



TOWN OF COUPEVILLE

4 NE SEVENTH STREET □ COUPEVILLE, WASHINGTON 98239 □ TEL (360) 678-4461

TOWN PLANNER STAFF REPORT TO THE HEARING EXAMINER

File number: SDP 103-19 **Project name:** Coupeville Cash Store Improvements

Property owner

Salty Vons, LLC
P.O. Box 549
Coupeville, WA 98239

Applicant

Barbara and Von Summers
P.O. Box 549
Coupeville, WA 98239
(360) 539-1641

**Hearing date, time,
and venue:**

May 8, 2020, at 1:00 PM

In compliance with the Governor's "Stay Home, Stay Healthy" order regarding the COVID-19 pandemic, the public hearing will be conducted as a virtual (electronic) public hearing. Information necessary for virtual attendance by interested parties will be published in advance of the hearing.

Request:

A shoreline substantial development permit to modify the exterior of the Coupeville Cash Store, a partially-overwater structure listed in the National Register of Historic Places as a contributing historic resource within the Central Whidbey Island Historic District. The proposal includes the restoration, relocation, and/or replacement of exterior features consistent with the Secretary of the Interior's Standards for Rehabilitation. New exterior walkways are proposed on the east and north façades.

Staff recommendation:

Staff recommends granting of shoreline substantial development permit SDP 103-19 subject to conditions.

Date of report:

April 30, 2020

Application complete:

March 11, 2020

Location:

The site is in the northeast quarter of Section 33, Township 32, Range 1E on Island County tax Parcel R13233-410-3750, addressed as 12 NW Front Street, Coupeville, WA.

Property size:

4,522 square feet

Land use designation:

Historic/Limited Commercial

Zoning:

Historic/Limited Commercial

Shoreline environment:

Historic Urban (upland portion)
Urban Aquatic (aquatic portion)

Staff report author:

Owen Dennison, Town Planner

Attachment:

Relevant Comprehensive Plan Goals and Policies

A. Exhibits

- 1 Shoreline Substantial Development Permit application
- 2 Applicant Narrative including building elevations and sections
- 3 Revised building elevations
- 4 Site plan
- 5 Mailing labels
- 6 SEPA checklist
- 7 Notice of complete application
- 8 Cultural resources consultation request
- 9 Comment email – Department of Archaeology and Historic Preservation
- 10 Comment email – Department of Ecology
- 11 Determination of Nonsignificance
- 12 Certificate of Appropriateness
- 13 Affidavit of Publication (Notice of Application/Optional SEPA DNS)
- 14 Notice of Hearing, as published April 25, 2020, in the Whidbey News Times
- 15 Affidavit of Mailing and Posting (Notice of Application/Optional SEPA DNS)
- 16 Affidavit of Mailing and Posting (Notice of Hearing)

B. Authority

In 2018, the Town Council adopted Ordinance 741, which established a new office of the Hearing Examiner in the Coupeville Town Code. Per CTC 2.52.090, the Hearing Examiner is vested with the duty and authority to hold public hearings and render decisions on certain matters, including shoreline substantial development permits. CTC 2.52.140 states, “Any and all provisions of town code and all provisions of the rules of procedure adopted by the examiner that are in conflict with this chapter are superseded.”

Procedures for review of shoreline substantial development permits in the administrative provisions in Chapter 16.06 CTC identify the Planning Commission as responsible to hold public hearings and the Town Council to issue decisions. Thus, the authority for hearing and decision in Chapter 2.52 CTC conflicts with Chapters 16.06 CTC. As CTC 2.52.140 states that Chapter 2.52 CTC supersedes all conflicting provisions within the Coupeville Town Code, the Hearing Examiner is determined to have authority to hold the public hearing for and decide the current shoreline substantial development permit application.

C. Applicable Development Regulations

The following provisions of the Coupeville Town Code (CTC) have particular relevance to this proposal. The entire CTC is incorporated herein by reference.

