town records, it does not appear the Town has provided an opportunity for privately-initiated Comprehensive Plan amendments since 2013 at the most recent.

Only three inquiries regarding privately-initiated Comprehensive Plan have been received in the last three years. Two of these requests regard site-specific rezones, which, according to legal guidance, may be considered outside an annual docketing cycle and would be quasi-judicial rather than legislative decisions. Unlike other types of Comprehensive Plan amendments, including area-wide rezones, that the Town Council has the legislative authority to decline to hear, a site-specific rezone must be reviewed in a timely manner once a complete application has been received. The third is an amendment to the Memorandum of Agreement (MOA) that applies to the MOA land use designation and zoning district. Staff is not aware of other docketed requests for amendment.

As the Town Council is aware, staff has been working with the Planning Commission to update the current Comprehensive Plan for three years. This effort is not close to completion. Staff's preference is to incorporate any private amendments in the overall update, which likely will not wrap up before 2020. However, due to the protracted nature of the current work program, staff believes it may be reasonable to allow consideration of private amendments in the interim if there is a need.

MOA amendment request. In 2003, the Memorandum of Agreement district was incorporated into the Town's Land Use Map and Zoning Map. The approximately 33-acre area is generally located between NW Sixth Street and State Route 20 west of N Main Street. Land use regulation within the district is controlled by a memorandum of agreement between the Town and Cecil and Cheryl Stuurmans. The MOA is provided as an attachment to this staff report. The MOA designation and zone is divided into nine subareas, each with a fixed allocation of residential

units and a range of allowed land uses with a total build-out of 108 dwelling units. Four subareas are currently owned by the Town and in use as public open space. Land uses for the remaining five subareas were identified for various combinations of single-family, cottage housing, multifamily, and commercial uses in the MOA. The only subarea with commercial potential was sold to Island County in 2018 for future public use as a satellite campus for administrative functions. Of the subareas remaining under the ownership of the Stuurmanses, only two have remaining development capacity under the MOA. These are Subareas B and F. Subarea A is built-out under the development limits of the MOA. However, there is a remaining platted lot of about 18,000 square feet within Subarea A that is currently vacant. Mr. Stuurmans has expressed an interest in moving the rights to construct two to three dwelling units from Subarea B to Subarea A. According to the Section 1.3.5 of the MOA, the number of dwelling units allowed in any particular subarea is not transferrable to any other subarea. However, MOA Section 1.8 states that amendments to the MOA shall only be considered as a Comprehensive Plan amendment, subject to approval of the both the owner (or their successors and assigns) and the Town. This provision clearly envisions the possibility the MOA can be legislatively amended, which, in staff's view, may include increasing the development potential and land use mix of any subarea.

While the Town Council cannot decline to hear a request for a site-specific rezone, Council has broad legislative authority to determine whether it is interested in considering non-site-specific Comprehensive Plan amendment proposals such as amendments to the MOA. If this is a proposal the Town Council believes, at least in concept, merits further consideration at this time, staff will advertise an application window to allow all interested parties, including the proponent of the MOA amendment, to submit applications for a 2019 docket. If the Town Council is not interested in considering the MOA amendment but believes that a Comprehensive Plan amendment window is appropriate at this time, staff will advertise for applications. If the latter, it would still be beneficial for the prospective applicant for the MOA amendment to understand whether this is a matter the Town Council is not interested in considering, as the filing fee for a Comprehensive Plan amendment, with environmental review, is $1,350. An indication of interest in reviewing the application does not represent what the final decision on the proposal may be.

Recommendation
Direct staff on whether an application window for non-site-specific Comprehensive Plan amendments in the current year is desired.

ATTACHMENT: Memorandum of Agreement between the Town of Coupeville and Cecil and Cheryl Stuurmans

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After recording return to:
Town of Coupeville
P.O. Box 725
Coupeville, WA 98239

Memorandum of Agreement

Grantor: Cecil Stuurmans and Cheryl K. Stuurmans, husband and wife
Grantee: Town of Coupeville, a municipal corporation
Legal Description: Sec. 33, Twp32 N, Rge. 1 E
Additional Legal Description is on Page 7 of Document
Assessor's Tax Parcel Number: R13233-164-3100

THIS AGREEMENT is made and entered into this 13th day of January, 2004, by and between the TOWN OF COUPEVILLE, a municipal corporation of the State of Washington, hereinafter referred to as the "TOWN" and Cecil Stuurmans and Cheryl K. Stuurmans hereinafter referred to collectively as the "OWNER."

Introduction

1.1 **Purpose** – Pursuant to Town Ordinance No. 637, adopted July 22, 2003, the Town deleted what was previously referred to Town Planned Area 3 and changed the future land use designation and zoning of Planned Area 3 and the 33.02 acres between Main and Broadway north of State Route 20, owned by Owner and described hereinafter, from Medium Density Residential to the future land uses and zoning described in this binding Memorandum of Agreement. The purpose of this Memorandum of Agreement (hereinafter "MOA") is:

1.1.1 to acknowledge the maximum future residential capacities, open space, land uses, and development policies within this Special Planning Area; and

1.1.2 to establish certain other agreements between the parties all consistent with Town Ordinance No. 637.

The hereinafter described property encompassed by the Special Planning Area is referred to as the "the Owner's Property" or "the Property" unless otherwise indicated. Because of the contribution that this area makes to the cultural landscape of Ebey's Landing National Historical Reserve and the area's proximity to existing and planned public facilities and services, this MOA uses smart growth planning to transfer 90% of the existing development

rights from culturally significant parts of the Property to denser subareas more geographically appropriate to meet Coupeville's long-term housing needs.

