



COUPEVILLE PLANNING COMMISSION
Island County Annex Building - Commissioners Hearing Room
(1 NE 6th Street, Coupeville)
July 15, 2025
6:00 pm

CALL TO ORDER

LAND ACKNOWLEDGEMENT

The Town of Coupeville is located on the homelands of the Lower Skagit People. For thousands of years, Coast Salish tribes have stewarded the lands, waterways, plants and animals in our region. We pay respect to the elders and their families, past, present, and emerging for they hold the memories, traditions and culture of their people. The Town of Coupeville is committed to respecting this long history as we honor and acknowledge the continued presence and rights of all Indigenous people. We will advocate for and partner with our Indigenous neighbors as we continue to work together as an inclusive community.

CHANGES AND APPROVAL OF AGENDA

APPROVAL OF MINUTES:

- None

PUBLIC HEARING

- None

PUBLIC INPUT

DISCUSSION

- Ebey's Landing National Historical Reserve Code
- Periodic Update
 - Development Regulations
- Narrow Code Projects: Update – Signage and Shoreline

COMMISSIONER COMMENTS

ADJOURNMENT

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Town of Coupeville

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STAFF REPORT

DATE: July 15, 2025
TO: Coupeville Planning Commission
FROM: Joshua Engelbrecht, Community Planning Director
RE: Introduction: Ebey's Landing National Historical Reserve Code
Planning Commission,

Underpinning most everything that we do is Historic Preservation and Compatibility with the Town's Historic Resources. Coupeville is wholly contained within Ebey's Landing National Historical Reserve (created in 1978) and the National Register Listed Central Whidbey Island Historic District (Created in 1973). These designations create the framework for the Town and County to protect and preserve our local historic buildings, barns, landscapes, and cultural resources. The final two pieces in our framework are:

- The Ebey's Landing National Historical Reserve Design Guidelines, which specifically spell out how to achieve appropriate actions associated with the exterior of buildings and landscapes.
- **Chapter 16.13 of Coupeville Town Code (and 17.04A of County Code) that outlines how our historic preservation process is administered.**

Because our overarching framework of the Reserve and the Historic District are larger than just Coupeville Town Limits, both of our local regulations are designed to mirror and be compatible with Island County. As a result, there are many different partners that have had and will have eyes on this code update.

At the July 15, 2025 meeting, we will specifically be looking at chapter 16.13 to bring the Commission up to speed on the work that has been done in the past and our upcoming timeline. While this project isn't required to be done by the end of 2025, it is a goal of mine to complete this project before I leave.

The overarching goal of the proposed code revision is to re-examine the levels of review that projects are listed as, consolidate process where feasible, and create a more streamlined decisions for Staff. In conjunction with the Code, Staff is also working to revise the Design Guidelines to a similar end. Table 1 outlines the broad sections of CTC 16.13 and what areas have proposed changes that go beyond minor revisions to language / grammar. Of particular note, Sections 9 – 13 are present in both attachment 1 and attachment 2. Staff prefers the attachment 2 style of table. Table 2 of this staff report outlines our upcoming Planning Commission meetings as they relate to our Comprehensive Plan and other code updates. This schedule is more or less flexible, so changes and discussion are welcome.

CTC 16.13 Code Overview – Table 1

Section	Summary	Changes Present
1. Purpose	Purpose for existing	Minor Revisions
2. Applicability	Who this applies to (Everyone)	Minor Revisions
3. Design Guidelines Adopted	Formally linking the two local regulations	Minor Revisions
4. Permit Coordination	How the COA Process is coordinated with other departments	No Changes
5. Definitions	Specific Definitions for Historic Preservation	Major Revisions
6. Historic Preservation Commission	Creation and standards for Advisory Committee	Major Revisions
7. Interlocal Agreement	Maintenance of interlocal agreement between partners	No Changes
8. Procedural, Substantive, and Appeal Requirements	The broad process outline	Minor Revisions
9. ELNHR Property Types + Review Areas	Table format to designate how properties are classified Attachment 2 – Alternate version	Major Revisions
10. Certificate of Appropriateness Decisions	Table format to outline what level of COA is required Attachment 2 – Alternate version	Major Revisions
11. Level As	Previously, the Level A project types – Now Deleted Now, specific purpose / intent, other procedures Attachment 2 – Alternate version preferred	Deleted + Consolidated in table
12. Level Bs	Previously, the Level B project types – Now Deleted Now, specific purpose / intent, other procedures Attachment 2 – Alternate version preferred	Deleted + Consolidated in table
13. Level Cs + Ds	Previously, the Level C + D project types – Now Deleted Now, specific purpose / intent, other procedures Attachment 2 – Alternate version preferred	Deleted + Consolidated in table
14. Application Requirements	Application Requirements	New Section, consolidated 11 – 13 leftovers
15. Demolition + Relocation of Contributing Buildings	Process by which a property owner could demolish or relocate a contributing building	Major Changes
16. Procedures for changes to the guidelines	Process for coordinating changes to the Guidelines	No Changes
17. Political subdivisions, special purpose districts, and public and private utility projects.	Process for coordination of capital facilities across jurisdictional lines	No Changes
18. Designated buildings and sites—National Register of Historic Places.	List of designated buildings and sites (Current version does not include appendix 1)	No Changes
19. Review and monitoring of property for special property tax valuation.	Process for review and approval of the Special Valuation program	No Changes
20. Disclosure statement.	Requirements for disclosure when sold	No Changes
21. Penalties and enforcement.	Code Enforcement references	No Changes
22. Severability.	Severability	No Changes

Date (1st Tuesday)	Topic	Date (3rd Tuesday)	Topic
July 1	Street Level Residential / Vacation Rental Comp Plan Draft Overview	July 15	Ebey's Reserve Code #1 Development Regulations #1 Sign Code Update Shoreline Master Program Update
August 5	Comp Plan Topic: Workforce Housing Housing within the MOA	August 19	Comp Plan Topic: Transportation Development Regulations #2
September 2	Comp Plan Topic: Parks + Rec SMP (Tentative)	September 16	Ebey's Reserve Code #2 Sign Code <i>(Tentative)</i>
October 7	Comp Plan Topic:	October 21	Ebey's Reserve Code #3 Development Regulations #3
November 4	Public Hearings for Comp Plan and Development Regulations	November 18	
December 2		December 9	Last Town Council Meeting of 2025

Table 2: Planning Commission Schedule

Attachments:

1. ELNHR Code Sections
2. ELNHR Code Sections (Table Revisions)



ATTACHMENT 1

**Coupeville Town Code Title 16.13
Ebey's Landing National Historical Reserve Code**

Chapter 17.04A - Ebey's Landing National Historical Reserve Design Review and Community Design Standards

Chapter 16.13 - EBHEY'S LANDING NATIONAL HISTORICAL RESERVE DESIGN REVIEW AND COMMUNITY DESIGN STANDARDS

Legend for Draft	Meaning
Gray Highlighted Text	Components to change for respective codes
Strikethrough	Delete
<u>Underlined</u>	Add

1 - Purpose.

~~The Board of County Commissioners, empowered by Chapter 36.70 RCW, after having been petitioned and holding public hearings, created a "Historic Preservation District" for Island County to protect the Ebey's Landing National Historical Reserve (NHR) on October 16, 1972, and to enhance the collaborative efforts of the town, county, and Trust Board.~~

~~"Ebey's Landing National Historical Reserve was established in 1978 in order to preserve and protect a rural community which provides an unbroken historical record from nineteenth-century exploration and settlement in Puget Sound to the present time." (Public Law 95-625 and USC Sec. 461.) Ebey's Landing NHR is a unit of the National Park System, managed by a Trust Board representing the four governmental partners: Island County, Town of Coupeville, Washington State Parks and Recreation, and the National Park Service.~~

~~The overall intent and purpose of the Ebey's Reserve design review and community design standards is to recognize that land use and specific design regulations aimed at the orderliness of community growth, the protections and enhancement of property values, and other environmental and aesthetic objectives provide for the health, safety, and general welfare of the citizens, and as such, are the proper and necessary concerns of local government.~~

The ~~specific~~ purpose of this chapter is to provide for the protection of historic and prehistoric resources within the incorporated and unincorporated area of the Ebey's Landing National Historical Reserve (~~R~~Reserve) and to encourage the protection, preservation, restoration, and rehabilitation of historic and cultural resources within the ~~R~~Reserve for future generations. It is also the intent that new or remodeled structures within the ~~R~~Reserve be designed and constructed to harmonize and be compatible with historic structures and historic settings in order to preserve property values, enhance tourism as an economic base, and to promote the awareness of the ~~R~~Reserve's heritage among residents and visitors alike. In keeping with this purpose, the guiding functions of this chapter are:

- A. To protect, enhance, and preserve historic ~~resources, contributing structures, buildings, and landscape features which~~ properties that represent elements of the ~~R~~Reserve's cultural, agricultural, historic, social, economic, scenic, natural, and architectural history.
- B. To maintain the ~~R~~Reserve's viability and property values through managed preservation of historic and scenic landscapes and associated historic ~~structures~~ properties.