Title 2 CTC regulations

Chapter 2.52 CTC, Hearing Examiner

Title 16 CTC regulations

Chapter 16.04 CTC, General Provisions and Definitions

Chapter 16.06. CTC, Administration

Chapter 16.08 CTC, Zoning Districts

Chapter 16.13 CTC, Ebey's Landing National Historical Reserve design Review and
Community Design Standards

Chapter 16.30 CTC, Shoreline Master Program

D. Project site, proposed project, and basis of the request

Applicants Barbara and Von Summers recently purchased the Coupeville Cash Store, a contributing resource to the Central Whidbey Island Historic District and the coterminous Ebey's Landing National Historical Reserve. The 1886 building contains three levels, including one floor above and one floor below street level and extends from the upland across a portion of tideland. Use of the building includes commercial uses at the street level and on the lower floor and residential uses on the upper floor. According to the application, no change of use is proposed.

The Summers propose to rehabilitate the building through the following actions:

- Repair and/or replace and repaint historic wood siding;
- Relocate electric meters from the west to the east sides of the building;
- Restore historic windows;
- Replace, modify, and/or relocate non-historic windows and doors consistent with the building's historic character;
- Reconstruct a former deck at the upper floor on the north façade; and
- Revise exterior stairs and walkways on the east façade using existing footings, including creating access to a new external door on the lower floor.

The site is within the 200-foot shoreline jurisdiction and therefore subject to the Washington State Shoreline Management Act (Chapter 90.58 RCW) and the Town's Shoreline Master Program. The policies and regulations of the Shoreline Master Program are codified in Chapter 16.30 CTC. The application is consistent with the definition of "development" and "substantial development" in RCW 90.58.030(3). While certain elements of the proposal are interpreted to be consistent with the "normal maintenance or repair of existing structures or developments" and eligible for exemption from the substantial development permit process in WAC 173-27-040(2)(b) and CTC 16.30.090, other components, such as the deck additions and modifications are not. Therefore, a shoreline substantial development permit is required. (Exhibits 1, 2, 3, & 4)

E. Land use context

The site is designated Historic/Limited Commercial on the Comprehensive Plan Land Use Map. For the purposes of land use regulation, the same area is zoned HLC, which implements the Historic/Limited Commercial land use designation. The intent of the Historic/Limited Commercial designation is described in Comprehensive Plan Policy LU 2.2, which states, in part, "This designation provides for a range of commercial, residential and water-oriented development which is appropriate in scale and character within historic downtown Coupeville." Comprehensive Plan goals and policies identified by staff as having potential applicability to the

proposal are provided as an attachment to this staff report.

Surrounding land uses south, east, and west of the site are commercial or mixed-use commercial and residential. Penn Cove is to the north.

F. Public and agency notice and comment

A combined notice of application and State Environmental Policy Act (SEPA) notice of optional determination of nonsignificance (DNS) was published in the Whidbey News-Times on March 18, 2020; issued to SEPA agencies on March 17, 2020; mailed to property owners within 300 feet of the site on March 17, 2020; and posted on the site on March 12, 2020.

A letter requesting cultural resources consultation was emailed to affected tribes, the Washington State Department of Archaeology and Historic Preservation (DAHP), and Ebey's Landing National Historical Reserve staff on March 13, 2020.

Emailed comments from Stephanie Jolivette of the Washington State Department of Archaeology and Historic Preservation was received March 16, 2020. Primary comment included a recommendation that the applicant adhere to an inadvertent discovery plan. While the application materials indicate that no earth disturbance is proposed, recommended conditions of approval include a requirement to maintain on the site and follow the Town's Inadvertent Discovery Plan.

Emailed comments were received from Paul Marczin of the Washington State Department of Fish and Wildlife (WDFW) were received March 26, 2020. Mr. Marczin noted that a Hydraulic Project Approval (HPA) will be required through his agency for any work below the ordinary high water mark and possibly landward. (Exhibits 8, 9, 10, 13 & 15)

G. Environmental review under the State Environmental Policy Act (SEPA)

WAC 197-11-800(3) exempts the repair, remodeling, maintenances or minor alteration of existing private or public structures involving no material expansions or changes in use beyond that previously existing from a threshold determination or environmental impact statement requirements, except where such installation occurs on lands covered by water. Over water, SEPA exemptions are limited to minor repair or replacement of structures. As new overwater decks are proposed, the Town's SEPA Official determined that a SEPA threshold determination was required.