1.2 **Geographic Applicability** – The Special Planning Area is contained entirely within Island County parcel number R13233-164-3100, as described by the legal description attached to this MOA as Exhibit 1. Within the boundaries of this parcel, the MOA does not apply to that area in the southeastern corner with a Future Land Use Map designation of Commercial. The Special Planning Area and the excluded commercial area are further defined and illustrated on the Generalized Future Land Use Map attached to this MOA as Exhibit 2.

1.3 **Generalized Future Land Use Map** – The Generalized Future Land Use Map for the Special Planning Area establishes approximate boundaries for future land uses in this area within four broad categories – mixed density residential, mixed density residential/priority acquisition areas, mixed use residential and commercial and greenbelt/open space. Each of these designations is described below:

1.3.1 **Mixed Density Residential** – Four Special Planning Area subarea designations that promote a mix of residential densities, including single family, cottage and high density residential. A maximum of 69 dwelling units shall be built within this classification of future land use. In specific subareas, maximum numbers of dwelling units are established for a particular category of residential density. Future development will emphasize quality architecture, site design, and construction, as well as utilizing low impact development practices. These subareas correspond to Map Areas A, B, C, and D in Exhibit 2.

1.3.2 **Mixed Density Residential/Priority Acquisition Areas** – Two Special Planning Area subarea designations that promote a mix of residential densities, including single family, cottage and high density residential. A maximum of 26 dwelling units shall be built within this classification of future land use. Future development will emphasize quality architecture, site design, and construction, as well as utilizing low impact development practices. Maximum tree retention (with accommodation for water views) and careful placement of structures and site improvements are hallmarks for future development. In addition, because of their outstanding woodland character, these two subareas are considered to be first priority for potential acquisition by the Town for open space purposes. A development moratorium of two years following the Effective Date is established for these subareas (see below). These subareas correspond to Map Areas F and G in Exhibit 2.

1.3.3 **Mixed Use Residential and Commercial** – A Special Planning Area subarea designation that promotes a mix of residential and commercial uses within a design context aligned with the older character districts in the Historic Preservation Element. Mixed use occupancies (ground floor commercial with residential upper floors) are hallmarks of this subarea. A maximum of 13 dwelling units shall be built within this classification of future land use. Where this area coincides with existing woodlands, future development shall respect this environment and strive to maximize tree and native ground cover retention. This subarea corresponds to Map Area E in Exhibit 2.

1.3.4 **Greenbelt/Open Space** – A Future Land Use Map classification that is intended to identify existing public parks, recreation and open spaces within the Urban Growth Area. Within the Special Planning Area, this subarea designation identifies areas that will be dedicated in fee to the Town of Coupeville and maintained by the Town as open space

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following dedication. Allowances will be made by the Town within this designation to locate walking paths, stormwater facilities and one street connection between North Main Street and Broadway (no other streets will be located in these subareas). These subareas correspond to Map Areas H and I in Exhibit 2.

1.3.5 **Special Planning Area Subareas** – The subareas within the Special Planning Area are further described in the chart below. In total, nine subareas are delineated to establish the maximum number of dwelling units that shall be constructed within each subarea, up to an area-wide maximum of 108 dwelling units. The number of dwelling units allowed in any particular subarea shall not be transferred to any other subarea.

SPECIAL PLANNING AREA
Future Land Use Characterizations by Subarea
Refer to Exhibit 2 for Map Area Locations

Map Area	Acreage	Dwelling Units	Development Character Goals
A	2.61	12	These areas are designated for mixed density residential development to include single family residences, cottages and high density. Area A is intended for single family and high density development only, with no more than six being high density. Area B is intended for a mix of all three housing types, with no more than ten high density. Area C is intended for single family and cottage development only. Area D is intended for high density or cottage development only.
B	4.37	25	
C	2.80	12	
D	2.85	20	
Subtotal	12.63 (38%)	69	
E	1.97	13	This area is designated for mixed-use development - residential and commercial.
Subtotal	1.97 (6%)	13	
F	5.03	19	These areas are designated for mixed density residential use at overall single-family density. Up to half of the future dwelling units may be developed as cottage or high density.
G	1.56	7	
Subtotal	6.54 (20%)	26	
H	0.17	Open Space	These areas will be dedicated to the Town of Coupeville and maintained as open space by the Town following dedication, with the exceptions noted above.
I	11.71	Open Space	
Subtotal	11.88 (36%)	0	
TOTAL	33.02	108	The buildout maximum capacity of the Special Planning Area is established at 108 dwelling units.

1.3.6 **Map Interpretation** – The Generalized Future Land Use Map for the Special Planning Area adopted as Exhibit 2 to this MOA is intended to provide a framework for future development applications. Subarea boundaries and acreage totals shall be interpreted as close approximations, as opposed to precise geographical descriptions. Minor field adjustments may be necessary and desirable and will be addressed during future short and/or long plat reviews.

1.3.7 **Public Improvements** – The cost for all public improvements necessary to serve future development within the Special Planning Area, including, but not necessarily limited to, streets, water and sewer utilities and stormwater facilities, shall be borne by the Owner.

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1.3.8 **Relationship of MOA to Comprehensive Plan** – The Coupeville Comprehensive Plan Future Land Use Map has been amended to reflect adoption of the MOA. All future development applications within the Special Planning Area shall be consistent with the MOA. No application will be considered that is inconsistent with any part of the MOA.