Commented [JE1]: Add revision to permits process, if not spelled out elsewhere

Commented [JE2R1]: Add components of mandatory pre-application meetings' + In situ elevations as requirement

Commented [JE3R1]: Design guideline / Ebey's Pre-app - Typically Free

Commented [JE4R1]: HRC in total

Commented [JE5R1]: Mandatory vs. optional - threshold is Level C
Examine Levels of activities

- C. To strengthen the area's economy by protecting and enhancing the #Rreserve's attraction to visitors and supporting agriculture use within the #Rreserve.
- D. To maintain the economic viability of farms within the #Rreserve by working with the agricultural community to preserve significant cultural resources and contributing ~~structures~~ resources while allowing new economically viable and compatible construction.
- E. To assist the public in making development decisions which are compatible with the #Rreserve's character and long term preservation.
- F. To promote and facilitate the early identification and resolution of conflicts between preservation of historic or cultural resources and alternative land uses.
- G. To educate and provide outreach and awareness to the property owners of the #Rreserve.
- H. To work with the Trust Board to aid in preserving and maintaining scenic easements ~~as established under the National Park Service (NPS).~~
- I. To assist, encourage, and provide incentives to property owners for preservation, rehabilitation, restoration, reconstruction, and use of ~~significant buildings, objects, sites, and structures~~ historic properties.
- J. To make determinations concerning the eligibility of individual properties for special tax valuation.
- K. To work in a collaborative effort with the Ebey's Landing National Historical #Rreserve and the Town of Coupeville to have a unified long range vision, consistent design requirements, and a unified code within the county and town.
- L. To review properties and structures for possible listing or designation for inclusion as "contributing resource" in the building and landscape inventory for the #Rreserve; properties that are proposed to be added to the National Register of Historic Places; or designation as protected cultural resources.
- M. With regard to agriculture, ~~the purpose and intent is to~~ preserve the rural and scenic nature and character of the landscape without adversely affecting the use of the land for farming practices consistent with farm practices, customs, and characteristics local to the area and the Pacific Northwest.
- N. Foster pride in the beauty and accomplishments of the past, and a sense of identity based on Coupeville and Central Whidbey history;
- O. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

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2 - Applicability.

This chapter applies to the geographic area of ~~the Reserve~~ Ebey's Landing National Historical Reserve within unincorporated Island County and to all buildings, sites, structures, landscapes, and objects which add to the historic architectural qualities, historic associations, or archeological values of the #Rreserve which were designated as "contributing resources" in the building and landscape inventory, prepared for the Ebey's Landing National Historical #Rreserve; those that are subsequently listed on the National Register of Historic Places; and those properties containing protected cultural resources. This chapter also applies to new construction within the geographic area of the #Rreserve within unincorporated Island County.

Commented [JE6]: Reference: (Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

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Commented [JE7]: Non-contributing? Clarity on Applicability

Commented [JE8R7]: Where do the resources that are non-contributing but are listed on inventories come in?

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This chapter is designed as a companion to the Town of Coupeville Code (CTC) 16.13, which

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applies to the geographic area of the Reserve within the Town of Coupeville. This chapter contains references to requirements within the Town of Coupeville that are unique to the town and differ from the requirements in unincorporated Island County. These references are included for information purposes and intended to preserve the structure of a unified code for actions within Ebey's Landing NHR the Reserve.

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Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any property covered by this chapter, so long as such maintenance or repair does not involve a change in exterior design, material, or appearance, or a technique that is contrary to the Secretary of the Interior's Standards for Rehabilitation.

Commented [JE9]: Delete?

Commented [JE10R9]: Should we continue to use Secretary of Interior standards?

Commented [JE11R9]: Secretary of Interior standards are primarily for tax benefits.

The list of contributing historic structures resources in the building and landscape inventory, copies of other Island County Codes referenced in this chapter, and the Design Standards and Guidelines for Ebey's Reserve are available to the public at the Island County Permit Center, the offices of the Town of Coupeville and the Trust Board, and can be accessed on the town, Trust Board, or county websites.

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Nothing in this chapter changes any of the requirements or land use entitlements set forth in the Island County Zoning Code (chapter 17.03). Nothing in this chapter changes any of the requirements set forth in the Island County Building and Construction provisions (title 14), the Island County Critical Areas Ordinances (chapter 17.02B), the Island County Shoreline Master Program Use Regulations (chapter 17.05A), the Island County Planning and Subdivision Provisions (title 16), or the Island County Land Development Standards (title 11). This chapter does not apply to timber management activities conducted in accordance with Chapter 84.33 RCW or Chapter 84.34 RCW.

3 - Design guidelines adopted.

The board BOCC adopts by reference the Secretary of the Interior's Standards for Rehabilitation and the Ebey's Landing National Historical Reserve Design Guidelines, approved by the board BOCC, and any subsequent approved amendments thereto. The Secretary of the Interior's Standards and Guidelines are available to the public at the Island County Planning and Community Development Department, the Town of Coupeville, and the Ebey's Landing Trust Board office. The guidelines are also available on the websites of the county, town, and Trust Board. The guidelines contain standards and technical guidance for complying with this chapter.

Commented [JE12]: Reference: (Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

(Ord. No. C-75-14 [PLG-006-14], Exh. E, 9-22-2014; Ord. No. C-86-17 [PLG-009-17], Exh. A, 8-15-2017)

4 - Permit coordination.

Certain development activities within the geographic boundaries of Ebey's Landing National Historical Reserve require review and issuance of certificates of appropriateness, as set forth in this chapter. Development activities within the unincorporated areas of the county are also required to comply with all other applicable permitting requirements established in Island County and the State of Washington. Permit requirements in the Reserve include, but are not limited to land use permits, building permits, clearing and grading permits, work within public rights-of-way permits, on-site sewage disposal systems permits, well permits, and road access permits, etc.

Commented [JE13]: Reference: (Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

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Any conditions or approval attached to a certificate of appropriateness will become

conditions of approval for the underlying or companion land use or building permits, as established in section 17.04A.080.B.3.

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In order to ensure coordination of these permitting requirements, the requirements to obtain a certificate of appropriateness must be completed prior to issuance of any underlying or companion land use, health, public works, or building permits.

Site investigative work necessary for land use application submittals, such as surveys, soil borings and test pits, soil logs, and other related activities may be completed prior to issuance of a COA, provided the land-disturbing activity is no greater than is necessary to accomplish the work.

5 - Definitions.

All definitions set forth in titles 11, 14, 16, and 17 are incorporated into this chapter, unless modified below. Where terms are not defined in this Code, such terms shall have their ordinary accepted meanings within the context with which they are used.

Accessory use or building means a use, structure or building customarily considered to be incidental to or secondary to a permitted use or an approved conditional use on the property, or on adjacent properties under the same ownership. Examples of accessory buildings or structures include, but are not limited to, sheds, shops, garages, greenhouses, barns, attached or detached ADU, etc.