A notice of optional determination of nonsignificance (DNS) was issued March 18, 2020, with a fifteen-day comment period. Agency comments from WDFW and DAHP were received. A DNS was issued April 15, 2020. Under the optional DNS process, no comment period is required following issuance of the threshold determination. No appeal of the DNS has been received to date. (Exhibits 6, 9, 10, 11, 13 & 15)

H. Design review

The Town of Coupeville, in partnership with Island County, requires design review for alterations to designated historic structures within Ebey's Landing National Historical Reserve (the Reserve). The certification of consistency with the Reserve Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation is a certificate of appropriateness.

The Coupeville Cash Store is listed in Appendix 2 to Chapter 16.13 CTC as a contributing historic resource within the Reserve. Consistent with the requirements of Chapter 16.13 CTC, the proposal was originally reviewed by the Historic Preservation Commission in a public meeting on August 22, 2019. Following public comment, the Historic Preservation Commission recommended a certificate of appropriateness for the proposal, subject to certain conditions to ensure consistency with the Secretary. As the design evolved, the proposal was reviewed by the Historic Preservation Commission again on November 20, 2019, and December 12, 2019. Following the last review, a certificate of appropriateness was issued with conditions as shown in Exhibit 12.

Pursuant to CTC 16.13.080(B)(3), conditions of approval for the certificate of appropriateness are recommended conditions to the substantial development permit.

I. Archaeological review

Among the areas of emphasis of the Shoreline Management Act and its requirements for local shoreline master programs is protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or education values. The Town's Shoreline Master Program includes a requirement for a cultural site assessment for shoreline applications within 500 feet of a site known to contain a historic, cultural, or archaeological resource. The subject site is within 500 feet of an identified archaeological resource.

The original design proposed two new footings to be placed on the beach on the east side of the building to support a proposed staircase near the northeast corner. As the footings would have required excavation, the applicants engaged Cascadia Archaeology to conduct an archaeological assessment of the area of the footings. After a review of documents and field investigations, the archaeologist concluded there was minimal likelihood of encountering archaeological materials and recommended the project be allowed to proceed with no further archaeological assessment.

Subsequently, the applicants modified the proposal to remove the necessity of placing new footings on the beach. Therefore, the archaeological study is not included in the exhibits referenced in this staff report. No excavation is proposed as part of this application. If the proposal is modified so that excavation of the upland is necessary, a recommended condition of approval would require a new archaeological investigation.

CTC 16.30.330(F)(9) requires that any shoreline permits and shoreline exemptions include a provision that if, during excavation or site development, any area of potential archaeological significance is uncovered, all activity in the immediate area of the site shall be stopped and the shoreline administrator notified immediately. Activities authorized by the permit shall be delayed until the shoreline administrator receives notice that the find has been managed consistent with governing law. Consistent with the DAHP comments, staff recommends a condition of approval to require the work stoppage as noted above and compliance with the Inadvertent Discovery Plan be required. (Exhibits 8 & 9)

J. Consistency with the Shoreline Management Act and the Town's Shoreline Master Program

Shorelines of statewide significance (CTC 16.30.140)

The shorelines of Penn Cove waterward of the line of extreme low tide are designated by Washington State as shorelines of statewide significance. The Shoreline Management Act gives special preference for shoreline uses that further certain policy criteria, as set forth in RCW 90.58.020. These criteria are expanded and incorporated into the Shoreline Master Program as the policies governing the use of shorelines of statewide significance in CTC 16.30.140.

No survey of extreme low tide was provided with the application materials. Evidence suggests the waterward building façade is closer to the higher high tide line than the extreme low water line and is very unlikely to be waterward of the extreme low water line. However, proposal appears to be consistent with the policies applicable to shorelines of statewide significance.