1.3.9 **Relationship of the MOA to the Development Regulations** – All future development applications within the MOA coverage area are subject to applicable review procedures and requirements in effect at the time of application, including, but not limited to, subdivision review, SEPA review, concurrency review, design review and engineering review. The relationship between the housing type descriptions in the MOA and the implementing zoning district regulations in Title 16 of the Coupeville Town code are as follows:

1.3.9.1 Single family residential is implemented by the RM-9600 zoning district. Lot Size Averaging pursuant to Section 16.16.070.C.4 of the Town Code is allowed.

1.3.9.2 Cottage residential will be implemented by a new section of Title 16 to be developed and adopted within one year of the Effective Date of this MOA.

1.3.9.3 High density residential is implemented by the RH zoning district.

In the event of conflicts between the Coupeville Development Regulations and the provisions of this MOA, the MOA shall take precedent.

1.3.10 **Development Moratoria** – The following development moratoria are agreed with respect to specific subareas within the Special Planning Area:

1.3.10.1 It is agreed that the property owner will not submit and the Town will not accept a project development application of any kind within Areas F and G, the Priority Acquisition Areas, for a period of two years from the effective date of this MOA.

1.3.10.2 It is agreed that the property owner will not submit and the Town will not accept a project development application of any kind within Areas C, D and E for a period of one year from the effective date of this MOA.

1.4 **Design Considerations** – Excellence in site and architectural design is strongly encouraged in all of the development subareas. Retention of native land cover is preferred over formal landscaping, especially in areas abutting the public open space subareas. Development proposals within the subareas designated for residential development shall be subject to design review by the Design Review Board. Street design should reinforce the characteristic cross-section seen in the historic plats of Coupeville. Pedestrian emphasis, open swales rather than curb and gutter and native land cover preservation should be hallmarks of the public rights of way. Low impact development practices will be implemented in conjunction with future development.

1.5 **Open Space Dedication** – Within one year of the Effective Date of this MOA, the subareas shown on Exhibit 2 as Area H and Area I will be dedicated by the Owner to the Town of Coupeville by Statutory Warranty Deed, free of all encumbrances and liens other than those approved by the Town prior to recording of the Deed. The Town shall bear all costs associated with the survey, subdivision and recording of these dedications. Because of this dedication of open space, future subdivision applications within any of the subareas shall be exempt from the open space requirements of CTC 16.16.070(M).

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1.6 **Private Open Space and Recreational Amenities** – Except for open space dedicated to the Town under section 1.5 above, the responsibility for ownership and maintenance associated with any private open space set aside or private recreational amenity created within any of the Special Planning Area subareas shall rest solely with the property owners within the subarea where the facility is located, and not with the Town.

1.7 **Sequence of Future Development** – Apart from the moratoria described in subsection 1.3.10 above, nothing in this MOA shall require any order be followed with respect to subarea development, nor shall any interpretation be made that requires that any one subarea be developed to its maximum capacity before any other subarea is developed.

1.8 **Amending the MOA** – Amendments to the MOA shall only be considered as a Comprehensive Plan amendment, subject to the approval of both the Owner (or their successors and assigns) and the Town.

1.9 **Limitations** – This MOA establishes generalized locations and maximum densities for future residential development and open space land uses only. It shall not be construed as granting approval for any specific development application within any of the future land use subareas.

1.10 **Effective Date** – This document will be recorded with the Island County Auditor's Office and the provisions contained herein will run with the land. The effective date of this MOA shall be the date of recordation of the MOA ("Effective Date").

IN WITNESS WHEREOF, the parties have caused this agreement to be executed this 6 day of January, 2004

OWNERS:

Cecil Stuurmans

Cheryl K. Stuurmans

TOWN OF COUPEVILLE

Nancy Conard
Mayor

ATTEST:

Linda Marsh
Clerk-Treasurer

APPROVED AS TO FORM:

Town Attorney

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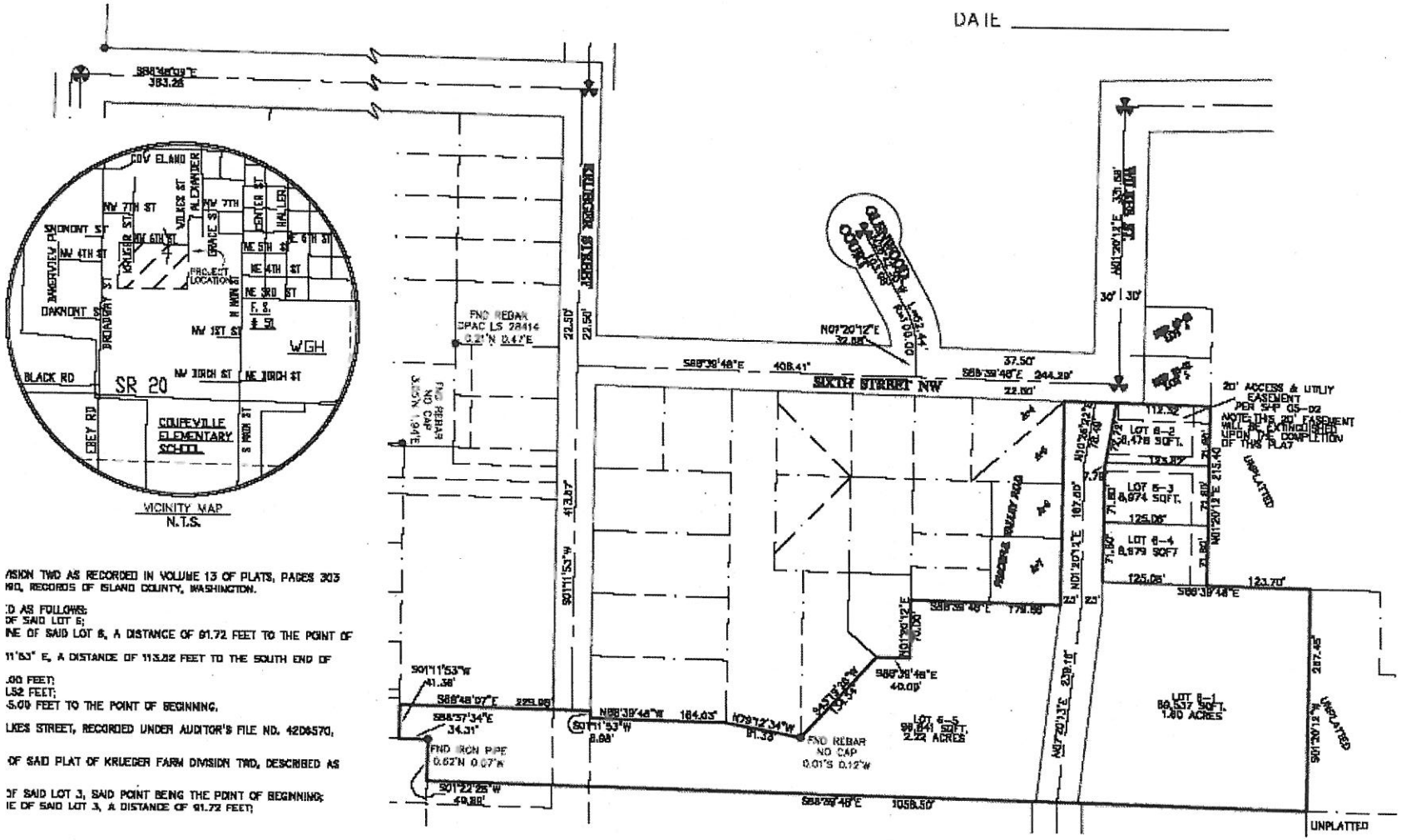