Actual cost of rehabilitation means the costs incurred within twenty-four (24) months prior to the date of application and directly resulting from one (1) or more of the following:

1. Improvements to an existing building located on or within the perimeters of the original structure;
2. Improvements outside of but directly attached to the original structure, which are necessary to make the building fully useable, but shall not include rentable or habitable floor-space attributable to new construction;
3. Architectural and engineering services attributable to the design of the improvements; or
4. All costs defined as qualified rehabilitation expenditures for purposes of the federal historic preservation investment tax credit. (This definition relates to the local option special valuation tax incentive program—Chapter 84.26 RCW.)

Agricultural activities means uses and practices currently existing or legally allowed including, but not limited to: producing, breeding, or increasing or expanding agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment and facilities; and maintaining agricultural lands under production or cultivation. Agricultural activities include the preparation, processing, and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. Agricultural activities also include post and

Commented [JE14]: Ref: (Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

Commented [JE15]: Add Definitions:

Commented [JE16]: CLG Definitions Not included:

Commented [JE17R16]: Local Government Inventory, though contributing structure references the Reserve's Inventory

Commented [JE18R16]: Local Register, though we do define the national register

Commented [JE19R16]: Building, but likely defined in the other titles

Commented [JE20R16]: Certified Local Government

Commented [JE21R16]: Incentives, Maybe defined elsewhere?

Commented [JE22R16]: Local Review Board, Apparently separate from the HPC?

Commented [JE23R16]: Object

Commented [JE24R16]: Site

Commented [JE25R16]: Special Valuation

Commented [JE26R16]: State Register of Historic Places

Commented [JE27R16]: Waiver of COA - tied to demolition

Commented [JE28R16]: Washington State Advisory Council's standards for rehabilitation and maintenance - different than Secretary's standards?

wire fencing, temporary seasonal structures, weed control activities, establishment [or removal](#) of windbreaks, alteration or removal of hedgerows and old orchard trees, and tree removal associated with agriculture when such tree removal does not require a forest practices permit.

Agricultural processing plant means a structure or facility where agricultural products are prepared or processed for commercial disposal by marketing or otherwise and the agricultural products involved are not grown on the site or the extent of processing involved can be otherwise classified as an agricultural activity.

Agricultural structure means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure may not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, except as allowed under the definition of agricultural activities. An agricultural structure may not be a place used by the public.

Alteration means minor modification of structures, buildings, or landscaping without significantly changing the original configuration.

Archaeologist, qualified means a person on the list of qualified archaeologists maintained by the Washington State Department of Archaeology and Historic Preservation, who have been determined to meet the professional standards for cultural resource management of the National Park Service (published in 36 CFR Part 61).

~~**Board-BOCC** shall refer to the Island County Board of Commissioners, [except where reference is made to the "Local Review Board" for purposes of the special valuation tax incentive program.](#)~~

Building permit means an official document issued by Island County that authorizes performance of construction related activities in accordance with titles 14, 16, and 17 of the Island County Code.

[Central Whidbey Historic District means the historic district established in 1973 that is listed in the National Register of Historic Places.](#)

Certificate of appropriateness (COA) means a document issued by the Planning Director or the HPC certifying that all new construction or proposed changes to a historic resource, contributing structure, or other property within the geographic boundaries of the [#R](#)Reserve have been reviewed, complies with the standards established by the guidelines, and that the proposed changes do not adversely affect the historic characteristics of the [#R](#)Reserve or properties that contribute to the [#R](#)Reserve's designation as a National Historic Reserve. Development activities that are not required to obtain a COA are defined as exempt activities.

~~**Clustering** means grouping of buildings on a site to perpetuate open space and scenic vistas.~~

Cost means the actual cost of rehabilitation, which cost shall be at least twenty-five (25) percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation. (This definition relates to the local option special valuation tax incentive program—Chapter 84.26 RCW.)

Council means the Council of the Town of Coupeville.

Cultural resource means historic or prehistoric archaeological sites and standing structures, cemeteries, burial grounds, funerary objects, and distributions of cultural remains and artifacts.

Demolition means the destruction or removal of a historic resource, in whole or in part. Demolition pertains to the demolition or partial demolition of significant features of a resource that are important to defining its historic character. Demolition does not include the removal of past additions for the purpose of restoration of a structure to its historic appearance, form, or function provided ~~demolition~~-removal is reviewed and approved through the COA process.

Demolition by Neglect means

Design review means the process of applying the adopted design guidelines to proposed projects that may potentially affect cultural or historic resources within the ~~R~~Reserve.

Deteriorated means the substantial loss of the original condition of a building or building elements over time, due to natural elements, human activity, or inactivity.

Development means any proposal which will result in construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, division of land, earth movement, clearing, or other site disturbance.

Director means the Island County Planning and Community Development Director for Island County or the Coupeville ~~Town Planner for Coupeville~~Community Planning Director.

District means a geographically definable urban or rural area, small or large, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development.

Easement means the grant of a nonpossessory property interest that grants the easement holder permission to use another person's land. Types of easements include the following:

- Conservation easement means easement that permanently limits the uses of the land to protect its conservation values.
- NPS easement means easements within the Reserve purchased by NPS and administered by the Trust Board.
- Preservation easement means easement that protects a significant historic, archaeological, or cultural resource.
- Scenic easement means easement that controls the use of land, including the air space above the land, for the purpose of protecting the scenic view throughout the visual corridor.

Ebey's Landing National Historical Reserve (~~R~~eserve or NHR) ~~means historic property consisting of multiple buildings, sites, structures, or objects located in proximity to one another and related in historic period or theme, as most recently listed in the Washington Heritage Register and the National Register of Historic Places. The Ebey's Landing NHR is also known as the Central~~

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Commented [JE31R29]: Need Community Buy in / Policy Direction

~~Whidbey Historic District. The Ebey's Landing NHR has been listed in the National Register of Historic Places since December 12, 1973. The reserve is a geographic area delineating America's first historical reserve and a unit of the National Park Service. The reserve was established in 1978 by Congress to preserve and protect a rural community which provides an unbroken and vivid historical record of Pacific Northwest history, from 19th century exploration and settlement to the present time. The reserve contains 17,572 acres, farms, more than 400 historical structures, native prairies, two (2) state parks, miles of shoreline, a network of trails, and the second oldest town in Washington. The map(s) of the geographic boundaries regulated under this chapter are attached hereto as Appendix 1.~~ means the area established by Public Law 95-625 section 508 "in order to preserve and protect a rural community which provides an unbroken historical record from nineteenth century exploration and settlement in Puget Sound to the present time, . . ." The ~~f~~R~~e~~s~~e~~r~~v~~e includes the area identified as the Central Whidbey Island Historic District. The map(s) of the geographic boundaries of the ~~f~~R~~e~~s~~e~~r~~v~~e are attached hereto as ~~A~~ppendix 1.

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Emergency repair means emergency construction necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake, windstorms, or other disaster. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment. Following cessation of an emergency, all emergency repairs are required to comply with all relevant guidelines and obtain a COA, if applicable.

Exempt activities means certain development activities are exempt from the requirements to obtain a certificate of appropriateness. ~~These exempt activities are further defined as categorical exemptions or contingent exemptions, as set forth below:~~

~~**Categorical exemptions** means exempt activities which are: i) not required to comply with the design guidelines; and ii) not required to obtain a certificate of appropriateness.~~

~~**Contingent exemptions** means exempt activities which are: i) required to comply with the design guidelines; and ii) not required to obtain a certificate of appropriateness.~~

~~**Farm cluster** means the grouping of buildings or structures historically used to support farming activities, such as barns, outbuildings, silos, water towers, and farmhand housing. Farm clusters typically have a house, a main barn, and several outbuildings.~~

~~**Guidelines or design**~~ **Design guidelines** ~~Guidelines~~ means the Ebey's Landing National Historical Reserve Design Guidelines, approved by the ~~board~~ [BOCC](#), and any subsequently approved amendments thereto. ~~Incorporated into the guidelines are the Secretary of the Interior's Standards for Rehabilitation.~~

Historic building. See definition for "Contributing ~~or contributing building or structure~~ [Resource](#)."