As evaluated by staff, the proposal will not advance local interests at the expense of statewide interests; it will not threaten the natural character of shorelines of statewide significance or change the current use of the site or the shoreline; natural conditions, natural resources, and natural systems will not be impaired; the visual impact to the historic waterfront will be positive; no additional areas will be developed; and public access and recreational opportunities on the shoreline will be preserved. If applicable, the proposal is, in staff's view, consistent with the policy intent for shorelines of statewide significance.

Historic Urban shoreline environment (CTC 16.30.280)

The Shoreline Master Program designates the site as a Historic Urban environment, in part, and an Urban Aquatic environment, in part. The purpose of the Historic Urban environment is:

“to ensure full use of an already urbanized historic shoreline by providing for and maintaining a variety of uses consistent with the existing scale and the Town’s adopted land use plan, particularly those that are water-dependent, water-related, or water-enjoyment. Furthermore, the historic urban environment designation’s purpose is to protect historic resources, provide for continued commercial uses that are consistent with the historic character of the area, including those that are not water oriented, while protecting the existing ecological functions, restoring ecological functions in areas that have been previously degraded, and enhancing public access to the shoreline.”

Management policies directing the use and development of the Historic Urban environment are in CTC 16.30.280(C). Of these, the following appear to have applicability to the proposal.

- 2) Protect the historic development of the waterfront while minimizing the impact to environmentally sensitive areas and natural shoreline processes.

Staff comment: The Historic Preservation Commission determined that the proposal will not have adverse impacts to historic resources. The proposed building modifications are not anticipated to adversely affect environmentally sensitive areas or natural shoreline processes.

New overwater structures include the deck proposed on north façade at the upper floor. Shading or other impacts to the tidelands are anticipated to be minimal due to its minimal projection from the building face and the distance from the water. New decking on the east side will be located within a narrow and shaded space between the subject building and the

building to the east and will extend only marginally farther than the existing decking. The proposed new stair and deck access to a new lower floor door on the east side will, however, be closer to the beach level than existing decking. Due to the confined space in which it will be located, additional shade impacts are anticipated to be minimal. WDFW comments noted that the HPA may include a condition of approval to provide grating for overwater decking to reduce potential shading impacts.

3) Accommodate the functional reuse of historic structures.

Staff comment: The proposal will continue and preserve the active use of the Coupeville Cash Store.

4) Ensure that the impacts associated with the continued use of historic structures on the shoreline results in no net loss of ecological functions.

Staff comment: The proposal involves minor new projections from the building and is not anticipated to result in a loss of ecological function. Commitments contained in the applicants' narrative (Exhibit 2) and the recommended conditions of approval are anticipated to adequately mitigate potential impacts to the sensitive intertidal habitat during construction activities.

5) Development and redevelopment support and reinforce the design and architectural qualities of Ebey's Landing National Historical Reserve.

Staff comment: As discussed above under Design Review, the Ebey's Landing Historic Preservation Commission reviewed the building and site plans on several occasions and determined the proposal consistent with the Reserve Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation as conditioned.

8) Public physical and visual access to the local shoreline shall be considered wherever possible. New and expanded development should be designed to consider opportunities for public access.

Staff comment: Public physical and visual access to the shoreline will not be adversely affected by the proposal.

Urban Aquatic shoreline environment (CTC 16.30.310)

The purpose of the Urban Aquatic environment is:

“to protect the quality and quantity of surface water and system-wide ecological functions, to preserve, where appropriate, water areas for water-dependent uses such as navigation and recreation, and to preserve natural features and resources of Penn Cove from degradation. With the exception of the Port of Coupeville's recreational pier, general public access for recreational purposes, and the potential future construction of a marina and passenger ferry service by the Port, the Town has determined that its shoreline is not appropriate for general water-dependent uses. The development pattern of Coupeville's historic downtown was oriented along the shoreline towards Front Street and extending over water into Penn Cove. Projects north of Front Street, between Alexander and North Main Streets, may include overwater components that are compatible with associated permitted or existing historic urban development.”