ISION TWO AS RECORDED IN VOLUME 13 OF PLATS, PAGES 303
ND, RECORDS OF ISLAND COUNTY, WASHINGTON.

ID AS FOLLOWS:
OF SAID LOT 6;
NE OF SAID LOT 6, A DISTANCE OF 91.72 FEET TO THE POINT OF

11'53" E, A DISTANCE OF 113.82 FEET TO THE SOUTH END OF

.00 FEET;
L52 FEET;
5.00 FEET TO THE POINT OF BEGINNING.

LKES STREET, RECORDED UNDER AUDITOR'S FILE NO. 4206570.

OF SAID PLAT OF KRUEGER FARM DIVISION TWO, DESCRIBED AS

OF SAID LOT 3, SAID POINT BEING THE POINT OF BEGINNING;
NE OF SAID LOT 3, A DISTANCE OF 91.72 FEET;

STATE OF WASHINGTON)
ss:
COUNTY OF ISLAND)

I certify that I know or have satisfactory evidence that Cecil Stuurmans and Cheryl K. Stuurmans are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes therein mentioned in this instrument.

Dated: 1-8, 2004.

B J BISHOP NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES DECEMBER 9, 2006

B.J. Bishop
Print Name: B.J. Bishop
Notary Public for the State of Washington
Residing at: Freeland
My Commission Expires: 12/9/2006

STATE OF WASHINGTON)
) ss.
COUNTY OF ISLAND)

I certify that I know or have satisfactory evidence that Nancy Conard and Linda Marsh signed this instrument, on oath stated that they were authorized to execute the instrument, and acknowledged it as the legal representatives of the Town of Coupeville to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 22 day of January, 2004.

JANICE E. VAUGHAN NOTARY PUBLIC STATE OF WASHINGTON Commission Expires APR. 20, 2004

Janice E. Vaughan
Print Name: Janice E Vaughan
Notary Public for the State of Washington
Residing at Coupeville
My commission expires: 4-20-04

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EXHIBIT "1"

Legal Description

A portion of the J. Alexander Donation Land Claim in Section 33, Township 32 North, Range 1 East of the Willamette Meridian, Town of Coupeville, Island County, Washington, being also a portion of Lot 2 of Coupeville Short Plat No. 85/1, as recorded in Volume 1 of Short Plats, page 337, and Tract D of Coupeville Short Plat 79/3, as recorded under Auditor's File No. 353585, records of Island County, said portion being more particularly described as follows: Beginning at the Southwest corner of said Lot 2; thence along the boundaries of said Lot 2; said Tract D; PEACEFUL VALLEY P.U.D. as recorded in Volume 13 of Plats, pages 64 and 65, under Auditor's File No. 89015354; Replat of PEACEFUL VALLEY, DIV. 1, as recorded in Volume 13 of Plats, page 75, under Auditor's File No. 91002995; PEACEFUL VALLEY P.U.D. REPLAT, as recorded in Volume 13 of Plats, page 79, under Auditor's File No. 92004951; and Plat of KRUEGER FARMS as recorded in Volume 13 of Plats, page 157, under Auditor's File No. 97003116; records of Island County, the following courses and distances:
North 02° 41' 48" West 175.42 feet; thence
North 09° 56' 11" West 50.99 feet; thence
North 01° 22' 26" East 77.74 feet; thence
South 88° 37' 47" East 200.00 feet; thence
North 01° 22' 26" East 544.14 feet; thence
North 88° 37' 34" West 200.00 feet; thence
North 01° 22' 26" East 220.00 feet; thence
South 88° 37' 34" East 175.00 feet; thence
North 01° 22' 26" East 245.00 feet; thence
North 88° 37' 34" West 34.33 feet; thence
North 01° 11' 53" East 351.93 feet; thence
South 88° 48' 07" East 60.00 feet; thence
North 01° 11' 53" East 125.00 feet; thence
South 88° 48' 07" East 125.00 feet; thence
South 01° 11' 53" West 322.05 feet; thence
South 88° 48' 07" East 45.00 feet; thence
South 01° 11' 53" West 122.50 feet; thence
South 88° 39' 48" East 164.03 feet; thence
South 79° 12' 26" East 91.33 feet; thence
North 43° 19' 26" East 134.54 feet; thence
South 88° 39' 48" East 40.00 feet; thence
North 01° 20' 12" East 70.00 feet; thence
South 88° 39' 48" East 180.00 feet; thence
North 01° 20' 12" East 245.00 feet; thence
South 88° 39' 48" East 95.00 feet; thence
North 01° 20' 12" East 118.86 feet; thence
South 88° 39' 48" East 80.00 feet; thence
South 01° 20' 12" West 334.26 feet; thence
South 88° 39' 48" East 123.71 feet; thence
South 01° 20' 12" West 483.45 feet; thence
North 88° 39' 48" West 15.55 feet; thence
South 01° 20' 12" West 500.00 feet; thence
North 88° 39' 48" West 4.00 feet; thence
South 01° 20' 12" West 300.00 feet; thence
North 88° 39' 48" West 2.00 feet; thence
South 01° 20' 12" West 94.00 feet; thence
North 88° 39' 48" West 54.71 feet; thence
South 01° 20' 12" West 152.19 feet to the North right-of-way margin of S.R. 20; thence
North 88° 38' 50" West along said North margin, a distance of 1,135.56 feet to the Point of Beginning.