Historic Preservation Commission (HPC) means the ~~Ebey's Reserve~~ [Central Whidbey Historic District](#) Historic Preservation Commission (HPC). Members are appointed by the ~~board~~ [BOCC](#) and Town Council. Its purpose is to promote historic preservation, conduct design review, and issue decisions or recommendations on certificates of appropriateness within the ~~f~~R~~e~~s~~e~~r~~v~~e, including new construction affecting historic buildings, structures or sites, alterations to historic properties, demolition or relocation of historic resources, or other projects consistent with this chapter.

Historic Property is defined in section 301(5) of the National Historic Preservation Act (NHPA) of 1966 and means any prehistoric or historic district, site, building, structure, landscape, or object included in, or eligible for inclusion in the National Register, including artifacts, records, and material remains related to such property or resource.

Commented [JE32]: CLG Note: adjust definition to meet model code?

~~Historic resource~~ means ~~those properties designated as "contributing" in the building and landscape inventory (1995) prepared for the Reserve, or the most recent or updated list that is available from the town, county, or Trust Board; properties that are subsequently added to the National Register of Historic Places; and protected cultural resources. Historic resources include buildings, structures, landscape features, sites, archaeological sites, and objects. The list of identified historic resources within the Reserve is attached hereto as Appendix 2. See definition for "Contributing Resource."~~

Historic structure. See definition for "Contributing ~~or contributing building or structure~~ Resource" or "Non-Contributing Resource."

Historical significance or historically significant means a building, building element, or other resource that adds to our understanding of history or prehistory, usually by helping to explain the importance of the persons or events associated with the property, or by its building type, construction details, or architectural style. The National Register of Historic Places Criteria for Evaluation are typically used to evaluate significance.

Land development application means applications for land development and building permits within Island County, as defined by titles 14, 16, and 17.

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Landscaping, Major

Landscaping, Minor

Memorandum of Agreement District (MOA). This zoning district is intended to provide for future land uses within two (2) broad categories—Mixed density residential and mixed use residential. The zoning district's designation is based upon a contract rezone, i.e., memorandum of agreement (MOA), which was executed by the town in January of 2004. The MOA consists of nine (9) special planning areas, five (5) of which have been designated for future development consistent with the MOA. All initial development within the MOA Zone requires design review. (This definition applies within the Town of Coupeville only.)

Commented [JE33]: Keep in Town Delete in Island County?

National Park Service (NPS) is the agency of the United States federal government headquartered at the Main Interior Building in Washington, D.C. that manages all national parks, most national monuments, and other natural, historical, and recreational properties with various title designations.

National Register of Historic Places is the official list of the nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological resources.

~~**NPS easements** means easements within the Reserve purchased and administered by the National Park Service.~~

Operating farms means those farms enrolled in the current use farm and agricultural tax program (Chapter 84.34 RCW).

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Ordinary repair and maintenance means work for which a permit issued by Island County or the ~~town~~ Town of Coupeville is not required by law, and where the purpose and effect of such work ~~is~~ are to correct any deterioration or decay of or damage to the real property or structural appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage. Ordinary repair and maintenance does not include those activities defined as ~~"~~ Replacement in kind ~~"~~.

Park means a tract of land designated and used by the public for active or passive recreation.

Partners means the Board of Island County Commissioners, the Council of the Town of Coupeville, and the Trust Board of Ebey's Landing National Historical Reserve.

Planning official means the Island County Planning and Community Development Department Director or the ~~Town Planner within the~~ Community Planning Director.

Replacement in kind means new or replacement features (e.g., siding, roofing, windows, or trim) which have the same material, appearance, and color as the original feature and meet the design guidelines. For siding and windows, the new material must reasonably match the design, profile, material, and general appearance of the original and meet the design guidelines. Replacement in kind does not include those activities defined as "ordinary repair and maintenance".

Reserve Committee means a committee composed of the County Planning Director, the Coupeville Community Planning Director, ~~Town Planner~~, and the Reserve Manager or their respective designees.

Commented [JE34]: Update broadly

Reserve Manager. This position reports to the Trust Board and has the overall responsibility of operations and implementation of the Trust Board directives for the ~~R~~ Reserve, including ~~board~~ BOCC and partner development, education, interpretation and outreach activities, and cultural resource and preservation programs.

~~**Resource, Contributing or contributing building or structure** means a historic buildings and structures and other features property, determined to be significant in the building and landscape inventory (1995) (1983) prepared for the R Reserve or the most recent or updated list that is available from the town, county, or Trust Board. The building and landscape inventory may be updated by the town and county on an annual basis, following review by the Trust Board. Also referred to as historic resource.~~

~~**Resource, Noncontributing building or structure** means any building or structure that does not meet the definition of a contributing structure resource (which includes historic buildings and historic structures) a historic property that was not determined to be "Contributing" to the Historic~~

Integrity of the District at the time of the building and landscape inventory (1983) prepared for the Reserve or the most recent or updated list that is available from the town, county, or Trust Board due to additions, alterations or general condition. The building and landscape inventory may be updated by the town and county on an annual basis, following review by the Trust Board.

Review area means the geographic area or areas within which any proposed development may directly or indirectly cause changes in the character or use of historic properties. The review area is divided into ~~two (2)~~ three (3) areas; ~~the geographic boundaries areas of review areas 1 and 2 are delineated on the map of the Reserve, attached hereto as Appendix 1. Whenever there is a conflict between the descriptions of review areas 1 or 2 and the boundaries of the review areas as shown on Appendix 1, the boundaries shown on Appendix 1 shall control.~~ review areas 1, 2, and 3.

1. **Review area 1** means those portions of the ~~R~~Reserve with a concentration of buildings and associated landscape features that retain a high degree of historic character. These resources have the highest design review standards in order to preserve their character and integrity; as designated in Ebey's design review area atlas. This area includes buildings, sites, structures, landscapes, or objects in the ~~R~~Reserve visible across a prairie or water body or from certain public roads, as well as the intrinsic links between historic buildings and other significant historic features; these links shall be visually protected to maintain the sense of the historic setting. Review area 1 also includes historic ~~resources-properties~~ within the ~~R~~Reserve, as indicated in Appendix ~~2-1~~, and the associated area measured ~~within 100~~ 500 feet from the property line of the historic building or structure property. ~~These resources have the highest design review standards in order to preserve their character and integrity;~~
2. **Review area 2** means Those areas within the Reserve containing newer neighborhoods predominately developed after World War II and heavily forested lands areas within the reserve requiring limited review for regulated actions. ~~Area 2 includes all property that is not located in review area 1;~~
3. **Review area 3** means areas within the Reserve requiring very limited review for regulated actions; as designated in Ebey's design review area atlas. Development activities in Review Area 3 are the least restrictive. To preserve the character and integrity of the Reserve, all parcels in Review area 3 that are within 500 feet of a historic property, scenic corridor, or Review area 1 shall be reviewed under the same criteria as Review area 1.

Secretary of the Interior's Standards for Rehabilitation means ~~standards established by the National Park Service to aid review boards and property owners in their decision-making process regarding the retention of character-defining features of contributing buildings, compatible additions, and limited maintenance advice. They establish a standard for the treatment of historic properties.~~ the Secretary of the Interior's Standards for Rehabilitation, codified as 36 CFR 67, that are regulatory for the Historic Preservation Tax Incentives program. The Guidelines for Rehabilitating Historic Buildings and the Guidelines on Sustainability for Rehabilitating Historic Buildings, which assist in applying the Standards, are advisory.

Secretary of Interior's Standards for the treatment of historic properties, codified as 36 CFR

- Preservation means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property.

Commented [JE35]: Probably keep review area 3 in the definition for Town.
Add Map?

Commented [JE36]: Discussion about how we determine Review Areas? Any Methodology?

Commented [JE37]: Sort out appendixes:
Map of the Reserve
Map of the Review Areas
List of Historic Properties?

Commented [JE38]: Is this still the way that we want to measure?

Commented [JE39R38]: "and the associated area measured within 500 feet from the property line of the historic property?"
Measuring from property line out?
Measuring from building footprint out?

Commented [JE40R38]: Property to Property line

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Commented [JE41]: Specifically call out neighborhoods that defined as RA3

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- **Reconstruction** means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.
- **Rehabilitation** means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.
- **Restoration** means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

Sensitive areas means areas where scenic, natural, cultural, or historic features are prominent.