Management policies directing the use and development of the Urban Aquatic environment are in CTC 16.30.300(C). Of these, only the following policy appears to have applicability to the

proposal.

- 2.a) Existing overwater historic structures in the urban aquatic environment [including the subject building] may contain those uses allowed under the town comprehensive plan and zoning ordinance, as permitted uses under the master program. These include retail sales and service, professional offices, restaurants, personal services, transient commercial residential, residential as an accessory use, marine-related sales and service, moorage facilities operated by the Port, marine repair and sales; and marine fueling station operated by the Port.

Staff comment: No change to the existing use of the site is proposed. However, all existing known uses within the building are consistent with the uses allowed in the Historic/Limited Commercial zone.

- 4) Permit minor expansions of existing historic overwater structures when such provides public access, facilitates environmental restoration, or is needed to meeting building safety codes.

Staff comment: While minor new exterior decking is proposed as part of the package of improvements to the building, staff does not regard this as a material expansion of the building. Public visual access to the shoreline is currently provided by the stairs and deck on the west side of the building. The exterior decking will improve the historic appearance of the building but will not facilitate environmental restoration and is not required to meet building safety codes.

- 5) All shoreline and overwater development should be designed and constructed:
- a) In a manner appropriate to the site and vicinity;
 - b) To minimize adverse effects on the land and water environments;
 - c) To protect ecosystem wide functions and ensure no net loss of system wide ecological functions.

Staff comment: The proposal has been determined to be consistent with the historic character of the site and setting. No significant adverse impacts to land or water environments and no net loss of ecological functions are anticipated.

Shoreline use policies (CTC 16.30.160)

The following shoreline use policies have general applicability to the proposal.

- 1) As most of the factors which create the unique character of the Town depend upon the type of development that occurs within the local shoreline, preservation of Coupeville's uniqueness requires that all such development be essentially consistent with the pattern, scale, and character of existing development within the local shoreline and its adjacent land areas. Evaluation of proposed development shall include consideration of the impact upon the Town's character defining features when viewed from the water, as well as from the land. Uses which protect the potential long-term benefits to the public against compromise for reasons of short-term economic gain or convenience should be fostered.

Staff comment: The proposal will not adversely affect the character-defining features of the town. No compromise of short-term gain or convenience over long-term public benefit is anticipated.

- 2) Allow nonwater-oriented uses within existing historic overwater structures in the historic urban and urban aquatic environments as a means of promoting preservation/rehabilitation of historic buildings and revitalization of the Town as a whole.

Staff comment: The proposal furthers the intent of the policy.

- 4) Allow uses that are consistent with the Town's comprehensive plan within the historic urban environment upland of ordinary high water. Allow restoration and minor expansions of existing historic structures, as a means of maintaining the economic base of the Town and fostering preservation/rehabilitation of historic structures and revitalization of the district as a whole.

Staff comment: The proposal is to restore and rehabilitate a historic building.

- 7) All activities, development, and redevelopment should be located, designed and operated to ensure public safety, enhance public access, and achieve no net loss of shoreline ecological function.

Staff comment: No adverse impacts to public safety or public access is anticipated to occur as a result of the proposal. No loss of shoreline ecological function is anticipated.

- 9) All known, available and reasonable methods of prevention, control and treatment are required for all developments and redevelopments to prevent, control, or abate the pollutants associated with any discharge. This requirement applies to both point and nonpoint sources of pollution.

Staff comment: No increase in the potential for pollutant discharge is anticipated to result.

Economic development policies (CTC 16.30.170)

The following economic development policies have general applicability to the proposal.

- 2) Continued use of existing, overwater historic structures for most uses allowed under the town comprehensive plan and zoning ordinance is allowed under the master program as a means of promoting preservation/rehabilitation of the historic buildings and revitalization of the Town as a whole.

Staff comment: The proposal furthers the intent of the policy to promote preservation/rehabilitation of a historic building.

- 3) New and rehabilitated structures within the historic urban and urban aquatic shoreline should be designed consistent with the pattern, scale, and character of existing development and be consistent with the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings.