EXCEPT that portion thereof described as follows:
Commencing at the Northwest corner of aforesaid Replat of PEACEFUL VALLEY, DIV. 1, according to the Replat thereof recorded in Volume 13 of Plats, page 75, under Auditor's File No. 91002995, records of Island County; thence along the North boundary of said Replat

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South 88° 39' 48" East 2.00 feet to the East boundary of aforesaid Tract D of Coupeville Short Plat No. 79/3; thence northerly along said East boundary the following courses and distances:
North 01° 20' 12" East 89.92 feet to the True Point of Beginning; thence continuing
North 01° 20' 12" East 210.08 feet; thence
South 88° 39' 48" East 4.00 feet; thence
North 01° 20' 12" East 55.00 feet; thence leaving said East boundary
North 88° 39' 48" West 167.50 feet; thence
South 01° 20' 12" West 265.08 feet; thence
South 88° 39' 48" East 163.50 feet to the True Point of Beginning.

ALSO EXCEPT that portion thereof described as follows:
Commencing at the Northwest corner of the Replat of PEACEFUL VALLEY, DIV. 1, according to the Replat thereof recorded in Volume 13 of Plats, page 75, under Auditor's File No. 91002995, records of Island County; thence along the North boundary of said Replat
South 88° 39' 48" East 2.00 feet to the East boundary of aforesaid Tract D of Coupeville Short Plat No. 79/3; thence northerly along said East boundary the following courses and distances:
North 01° 20' 12" East 300.00 feet; thence
South 88° 39' 48" East 4.00 feet; thence
North 01° 20' 12" East 55.00 feet to the True Point of Beginning; thence leaving said East boundary
North 88° 39' 48" West 167.50 feet; thence
North 01° 20' 12" East 60.00 feet; thence
South 88° 39' 48" East 167.50 feet to aforesaid East boundary; thence
South 01° 20' 12" West along said East boundary, a distance of 60.00 feet to the True Point of Beginning.

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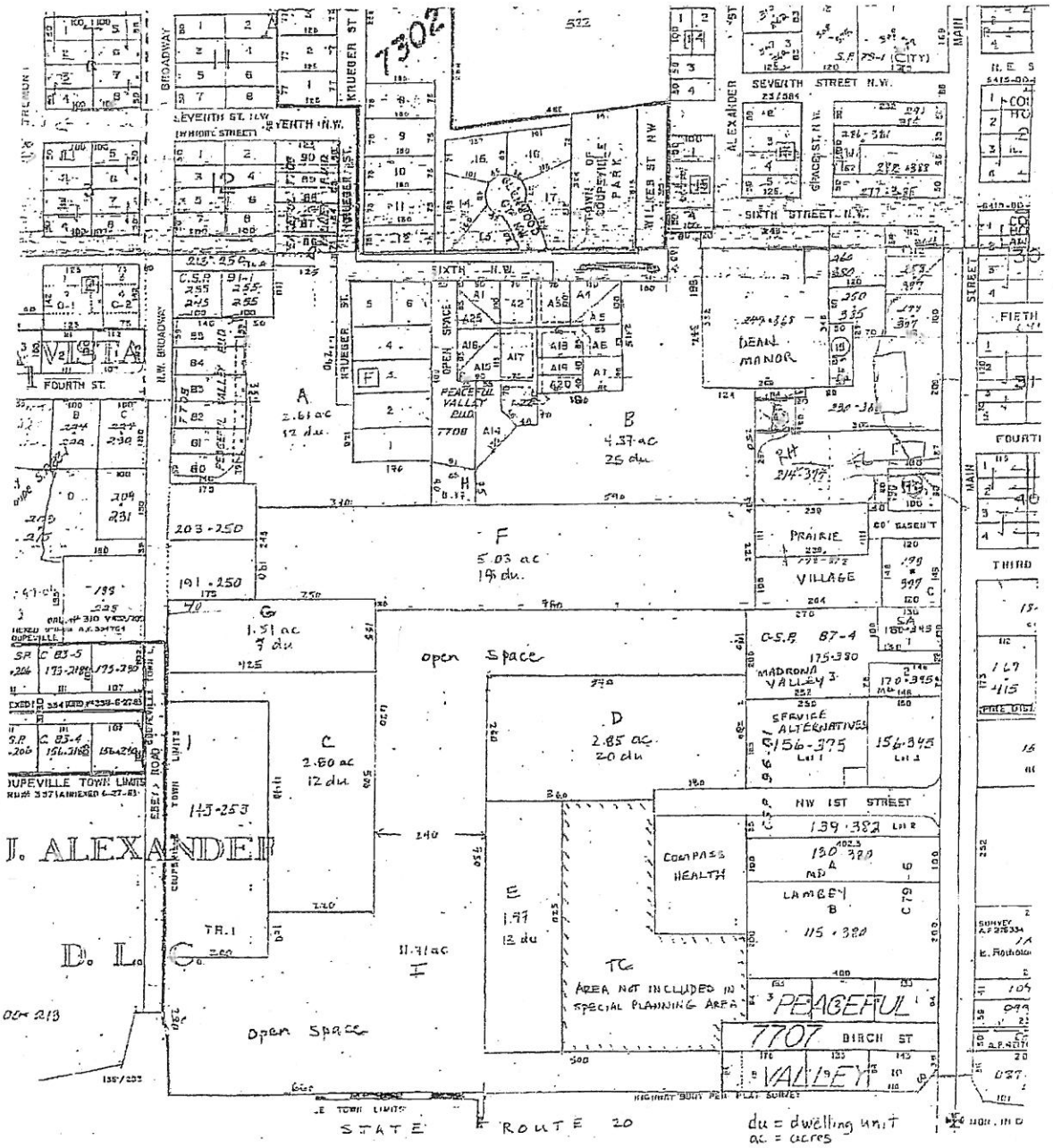
EXHIBIT "2"