Significance (historical) or historically significant means a building, building element or other resource that adds to our understanding of history or prehistory, usually by helping to explain the importance of the persons or events associated with the property, or by its building type, construction details or architectural style. The National Register of Historic Places Criteria for Evaluation is typically used to evaluate significance.

Commented [JE42]: CLG: Could be updated more.

Special purpose district means every municipal and quasi-municipal corporation other than counties, cities, and towns. Such special purpose districts shall include, but are not limited to, water- sewer districts, fire protection districts, port districts, public utility districts, county park and recreation service areas, flood control zone districts, diking districts, drainage improvement districts, and solid waste collection districts, but shall not include industrial development districts created by port districts, and shall not include local improvement districts, utility local improvement districts, and road improvement districts.

Temporary seasonal structure means a structure associated with agricultural activities that does not have a foundation or footings and is erected for no more than ~~six (6)~~ nine (9) months. Examples of temporary seasonal structures include but are not limited to farm stands, greenhouses, hoop houses, high tunnels, hot houses, or other structures associated with agricultural uses or activities.

Town means Town of Coupeville.

Tree, Significant means a healthy evergreen or deciduous tree, twelve (12) inches in diameter or greater, measured four (4) feet above existing grade.

Commented [JE43]: Copied from Island County 17.03.040

Commented [JE44R43]: Included here since Coupeville doesn't have a significant tree definition

Trust Board means the appointed nine (9) member body representing ~~a~~ the partnership of ~~local, state, and federal governments~~ the Town of Coupeville, Island County, Washington State Parks and Recreation, and National Park Service, working collaboratively to ensure the historic and natural resources of the ~~#~~Reserve are protected for future generations.

~~**Editor's note** — This section, as originally adopted, included a statement that capitalized words and phrases used to identify terms defined in this or other chapters. Because the capitalization~~

Commented [JE45]: Ref: (Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

~~convention was applied inconsistently throughout the Island County Code, and to be consistent with the conventions used by other state and local codes, defined terms are no longer capitalized in this Code. This change was authorized on February 26, 2015, pursuant to section 1.04.030.~~

6 - 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 (7) members. Members of the HPC shall be appointed by the Town of Coupeville and Island County as described below and shall be residents and/or property owners of the ~~R~~Reserve, except as provided for herein. Before the initial appointments, and 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 (3) members are appointed by the Board of Island County Commissioners;
 2. Three (3) members are appointed by the Town Council of the Town of Coupeville;
 3. One (1) member is appointed jointly by Island County and 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 judgement.
 2. Preference shall be given for two (2) members to be agricultural representatives (farmer, retired farmer or farm owner, or with an interest, education, or background in agriculture) in the ~~R~~Reserve.
 3. Preference shall be given for two (2) members who own a contributing ~~building or structure~~ resource within the ~~R~~Reserve.
 4. Preference shall be given for one (1) member who owns and operates a commercial business within the ~~R~~Reserve.
 5. Preference shall be given for at least two (2) members who have professional experience in identifying, evaluating, and protecting historic and cultural resources. Appropriate disciplines for these members include 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 (1) of these professional representatives may live outside of Island County.
 6. 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 ~~R~~Reserve or have the desired professional experience.
- D. **Terms.**
1. The appointments to the HPC shall be for three (3) years. The town and county shall each appoint or reappoint a representative member each year,
 2. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms. Members may be removed by their respective

Commented [JE46]: CLG: word differences between "Shall" and "give preference"

Commented [JE47R46]: CLG: Mentions asking specific organizations for assistance in filling roles.

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~~ resource, new development, and construction activities on or near historic ~~resources~~ property, 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~~ properties 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 Chapter 84.26 RCW and WAC 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) or adjacent property;
6. Provide comments to 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 ~~T~~town and ~~C~~county; ~~and~~
8. ~~Participate in training opportunities provided to the HPC.~~
9. Conduct all commission meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation and adopt standards in its rules to guide this action;
10. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic and prehistoric resources; and
- ~~8-11. Officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts, and new construction in historic areas; and encourage appropriate measures for such recognition.~~

- 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 state law and this section.
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~~ no fewer than fifty percent (50%) of the filled seats and no fewer than three (3) HPC members.

Commented [JE48]: CGL: Add Community Awareness

Serve as the primary resource of history, historic planning, and preservation

Commented [JE49R48]: Make mention of RCW 42.60 OPMA

Commented [JE50R48]: A wider variety of powers and duties

Commented [JE51]: Or say: no fewer than 50% of the filled seats and no fewer than three HPC members

Commented [JE52R51]: That would allow a quorum of 3 when we have 2 seats vacant and a quorum of 4 when we're full.

If we had 4 seats filled, we would still need 3 members - 2 member quorum doesn't work.

- 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 under this section.

7 - Interlocal agreement required.

Prior to review by the HPC of nominations or certificates of appropriateness for properties within the ~~f~~Rserve, an interlocal agreement between the partners shall be established. The purpose of the agreement is to facilitate open communication between all parties, as well as facilitate coordinated permit review pursuant to this chapter.

8 - Procedural, substantive, and appeal requirements within Ebey's Landing National Historical Reserve.

A. Review required.

1. Pre-applications. All potential applicants are strongly encouraged to schedule a pre-application conference with staff. In the following cases, a pre-application conference is required rather than encouraged:

~~a. these cases involving a request~~s for demolition of a contributing structure, ~~a pre-application conference is required rather than encouraged.~~ (Please refer to section 17.04A.150.B. of this chapter.) ~~Applicants for a Level C certificate of appropriateness (which are reviewed or approved by the HPC) may also request a non-binding pre-application conference with the HPC.~~

~~a-b.~~

2. No person shall make exterior alterations to a historic ~~resource property~~, demolish, partially demolish, or relocate a historic ~~resource property or contributing structure~~; construct any new building or structure, or reconstruct, alter, restore, remodel, repair, or make any regulated changes to the landscape (such as clearing and grading and driveways) which affect a historic ~~resource property~~ within the boundaries of the ~~f~~Rserve without receipt of a certificate of appropriateness (COA), as required herein. The COA review shall apply to all features of the property that contribute to its designation. This requirement shall apply whether or not the proposed action also requires a building or other land use permit. Information required to review the proposed change(s) is established herein.
3. All decisions involving applications for COA shall be in writing and shall state the findings of fact and reasons relied upon in reaching the decision. Any conditions or approval for the COA shall become conditions of approval of the subsequent building, health, public works, or land use permit(s) granted.

B. Review process. Review and issuance of certificates of appropriateness.

1. The county and town planning officials shall report any application for a land use development or building permit within the ~~f~~Rserve to the HPC. If the activity is not exempt from review, the director shall notify the applicant of the review and application requirements.
2. ~~Three-Four~~ decision-making levels (Levels A, B, ~~and C~~, ~~and D~~) are established for reviewing applications and issuance, conditional issuance, or denial of a COA, as

Commented [JE53]: Ref:

(Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180) (Ord. No. C-54-19 [PLG-007-19], Exh. A, 6-11-2019)

Commented [JE54]: Ref:

(Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

Commented [JE55]: Make modifications for a larger array of required pre-application meetings?

Commented [JE56]: Other Required Pre-app situations?

set forth below. The processing time periods for all permits, including COAs, shall not be greater than those established by state law, as specified in Chapter 36.70B RCW, for administrative decisions.

3. All conditions of approval associated with a certificate of appropriateness shall be attached as conditions of approval to the underlying or companion land use or building permit.

C. **Unclassified applications.** ~~In the event an application is unclassified, the Planning Director is authorized to assign the decision making level for processing the application. In the event that a development or land use activity is proposed that is not listed in this chapter, it shall be subject to the Level B review process, with opportunity for the Historic Reserve Commission to elevate review of the activity under Section 12.C.~~

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D. **Appeal process.**

1. ~~The director's or HPC Any appeal of a~~ decision regarding a certificate of appropriateness ~~are to shall be appealed conducted~~ in conformance with the administrative appeal procedures set forth in Island County Code section 16.19.190.