Staff comment: The proposal will not change the scale and will not adversely affect the character of the existing building. Through multiple reviews, the proposal has been determined consistent with the Secretary of the Interior's Standards for Rehabilitation.

Public access and public shoreline views policies (CTC 16.30.180)

The proposal will not improve or detract from public access to and public views of the shoreline.

Recreation policies (CTC 16.30.200)

The proposal will not improve or detract from public recreational opportunities along the shoreline.

Conservation policies (CTC 16.30.210)

The conservation policies are generally inapplicable to the proposal. However, Policy 6 states,

“While the renovation and restoration of existing historic overwater structures is encouraged, it should be accomplished with a reduction in existing environmental impacts.” The proposal will reduce adverse aesthetic impacts related to some ill-considered improvements made to the building over the decades and will reverse the decline of the building structure through repair and maintenance efforts.

Historic and cultural preservation policies (CTC 16.30.220)

- 2) Protect the historic resources of the Town while minimizing the impact to critical areas and natural shoreline processes.

Staff comment: The proposal appears to further the policy.

- 3) Accommodate the functional re-use of historic structures.

Staff comment: The building is in functional reuse. Functional reuse is encouraged to promote investment in historic structures, which is the intent of the proposal.

- 4) Ensure that the impacts associated with the continued use or restoration of historic structures on the shoreline results in no net loss of ecological functions.

Staff comment: No significant adverse impacts related to the ongoing use of the building are known. Restoration of the structure is not anticipated to result in a loss of ecological function.

- 6) All shoreline permits shall contain a provision requiring all activity in the immediate area of the site to stop and the shoreline administrator notified immediately if, during excavation or site development, any area of potential archaeological significance is uncovered. Activities authorized by the permit shall be delayed until the shoreline administrator receives notice that the find has been managed consistent with governing law.

Staff comment: This provision is among the recommended conditions of approval.

- 7) Encourage the rehabilitation, renovation, and adaptive reuse of existing historic buildings, including those over water, in order to contribute to the vitality of the historic waterfront and preserve it for posterity.

Staff comment: The proposal is to rehabilitate and renovate a historic building.

- 8) Development and redevelopment with historic sites should be subject to the approval of the design review board, which must consider such actions consistent with the Secretary of the Interior’s Standards for Rehabilitation.

Staff comment: While the design review board has been replaced with the Historic Preservation Commission, the latter has certified the proposed improvements as consistent with the Secretary of the Interior’s Standards, subject to conditions.

- 10) When applying for a development permit, developers shall provide for a site inspection and a report by a professional archaeologist if the proposed development is in areas indicated on maps maintained by the Town or Washington State Department of Archaeological and Historic Preservation (DAHP) to be archaeologically significant.

Staff comment: The site is within an area considered to have a high probability of cultural resources. However, no excavation is proposed. If ground disturbance is necessary, recommended conditions of approval will require that a cultural resources site assessment be conducted.

Environmental protection policies (CTC 16.30.240)

- 1) The adverse impacts of shoreline developments and activities on the natural environment should be minimized during all phases of development (e.g., design, construction, operation, and management).

Staff comment: Mitigation commitments included in the proposal are anticipated to adequately address potential construction-related impacts to the natural environment. As no change of use is proposed, operational impacts are not anticipated to increase and no ongoing impacts related to the current operation of the building are identified.

- 3) Protect critical saltwater habitats in recognition of their importance to the marine ecosystem of the Town and the State of Washington. These habitats provide critical reproduction, rearing and migratory nursery areas for valuable recreational and commercial species. They provide habitat for many marine plants, fish and animals.

Staff comment: Construction-phase mitigation commitments and the limited footprint of the proposed work on the intertidal area are anticipated to adequately protect the marine ecosystem from damage related to the proposal.

- 5) All shoreline and overwater development and use activities, including construction of commercial, residential and recreational uses, should be required to use all available and practical methods to minimize erosion, siltation and interference with natural water and sand circulation.

Staff comment: The proposal is to modify the building rather than the site. Construction will be monitored for signs of erosion and siltation. No interference with natural water or sand circulation is anticipated to occur as a result of the proposal.