Generalized Land Use Maps with Subareas

EXHIBIT 2



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STAFF REPORT

DATE: **June 1, 2019**

TO: **Mayor Hughes and Members of the Town Council**

FROM: **Owen Dennison, Town Planner**

RE: **Draft Ordinance 752 - Historic Preservation Commission Amendments**

The purpose of this agenda item is to brief the Town Council on proposed amendments to Section 16.13 060 of the Coupeville Town Code (CTC). The amendments are set forth in draft Ordinance 752, provided as an attachment to this staff report. A public hearing on these amendments is scheduled for the Town Council's June 25, 2019, agenda.

Chapter 16.13 CTC, entitled "Ebey's Landing National Historical Reserve Design Review and Community Design Standards" addresses all aspects of the design review and historic preservation process. CTC 16.13.060 establishes the Historic Preservation Commission (HPC), a citizen advisory group charged with reviewing development proposals for compliance with the Ebey's Landing National Historical Reserve Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The section addresses appointments to the HPC, its powers and duties, and rules of procedure. The current regulations were adopted in 2011 and have not been subsequently amended. The HPC has been active since 2012.

According to CTC 16.13.060, the HPC has nine members, four of whom are appointed by the Town, four by Island County, and one is a joint appointment. The primary impetus for the amendments is the inability to maintain appointments to more than seven positions on an ongoing basis. With nine positions, a quorum of five is required to conduct business. Within the past year, membership has been six or seven with five to seven in attendance at individual meetings.

As proposed by Town and County staff, the legislative action would reduce the membership of the HPC from nine to seven, which will reduce the number constituting a quorum from five to four. In staff's view, the proposed reduction will not impair the quality of decisions rendered by the HPC. In addition to the size of the HPC, proposed changes to CTC 16.13.060 include:

- Adding eligibility for non-resident owners of properties within the Reserve to serve;
- Amending the qualifications for appointments from requirements to preferences;
- Removal of provisions for the staggering the terms for the original appointments;
- Removal of the service limit of two consecutive terms; and
- Adding provisions addressing cause for member removal, for consistency with the County's adopted language.

As the County and the Town have adopted essentially the same code provisions, these amendments are undergoing concurrent review by Island County.

The Planning Commission reviewed the amendments in draft Ordinance 752 at its June 4, 2019, regular meeting and, based on the findings and conclusions in Attachment B, recommended adoption of the amendments as proposed.

As amendments to procedural provisions containing no substantive standard respecting use or modification of the environment, the Town's State Environmental Policy Act (SEPA) responsible official has determined the legislative proposal to be exempt from SEPA review. The amendments have undergone review by Washington State agencies and no issues were identified.

After applying the regulations in Chapter 16.13 CTC for seven years, staff has identified other provisions for which amendment may be appropriate to improve the process. As these provisions are less critical to the ongoing function of the HPC, they will be addressed under separate legislative proposals.

Recommendation
Direct staff on any preferred revisions to draft Ordinance 752.