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~~Specifically, the following appeal procedures apply:~~

- ~~a. If appealed, Level A certificates are to be appealed consistent with Type I decisions pursuant to section 16.19.190.A.~~
- ~~b. If appealed, Level B certificates are to be appealed consistent with Type II decisions pursuant to section 16.19.190.B.~~
- ~~c. If appealed, Level C certificates are to be appealed consistent with Type III decisions pursuant to section 16.19.190.B.~~

2. All appeals of the director's or HPC decision regarding a certificate of appropriateness shall be consolidated with any appeal of the underlying or companion land use or building permit application. Such appeals shall be heard at a single simultaneous hearing before the hearing examiner or board BOCC to consider the director's or HPC decision or recommendation on the proposal.

E. **Review process.** Criteria for designation, process for designation, and removal of properties from the National Register of Historic Places.

1. Criteria for determining designation in the register. Any building, structure, site, object, or district may be designated for inclusion in the National Register of Historic Places, if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; if it has integrity; is at least fifty (50) years old, or is of lesser age and has exceptional importance; and if it falls in at least one (1) of the following categories:
 - a. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;
 - b. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;
 - c. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art;
 - d. Exemplifies or reflects special elements of Whidbey Island's cultural, special, economic, political, aesthetic, engineering, or architectural history;
 - e. Is associated with the lives of persons significant in national, state, or

- local history;
- f. Has yielded or may be likely to yield important archaeological information related to history or prehistory;
- g. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with a historic person or event;
- h. Is a birthplace or grave of a historical figure of outstanding importance and is the only surviving structure or site associated with that person;
- i. Is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;
- j. Is a reconstructed building that has been executed in a historically accurate manner on the original site; or
- k. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.

The list of criteria, above, is a broader list than the criteria for listing on the National Register of Historic Places. The National Register criteria can be found in the design guidelines, are available on the internet from a variety of sources.

2. **Process for designating properties.**

- a. With the consent of the owner, any person may nominate a building, structure, site, object, or other historic resource for inclusion in the National Register of Historic Places. The owner must consent to placement of the nominated resource prior to consideration for designation by the HPC-~~Commission~~. Members of the HPC or the HPC as a whole may generate nominations. In proposing nominations, the HPC shall consider the desires of the property owner, the National Register of Historic Places, and the Town of Coupeville and Island County Comprehensive Plans.
- b. In the case of individual properties, the designation shall include the Universal Transverse Mercator reference and all features that contribute to its designation.
- c. The HPC shall consider the merits of the nomination, according to the criteria herein and according to the nomination review standards established in rules, at a public meeting. Adequate notice will be given to the public, the owner(s), and the authors of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting, according to standards for public meetings established in rules and in compliance with Chapter 42.30 RCW, Open Public Meetings Act. Such notice shall include publication in a newspaper of general circulation in Island County and posting of the property. If the HPC finds that the nominated property is eligible for the National Register of Historic Places, the HPC shall forward the nomination to the SHPO and the National Park Service, with the owner's consent.

3. **Removal of properties from the register.** In the event that any ~~property~~ [contributing resource](#) is no longer deemed appropriate for designation to the

National Register of Historic Places, the HPC or an owner may initiate removal from such designation by the same procedure as provided for in establishing the designation. A [property-contributing resource](#) may not be removed from the National Register of Historic Places without notice to the owner.

~~17.04A.090 – Exempt activities.~~

~~Exempt activities are divided into two (2) categories: categorical exemptions and contingent exemptions. Exempt activities do not require a certificate of appropriateness (COA). Only those exempt activities listed as contingent exemptions are required to meet the guidelines established in the Ebey's Landing National Historical Reserve Design Manual.~~

~~A. **Categorical exemptions.** The following activities are categorical exemptions. These activities are not required to comply with the guidelines and these activities are not required to obtain a certificate of appropriateness:~~

- ~~1. Agricultural activities, as defined herein (See section 17.04A.050-Definitions).~~
- ~~2. Alteration of interior features.~~
- ~~3. Emergency repairs. Following cessation of an emergency, all emergency repairs are required to meet all relevant guidelines and obtain a COA, if applicable.~~
- ~~4. Residential energy conservation or renewable energy measures that do not affect the site or the exterior of a building or structure.~~
- ~~5. Replacement of driveways or sidewalks—Non-historic structures.~~
- ~~6. Replacement in kind—Non-historic structures.~~
- ~~7. Replacement or addition of utility systems that do not alter the exterior of the building—Non-historic structures.~~
- ~~8. Replacement or repair of foundations—Non-historic structures.~~
- ~~9. Seismic or structural upgrades that do not alter the exterior of the building—Non-historic structures.~~
- ~~10. Temporary accessibility improvements, such as ramps, for disabled access that are not permanent structures or do not require a building permit.~~

~~B. **Contingent exemptions.** The following activities are contingent exemptions. When these activities require a building permit, they are required to comply with the guidelines but do not require a certificate of appropriateness. When these activities do not require a building permit, county staff will assist owners in understanding and applying the design guidelines.~~

- ~~1. Exterior painting.~~
- ~~2. Construction or demolition consistent with a heritage farm plan.~~
- ~~3. Ordinary repair and maintenance.~~
- ~~4. Replacement or the addition of utility systems that do not alter the exterior of the building—Historic structures.~~
- ~~5. Replacement of driveways or sidewalks—Historic structures.~~
- ~~6. Replacement in kind or repair of foundations—Historic structures.~~
- ~~7. Re-roofing and re-siding with the same or substantially similar materials (when no building permit required).~~
- ~~8. Residential satellite dishes < thirty six (36) inches in diameter or largest dimension.~~
- ~~9. Seismic or structural upgrades that do not alter the exterior of the~~

Commented [JE57]: Ref:
(Ord. C-84-11 [PLG-019-11], October 3, 2011, effective
January 1, 2012, vol. 2011, p. 180)

~~building—Historic structures.~~

~~10. Operating farms—Agricultural structures < 10,000 square feet, and which are of similar size, scale, and within 200 feet of existing agricultural structures.~~

~~11. Public park improvements other than buildings (such as playground equipment, trails, etc., that do not require a building permit).~~

~~12. Development activities or agricultural structures within building envelopes, construction zones, etc., which are consistent with and described in easement agreements with the National Park Service.~~

~~13. Greenhouses, hoop houses, high tunnel, hot houses, or other fabric type structures associated with agricultural uses or activities and when these structures do not exceed 10,000 square feet in area and are of similar size, scale, and within 200 feet of existing agricultural structures.~~

9 – Ebey’s Landing National Historical Reserve Property Types and Review

Area Overlays

A. Maps of Property Types and Review Area Overlay

1. Property types and design review areas established by this chapter are bounded and defined as shown on the official Ebey’s design review area maps contained in the Ebey’s design review area atlas of Island County, which together with all explanatory materials contained thereon, are hereby made a part of this chapter. The Ebey’s design review area atlas shall also identify contributing resources determined to be significant in the building and landscape inventory.

2. There shall be only one (1) official Ebey’s design review area atlas, in an eight and one-half by eleven (8 ½ x 11) format at a scale of approximately one (1) inch = 400 feet, all the official maps that depict and delineate property types and designated design review areas. The Ebey’s design review area atlas shall be maintained by the Planning Director in the office of the Island County Planning and Community Development Department and shall be modified promptly to reflect amendments enacted by the county pursuant to the procedures established in this chapter and chapter 16.19.

3. Whenever there is a conflict between the individual parcels and their designated design review area, the designation shown in Ebey’s design review area atlas shall control.