Frequently flooded areas policies (CTC 16.30.250)

The shoreline is designated as an area of special flood hazard on Federal Emergency Management Agency flood insurance rate maps. The proposal will be reviewed for compliance with building code provisions related to flood hazards as well as the Flood Damage Prevention regulations in Chapter 16.45 CTC.

Critical areas policies (CTC 16.30.260)

- 1) Protect unique, rare, and fragile environments, including wetlands and fish and wildlife habitats conservation areas from impacts associated with development.

Staff comment: The tidelands underlying and adjacent to the building are designated fish and wildlife habitat conservation area in Chapter 16.34 CTC. The applicant proposes construction-phase measures to minimize the potential for adverse impacts to the surrounding intertidal habitat.

The upper beach along the Town's shoreline is mapped by the Washington State Department of Natural Resources as a smelt spawning habitat. To avoid impacts to smelt roe, staff recommends a condition of approval to require a forage fish survey prior to work on or over tidelands if recommended by WDFW.

Use Policies and Regulations

General regulations (CTC 16.30.330)

A. Environmental Protection

- 1) All uses and developments within the local shoreline shall be located, designed and

constructed to avoid disturbance of and detrimental effects on aquatic habitats, water circulation and erosion-accretion processes.

Staff comment: The proposal and recommended conditions of approval contain measures to avoid disturbance and detrimental effects on aquatic habitats. No impacts to water circulation or erosion-accretion processes are anticipated to occur as a result of the proposal.

- 2) All shoreline development and activity shall be located, designed, constructed, and managed in a manner that avoids, minimizes and/or mitigates adverse impacts to the environment. The preferred mitigation sequence (avoid, minimize, rectify, reduce, or compensate for the environmental impact) shall follow that listed in WAC 173-26-0201(2)(e), see also definition of "mitigation," listed in this master program).

Staff comment: As proposed and conditioned, the project will avoid adverse impacts.

- 11) All uses and developments within the local shoreline shall use effective best management practices for control of erosion during construction and operation.

Staff comment: Erosion is not anticipated to occur as a result of the activities identified in the application. If, during the development process, erosion or the potential for erosion is identified, work will be stopped until temporary erosion and sediment control measures are installed consistent with the stormwater management regulations in Chapter 13.20 CTC.

B. Critical Areas

- 2) Critical Saltwater Habitats (Fish and Wildlife Habitat Conservation Areas)

Staff comment: Post-construction, no new uses, activities, or structures will be located in acritical saltwater habitat. The beach will be protected by measures proposed by the applicant and included in the recommended conditions of approval. No removal of aquatic vegetation is proposed.

- 3) Frequently Flooded Areas

Staff comment: Compliance with applicable provisions of the Flood Damage Prevention regulations in Chapter 16 45 CTC as well as the flood hazard regulations within the building code will be evaluated as part of the building review. No increase risk to people or property due to natural hazards is anticipated to occur as a result of the proposal.

- 4) Geologically Hazardous Areas

Staff comment: No geologic risks are anticipated to result of the proposal.

C. Public Access

Staff comment: Consistent with the Public Access regulations the site currently provides visual access to the shoreline from the existing stairs and deck on the west side of the building. Proposed improvements are not anticipated to interfere with the public's physical or visual access to shoreline.

F. Archaeological and Resource Sites.

Staff comment: Consistent with the section, consultation with DAHP and affected tribes was initiated. Comment was received from DAHP as noted above.

The recommended conditions of approval include a requirement to conduct an archaeological survey if upland disturbance is planned or occurs. If archaeological resources are identified, an Archaeological Site Alteration and Excavation Permit must be

obtained from DAHP. Recommended conditions also include a required response to inadvertent discovery during construction.

Shoreline modification policies and development regulations (CTC 16.30.360)

As defined, no shoreline modifications are proposed.

Commercial development (CTC 16.30.370)

B. Policies.

5. The continued occupation of existing, over water historic structures by allowed uses shall be permitted to facilitate reuse, preservation, restoration, and rehabilitation of these structures in the historic urban and urban aquatic environments.