ATTACHMENT:

A. Draft Ordinance 752
B. Planning Commission Findings of Fact

Town Council Review Draft – June 11, 2019
Planning Commission Review Draft – June 4, 2019

TOWN OF COUPEVILLE
Coupeville, Washington

ORDINANCE NO. 752

AN ORDINANCE OF THE TOWN OF COUPEVILLE, WASHINGTON, AMENDING SECTION 16.13.060 OF THE COUPEVILLE TOWN CODE RELATING TO THE NUMBER OF MEMBERS OF AND QUALIFICTIONS FOR MEMBERSHIP IN THE HISTORIC PRESERVATION COMMISSION; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Town of Coupeville has adopted a Historic Preservation Element within the Comprehensive Plan that promotes a cooperative program to protect and preserve the cultural landscape of Ebey's Landing National Historical Reserve; and

WHEREAS, through an inter-local agreement with Island County, the Town of Coupeville co-manages a design review and historic preservation process for Ebey's Landing National Historical Reserve; and

WHEREAS, Chapter 16.13 of the Coupeville Town Code (CTC) and Chapter 17.04A of the Island County Code (ICC) set forth the purpose, applicability, process, and criteria for design review and historic preservation within Ebey's Landing National Historical Reserve and establish a Historic Preservation Commission to hold public hearings and recommend certificates of appropriateness for development proposals that are found consistent with applicable adopted criteria; and

WHEREAS, CTC 16.13.060 provides that the Historic Preservation shall have nine members and sets forth certain qualifications for those members; and

WHEREAS, the Historic Preservation Commission has been constituted and active since 2012, during which time most original members have left and new members have been appointed by the Town and the County with input from the Ebey's Landing National Historical Reserve Trust Board; and

WHEREAS, it has proven difficult to maintain full membership and strict compliance with the qualifications for appointment; and

WHEREAS, the quorum of members necessary for the Historic Preservation Commission to conduct business is based on the total membership and has, at times, been difficult to achieve due to unfilled positions; and

WHEREAS, a membership of nine is determined to be unnecessary for the performance of the Historic Preservation Commission and a membership of seven is determined sufficient for the Commission's charge; and

WHEREAS, certain amendments are proposed to CTC 16.13.060 and, in parallel, to Chapter 17.04A ICC to provide greater flexibility in recruiting new members to the Historic Preservation Commission without diminishing the body's effectiveness; and

WHEREAS, pursuant to RCW 36.70A.106, the Town has notified the Washington State Department of Commerce of the Town's intent to adopt the proposed amendments to the development regulations in Title 16 CTC; and

WHEREAS, the Town Planner, acting as the Town's Responsible Official under the State Environmental Policy Act (SEPA), reviewed the proposed legislation and found it exempt from requirements for a threshold determination and environmental impact statement pursuant to Washington Administrative Code 197-11-800(19); and

WHEREAS, on June 4, 2019, the proposed amendments were reviewed by the Planning Commission, which made findings of fact and recommended the Town Council adopt the amendments as proposed; and

WHEREAS, on June 25, 2019, a duly advertised public hearing on the proposed amendments was held before the Town Council and all persons wishing to the heard were heard; and

WHEREAS, following the close of the public hearing, the Town Council reviewed the recommendations of the Planning Commission, public comments, and other documents and information in the public record relevant to proposal; and

WHEREAS, the Town Council finds that these amendments are consistent with the Comprehensive Plan, in the interest of the Town and of Ebey's Landing National Historical Reserve, and promote the general public welfare;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF COUPEVILLE, WASHINGTON:

Section 1. CTC Section 16.13.060 entitled "Ebey's Landing Historic Preservation Commission" is amended as follows:

16.13.060 - Ebey's Landing Historic Preservation Commission (HPC).

A. Creation and Size. The Town and County establish an Ebey's Reserve Historic Preservation Commission (((~~HPC~~))), consisting of seven((~~nine~~)) members. Members of the HPC shall be appointed by the Town of Coupeville and Island County as described below and shall be residents of or owners of property within the Reserve, except as provided for herein.

((~~Before the initial appointments, and w~~))When vacancies occur, applications will be invited through notices to local media. All applications must include a letter of interest and a resume or curriculum vitae.

B. HPC Appointments.

1. Three((~~Four~~)) members are appointed by the Board of Island County Commissioners((~~ one of these four appointments shall be based on the recommendation of the trust board~~));
2. Three((~~Four~~)) members are appointed by the Council of the Town of Coupeville((~~ one of these four appointments shall be based on the recommendation of the trust board~~)); and
3. One member is appointed jointly by the Board of Island County Commissioners and the Council of the Town of Coupeville, upon recommendation of the trust board.

C. Composition of HPC Members.

1. All members of the HPC should have a demonstrated interest, experience, or knowledge in history, historic preservation, architecture, design, landscape architecture, cultural landscapes, and/or related disciplines. All members must have a commitment to continuing education and training and possess qualities of impartiality and broad judgment.
2. Preference shall be given for ((T))two members ((~~shall~~))to be agricultural representatives (farmer, retired farmer or farm owner, or a person with an interest, education, or background in agriculture) in the Reserve.
3. Preference shall be given for ((T))two members ((~~shall~~))who own a contributing building or structure within the Reserve.
4. Preference shall be given for ((~~O~~))one member ((~~shall~~))who owns and operates a commercial business within the Reserve.
5. Preference shall be given for at((~~At~~)) least two members ((~~should be professionals~~))who have professional experience in identifying, evaluating, and protecting historic and cultural resources. ((~~These members should be selected from among the~~))Appropriate disciplines for these members include((~~of~~)) history, public history, architecture, architectural history, historic preservation, planning, cultural landscapes, archaeology, cultural geography, American studies, or the practice of historic rehabilitation or restoration. One of these professional representatives may live outside of Island County.
6. ((~~Ideally, the remaining members should reside in and/or own property within the Reserve.~~
7.))Exceptions to qualifications and residency requirements for HPC members may be granted by the appointing authority in order to obtain representatives who reside in the Reserve and/or have the desired professional experience.

D. Terms, Removal and Vacancies.

1. ((~~The initial a~~))Appointments to the HPC shall be ((~~staggered in accordance with the following:~~))for three years. The Town and County shall each appoint or reappoint a representative member each year.