B. How to use this table. This table is intended to assist you in identifying the type of property and the three (3) review areas within Ebey’s Landing National Historical Reserve, Island County. Table Components include:

1. Type of property
2. Type of resource
3. Review area

C. Ebey’s Landing Historical Reserve Property Type and Review Area Overlay.

Commented [JE58]: JP: Reduce the specific project types name

Commented [JE59R58]: simplify

Commented [JE60]: Needs to be created

Commented [JE61R60]: Physical protection to fall back on

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Table 17.04A.090		Ebey's Landing National Historical Reserve Property Types and Review Area Overlays
	Ebey's Landing National Historical Reserve	Intent
Historic Property	Contributing Resource	<ul style="list-style-type: none"> Defined in section 301(5) of the NHPA and means any prehistoric or historic district, site, building, structure, landscape or object included in, or eligible for inclusion in the National Register, including artifacts, records, and material remains related to such a property or resource. Defined as a historic property, determined to be significant in the building and landscape inventory.
	Non-Contributing Resource	<ul style="list-style-type: none"> Defined in section 301(5) of the NHPA and means any prehistoric or historic district, site, building, structure, landscape or object included in, or eligible for inclusion in the National Register, including artifacts, records, and material remains related to such a property or resource. Defined as a historic building, site, structure, or object that was not determined significant at the time of the building and landscape inventory due to additions, alterations or general condition.
Non-Historic Property	Review Area 1	<ul style="list-style-type: none"> Those portions of the Reserve with a concentration of buildings and associated landscape features that retain a high degree of historic character. These resources have the highest design review standards in order to preserve their character and integrity; as designated in Ebey's design review area atlas. This area includes buildings, sites, structures, landscapes, or objects in the Reserve visible across a prairie or water body or from certain public roads, as well as the intrinsic links between historic buildings and other significant historic features; these links shall be visually protected to maintain the sense of the historic setting. Review area 1 also includes historic properties, Conservation Easements, prominent viewsheds, and view corridors within the Reserve, as indicated in Appendix 1, and the associated area measured within 500 feet from the historic property
	Review Area 2	<ul style="list-style-type: none"> Those areas within the Reserve containing newer neighborhoods predominately developed after World War II and heavily forested lands requiring limited review for regulated actions; as designated in Ebey's design review area atlas. To preserve the character and integrity of the Reserve, all parcels in Review area 2 that are within 500 feet of a historic property, scenic corridor shall be reviewed under the same criteria as Review area 1 All areas not in Review Area 1 or Review Area 3

Commented [JE62]: Add easements and corridors and view shed.
Corridors and viewsheds within nomination form

Commented [JE63]: Ensure Protection and Preservation of Ridgelines and tree stands along scenic corridors are key considerations makes its way into code or DGs

Commented [JE64]: Atlas Mention

Review Area 3

- Those remaining areas within the Reserve with minimal historic character remaining.
- Primarily includes the Rolling Hills Raid, Penn Cove Raid, and Sierra Plat
- To provide a smooth transition between review areas, all parcels

Commented [JE65]: Within boundary bc donation land claims

Commented [JE66]: Additional areas?

Commented [JE67]: Think though this more? Do we need transitions zones?

Commented [JE68]: Ref:
(Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

~~17.04A.100 – Level A certificate of appropriateness decisions – Ministerial – Planning staff decision process:~~

~~Level A certificate of appropriateness. A ministerial decision issued by the Planning Director for the development activities listed below.~~

- ~~A. Accessibility alterations that alter the exterior of the structure – Non-historic structure.~~
- ~~B. Administrative site plan approvals with no construction activities.~~
- ~~C. Commercial, institutional, public, and residential signs.~~
- ~~D. Decks or porches – Non-historic structures.~~
- ~~E. Re-roofing (whether or not a building permit is required) with new or different materials – Non-historic structures.~~
- ~~F. Retaining walls and fences < six (6) feet in height.~~
- ~~G. Residential greenhouses, hoop houses, high tunnel, hot houses, or other fabric type structures, when no building permit is required.~~
- ~~H. Residential energy conservation or renewable energy measures that affect the site or the exterior of a building or structure in review area 2 or in review area 1 for non-historic structures.~~

10 – Certificate of Appropriateness Decisions and Exemptions Table

A. How to use this table. This table identifies the allowable development activities within the **three (3) review areas** of Ebey's Landing National Historical Reserve, Island County. This table also provides applicable information about certificate of appropriateness levels (COA), conditions, and limitations for properties and specific review areas at various levels of intensity. Table Components include:

- COA Types and Exemptions
- Decision Types
- Footnotes and References

1. COA Types: This section represents all development activities allowed within **the three (3) review areas** that have been adopted into the Island County Zoning Code. The table lists development activities that intersect with each review area, outlining whether the development activity is permitted and its associated certificate of appropriateness level. Some development activities have two (2) associated certificates of appropriateness levels. This means that property type and review area will dictate if and how the developmental activity may be decided.

- 2. Level A certificate of appropriateness decisions:** Development activities labeled as "A" are reviewed as a Ministerial decision issued by the Planning Director.
- 3. Level B certificate of appropriateness decisions:** Development activities labeled as "B" are reviewed as an administrative decision issued by the Planning Director, following consultation with the Reserve Committee.
- 4. Level C certificate of appropriateness decisions:** Development activities labeled as "C" are reviewed as an HPC recommendation to the Planning Director. This is an administrative decision on the COA, issued by the Planning Director, following a review of the project by the HPC in a public meeting. The HPC recommendations on the COA are forwarded to the Planning Director for action, in conjunction with the underlying or companion land use or building permit.
- 5. Level D certificate of appropriateness decisions:** Development activities labeled as "D"

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Commented [JE69]: Switched Level C and Level D to properly reflect the tiers of review.

are reviewed as an HPC decision. This is an administrative decision on the COA issued by the HPC, following a public meeting for the development activities listed in subsection 17.04A.100.B. Any conditions of approval attached to the COA by the HPC are forwarded to the Planning Director and become conditions of approval for the underlying or companion land use or building permit.

Commented [JE70]: Is this True? This seems to contradict the ideas of a public hearing and the HPC. Discuss.

6. **Exempt:** Development activities labeled as "E" do not require a COA. Ordinary repair and maintenance activities are exempt. Development activities or agricultural structures within building envelopes, construction zones, etc., which are consistent with and described in easement agreements with the National Park Service are also exempt.

Commented [JE71]: Reflect in Table?

7. **Expiration of permits:** Unless a different expiration period is specifically provided under the Island County Code, state, or federal law, certificates of appropriateness approvals shall expire two (2) years from the date of approval, unless an extension of time of up to one (1) additional year has been requested in writing by the applicant with an explanation of the reason(s) for the requested additional time, and the request has been approved in writing by the Director or a designated appointee by the Director.

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8. **Footnotes and References:** Each table has related Footnotes and References. These identify or reference any additional standards or conditions associated with specific development activity. Standards can be limitations and/or thresholds that trigger requirements for higher levels of review. Conditions outline criteria that must be met for a specific development activity to be allowed in a certain review area.

a. **Footnote:** The table footnotes state any additional standard or condition for a particular development activity that is not found in any other section or chapter of this code. The number of a footnote will always correspond with a number in the table.

b. **Reference:** The reference column shows relevant sections of Island County code and/or Ebey's Landing Design Guidelines (ELDG) that contain additional standards or conditions for the development activity. The references will cite specific sections related to a specific development activity. These sections may outline limitations, threshold triggers for higher levels of review, and/or other additional criteria associated with the development activity.

B. Ebey's Landing Historical Reserve Development Activities Table. Development activities in design review areas one (1), two (2), and three (3) shall be shown in Table 17.04A.100.B. For development activities not shown in Table 17.04A.100.B see ICC 17.04A.110, 17.04A.120, and 17.04A.130.

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Table 17.04A.100.B Ebey's Landing National Historical Reserve Certificate of Appropriateness						
E – Exempt Activity	Historic Property		Non-Historic Property			ICC Reference
	Contributing Resource	Non-Contributing Resource	Design Review Area 1	Design Review Area 2	Design Review Area 3	See Also...
A – Level A COA 17.04A.110						
B – Level B COA 17.04A.120						
C – Level C COA 17.04A.130						
D – Level D COA 17.04A.130						
Accessibility alterations / improvements	B	A	A	E	E	ELDG 4.1.3
Accessory use or building – Permanent	C ¹ / A	A ¹ / E	A ¹ / E	A ¹ / E	A ¹ / E	ELDG 4.6.7
Additions	C	C	C	B	A	ELDG 4.3
Agricultural activities	E	E	E	E	E	ICC 17.04A.050
Agricultural structures less than 10,000 ft ²	E	E	E	E	E	ICC 17.04A.050 ELDG 5
Agricultural structures greater than 10,000 ft ²	C	C	C	C	C	ICC 17.04A.050 ELDG 5
Alterations	C	C	B	B	A	
Antennas / Satellite Dishes (residential)	E	E	E	E	E	ELDG 4.11.6
Bulkheads and shoreline armoring	C	C	C	B	A	

Commented [JE72]: Can this table be paired down? If everything undefined is a level B, we really only need to point out what should be exempt or level A / Level C to provide transparency. If Level B is the baseline, we can make the table easier and rely on the "Unclassified Application" code section.