Staff comment: The policy supports the proposal.

D. Regulations by Environment.

- 1) In the historic urban environment the following uses are permitted: . . .

Staff comment: All existing uses of the site are consistent with the list of permitted uses. No change to the existing uses on the site will occur as a result of the proposal.

- 3) In the historic urban or urban aquatic environments, new structures or exterior alterations of existing structures shall not detract from the design and architectural integrity of historic sites. Plans for development shall include exterior elevations with specific design details for evaluation by appropriate historic preservation agencies

Staff comment: The proposal was determined by the Historic Preservation Commission to be consistent with applicable Reserve Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation.

K. Recommended action and conditions of approval

Based on the staff's analysis of the proposal and available information, staff recommends the Hearing Examiner grant a shoreline substantial development permit subject to the following conditions:

1. Prior to removal of any siding, the applicant shall obtain concurrence from the Reserve Historic Preservation Coordinator on the need for replacement of individual boards. Alternatively, the applicant can provide an evaluation of the condition of existing siding from a qualified contractor with expertise in historic preservation and follow the contractor's recommendations for restoration and replacement.
2. Muntins shall have relief elements external to the window (above rather than between the panes).
3. Propane tanks and other exterior mechanical equipment shall be screened from the street.
4. Prior to replacement or modification of historic windows, the applicant shall obtain concurrence from the Reserve Historic Preservation Coordinator on the measures to preserve and protect such windows while addressing potential safety and functional issues.
5. The transom area above the primary entry doors shall not be modified in any manner adverse to re-establishment of a transom window or operable transom.
6. Prior to any upland excavation, a professional archaeologist shall conduct a cultural resources site survey of any areas proposed for disturbance, which shall be provided to

the Washington State Department of Archaeology and Historic Preservation and affected tribes for review and comment. If archaeological impacts cannot be avoided, an Archaeological Site Alteration and Excavation Permit shall be obtained from the Washington State Department of Archaeology and Historic Preservation.

7. The applicant shall maintain on-site, and follow, the Inadvertent Discovery Plan for Coupeville during any grading or excavation activities under this permit. If, during construction or site development, any area of potential archaeological significance is uncovered, all activity in the immediate area of the site shall stop and the shoreline administrator shall be notified immediately. Activities authorized by the permit shall be delayed until the shoreline administrator receives notice that the find has been managed consistent with governing law.
8. Measures shall be implemented to prevent construction debris from falling on the beach or water.
9. No exterior work on or over tidelands shall occur except as approved or directed by the Washington State Department of Fish and Wildlife (WDFW) or other agency with jurisdiction. The applicant shall conduct a forage fish survey prior to work if recommended by the WDFW.

ATTACHMENT

APPLICABLE COMPREHENSIVE PLAN GOALS AND POLICIES

LAND USE - Goals and Policies

Goal 2. To provide a well-balanced mix of land uses, including commercial, residential, public services and recreational and cultural opportunities.

LU 2.2 The categories of uses on the Future Land Use Map are:

...

Historic/Limited Commercial - This designation provides for a range of commercial, residential and water-oriented development which is appropriate in

HISTORIC PRESERVATION - Goals and Policies

Goal 1 Provide for the protection of historic and prehistoric resources within the Ebey's Landing National Historical Reserve (Reserve) and to encourage the preservation, restoration and rehabilitation of historic and/or cultural resources within the Reserve for future generations.

HP 1.1 Safeguard the heritage of the Reserve as represented by those buildings, objects, sites and structures which reflect the significant elements of the Reserve's history.

HP 1.4 Assist, encourage and provide incentives to property owners for preservation, restoration and use of significant buildings, objects, sites and structures.

Goal 7 Establish fair and reasonable means of preserving Coupeville's historic structures, neighborhoods and open spaces, using regulations, incentives or voluntary guidelines as appropriate to each neighborhood.

HP 7.2 Protect all structures throughout the town that are designated as contributing to local character, both through mandatory design review and through development of a demolition ordinance.