~~a. Two members shall be appointed for one year.~~

~~b. Two members shall be appointed for two years.~~

~~c. Two members shall be appointed for three years.~~

~~d. Two members shall be appointed for four years.~~

~~e. One member, i.e., the jointly appointed member, shall be appointed for five years. Thereafter, the terms shall be for three years. The Town and County shall each appoint a representative member during each period.~~))

2. ((~~Following the initial appointment of members, membership on the HPC shall be limited to two full consecutive three-year terms. Reappointment after two full consecutive terms may be made after at least a one-year absence.~~

~~3.)~~)Vacancies occurring otherwise than through the expiration of terms shall be filled ((~~in the same manner as the original appointment~~)) for the unexpired term. Members may be removed by their respective governmental appointer for inefficiency, neglect of duty, or malfeasance in office. The members shall be selected without respect to political affiliations.

E. Powers and Duties. The major responsibilities of the HPC are to identify and actively encourage the conservation of the Reserve's historic and cultural resources by maintaining a register of historic places and to issue or make recommendations on the issuance of COA decisions, as described below. In carrying out these responsibilities, the HPC shall engage in the following:

1. Conduct design review and issue decisions or make recommendations on COA applications proposing alterations, new construction, demolition, or relocation of contributing structures, new development, and construction activities on or near historic resources, and other actions as required herein;
2. Work with the trust board and the National Park Service as partners, to maintain and periodically update a comprehensive inventory of historic resources within the boundaries of the Reserve;
3. Nominate additional properties based on established criteria;
4. Act as the local review board for special tax valuation (within the geographic extent of Ebey's Landing only), pursuant to RCW Chapter 84.26 and WAC Chapter 254.20, for purposes of eligibility for loans, grants, and other incentives administered by the Town or County;
5. When requested by the Town or County, provide comments on applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to historic resources (including buildings, structures, sites, and landscapes) and/or adjacent property;
6. Provide comments to Town or County staff should a compliance issue be observed regarding the Reserve's historical regulations to enable appropriate monitoring and enforcement;
7. Recommend amendments to the guidelines to the Planning Directors of the Town and County; and
8. Participate in training opportunities provided to the HPC.

F. Compensation. All members shall serve without compensation.

G. Rules and Officers.

1. The HPC shall establish and adopt its rules and procedures consistent with this section and other applicable local, state and/or federal law.

DRAFT

2. The HPC shall select from among its membership a chairperson and vice-chair to conduct the HPC meetings.
3. A quorum of the HPC must be present to conduct business. A quorum shall consist of a majority of the entire membership of the HPC.

H. HPC Staff. Staff assistance shall be provided by the partners with additional assistance and information to be provided by other county or town departments as may be necessary to aid the HPC in carrying out its duties and responsibilities.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such a decision shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the Town, and shall be in full force and effect immediately upon publication.

ADOPTED by the Town Council and **APPROVED** by the Mayor this _____ day of _____ 2019.

TOWN OF COUPEVILLE

By _____
Molly Hughes, Mayor

ATTEST:

By _____
Kelly Beech, Clerk-Treasurer

APPROVED AS TO FORM:

By _____
Grant Weed, Town Attorney

Date of Publication: _____

DRAFT

Draft Ordinance 752
Planning Commission Findings of Fact, Conclusions, and Recommendation

Findings:

1. The Town of Coupeville has adopted a Historic Preservation Element within the Comprehensive Plan that promotes a cooperative program to protect and preserve the cultural landscape of Ebey's Landing National Historical Reserve.
2. By inter-local agreement, the Town of Coupeville co-manages a design review and historic preservation process for Ebey's Landing National Historical Reserve with Island County.
3. Chapter 16.13 of the Coupeville Town Code (CTC) and Chapter 17.04A of the Island County Code (ICC set forth the purpose, applicability, process, and criteria for design review and historic preservation within Ebey's Landing National Historical Reserve and establish a Historic Preservation Commission to hold public hearings and recommend certificates of appropriateness for development proposals that are found consistent with applicable adopted criteria.
4. Chapter 16.13 CTC establishes that the Historic Preservation shall have nine members and sets forth certain qualifications for those members.
5. The Historic Preservation Commission has been constituted and active since 2012, during which time most original members have left and new members have been appointed by the Town and the County with input from the Ebey's Landing National Historical Reserve Trust Board.
6. It has proven difficult to maintain full membership and strict compliance with the qualifications for appointment.
7. The quorum of members necessary for the Historic Preservation Commission to conduct business is based on the total membership and has, at times, been difficult to achieve due to unfilled positions.
8. A membership of nine is determined to be unnecessary for the performance of the Historic Preservation Commission and a membership of seven is determined sufficient for the Commission's charge.
9. Certain amendments are proposed to Chapter 16.13 CTC and, in parallel, to Chapter 17.04A ICC to provide greater flexibility in recruiting new members to the Historic Preservation Commission without diminishing the body's effectiveness.
10. Pursuant to RCW 36.70A.106, notice of the Town's intent to adopt the proposed amendments to the development regulations in Title 16 CTC was provided to the Washington State Department of Commerce and no issues were raised by State agencies.
11. The Town Planner, acting as the Town's Responsible Official under the State Environmental Policy Act (SEPA), reviewed the proposed legislation and found it exempt from requirements for a threshold determination and environmental impact statement pursuant to Washington Administrative Code 197-11-800(19).

Conclusions:
The Planning Commission concludes that the amendments proposed in draft Ordinance 752 are consistent with the Comprehensive Plan, in the interest of the Town and of Ebey's Landing National Historical Reserve, and promote the general public welfare.

Planning Commission Recommendation:
The Planning Commission recommends the Town Council adopt Ordinance 752 to amend the number of members and qualifications for appointment to the Historic Preservation Commission.