Commented [JE73]: Add Project Types:

Commented [JE74R73]: Utility projects + Safety Projects

Commented [JE75R73]: Clearing and Grading - Also better define what we mean.

Commented [JE76R73]: Tree Removal - separate from Clearing and Grading?

Commented [JE77R73]: Sidewalks, driveways + both replacement and new

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Class IV special forest practices permit			<u>C</u>	<u>C</u>	<u>C</u>	<u>ICC 11.02.270</u> <u>ELD</u> <u>4.5.2</u>
Communication towers			<u>C^d</u>	<u>C^d</u>	<u>C^d</u>	<u>ELD</u> <u>4.11.7</u>
Decks/Porches - New	<u>B</u>	<u>A</u>	<u>B</u>	<u>A</u>	<u>E</u>	<u>ELD</u> <u>4.1.3</u>
Demolition / Relocation	<u>C</u>	<u>C</u>	<u>B</u>	<u>A</u>	<u>A</u>	<u>ICC 17.04A.150</u> <u>ELD</u> <u>4.11.5</u>
Emergency repairs	<u>E⁷</u>	<u>E⁷</u>	<u>E⁷</u>	<u>E⁷</u>	<u>E⁷</u>	<u>ICC 17.04A.050</u>
Energy conservation	<u>B² / E</u>	<u>B² / E</u>	<u>B² / E</u>	<u>E</u>	<u>E</u>	<u>ELD</u> <u>4.11.4</u>
Exterior Paint	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>ELD</u> <u>4.7</u>
Fences / Retaining Walls	<u>B</u>	<u>B</u>	<u>A</u>	<u>A</u>	<u>E</u>	<u>ELD</u> <u>4.10</u>
Landscape Activities – Minor	<u>E⁷</u>	<u>E⁷</u>	<u>E⁷</u>	<u>E⁷</u>	<u>E⁷</u>	<u>ELD</u> <u>4.5.2</u>
Landscape Activities – Major	<u>A^s</u>	<u>A^s</u>	<u>A^s</u>	<u>A^s</u>	<u>A^s</u>	<u>ELD</u> <u>4.5.2</u>
Mechanical equipment - New	<u>A² / E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	
Mobile / Manufactured Home			<u>C</u>	<u>B</u>	<u>A</u>	<u>ICC 17.03.180.N</u> <u>ELD</u> <u>4.6.1</u>
Mobile / Manufactured Park			<u>C</u>	<u>B</u>	<u>B</u>	<u>ICC 17.03.180.Q</u>
Multi-family housing	<u>C</u>	<u>C</u>	<u>C</u>	<u>B</u>	<u>B</u>	<u>ELD</u> <u>4.6.5</u>
New construction	<u>C</u>	<u>C</u>	<u>C</u>	<u>B</u>	<u>A</u>	<u>ELD</u> <u>4.6</u>
Ordinary Repair and Maintenance	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	

Commented [JE78]: We should define the threshold for Major Landscaping activities

Commented [JE79]: Specify if in park, otherwise just residential development

Commented [JE81R80]: Tight definition

Commented [JE82R80]: Thresholds?

Commented [JE80]: Should these be exempt? Are we worried about scenarios where folks say "it was ordinary repair and maintenance", when it wasn't?

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Over-water shoreline development	D					
Public Park Improvements			B	E	E	
Relocation of resource or structure	C	C	C	A	A	ICC 17.04A.150 ELDG 4.11.5
Renewable Energy	B² / E	B² / E	B² / E	E	E	ELDG 4.11.4
Replacement in Kind	B	B	E	E	E	
Seismic or structural upgrades	B² / E	B² / E	B² / E	E	E	
Signs	A	ELDG 4.8				
Site plan review or conditional use permits	D					
Subdivision Design & Approval	D					
Subdivision Plats or Planned Residential Units	D					
Surface Mine			D²	D²	D²	
Temporary seasonal structures less than 10,000 ft²	E					
Temporary seasonal structures greater than 10,000 ft²	B					
Unclassified Development / Land Use Activities	B	17.04A.08 0.C				
Utility systems - New	A² / E	E	E	E	E	ELDG 4.1.3
Water tanks / reservoirs	C¹¹ / B					

NOTES:

- (1) Accessory structures that require a building permit.
- (2) If the exterior of the building is altered.
- (3) Communication towers or radio tower support structures that are not associated with residential use and which do not effectively use camouflage or employ architectural concealment techniques.
- (4) Activities including, but are not limited to, agricultural activities, removal of noxious and invasive species, pruning and planting of noninvasive ornamental vegetation or indigenous native species, and other associated alterations.
- (5) Activities including, but are not limited to, clearing and grading, new residential/non-residential landscaping, and tree retention.
- (6) New permits or expansion.
- (7) Following cessation of an emergency, all emergency repairs are required to comply with all relevant guidelines and obtain a COA, if applicable.
- (8) If water storage tank or reservoir is an existing historic water tower.

Commented [JE83]: Do we want to draw that line?

**~~17.04A.110 – Level B certificate of appropriateness decisions –
Administrative – Type II decision process.~~**

- ~~A. **Level B certificate of appropriateness.** An administrative decision issued by the Planning Director, following consultation with the Reserve Committee, for the development activities listed below:~~
- ~~1. Accessory structures consistent with the design guidelines.~~
 - ~~2. Aircraft hangars in Airport (AP) Zone.~~
 - ~~3. Clearing and grading activities.~~
 - ~~4. Decks or porches that conform to the design guidelines – Historic structures.~~
 - ~~5. Accessibility alterations that do not permanently alter the exterior of a historic structure.~~
 - ~~6. Demolition or relocation – Non-historic structures.~~
 - ~~7. Approval of heritage farm plans.~~
 - ~~8. New residential construction in review area 2, provided this construction is not within 100 feet of a historic structure.~~
 - ~~9. Tree removal when not associated with an underlying or companion building, health, public works, or land use permit.~~
 - ~~10. Replacement in kind, consistent with the design guidelines – Historic structures.~~
 - ~~11. Re-roofing with new or different materials – Historic structures.~~
 - ~~12. Residential energy conservation or renewable energy measures that affect the site (i.e., within 100 feet) or the exterior of a building or structure in review area 1 – Historic structures.~~
 - ~~13. Short plat and short subdivision design.~~
 - ~~14. Antenna support structures associated with residential uses that (as built or when~~

Commented [JE84]: Ref:
(Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

retracted) do not exceed the allowable height of structures in the underlying zoning district.

15. Greenhouses, hoop houses, high tunnel, hot houses, or other fabric type structures for commercial use when a building permit is required.
16. Structures associated with an agricultural activity < 10,000 square feet, and which are of similar size, scale, and within 200 feet of existing agricultural structures (not on a site with an operating farm).
17. Communication towers or radio tower support structures, when not associated with a residential use, and that: 1) effectively use camouflage or architectural concealment techniques; or 2) consist of "swap-out" utility poles placed in line with existing utility poles.

- B. ~~Recommendations by the Reserve Committee.~~ Recommendations on a COA and associated conditions should, ideally, be unanimous. The Planning Director may refer an application to the reserve HPC for further review and comment when:
1. At least one (1) other member of the Reserve Committee agrees that the application for the COA or the conditions of approval for the certificate of appropriateness should be reviewed by the HPC; or
 2. Upon the request of the applicant.

11 - Level A certificate of appropriateness decisions—Ministerial—Planning staff decision process.

A. Purpose and intent of Level A certificate of appropriateness are:

1. To protect, enhance, and preserve the historic resources and landscape features which represent elements of the Reserve's cultural, agricultural, historic, social, economic, scenic, natural, and architectural history.
2. To assist the public in making development decisions that are compatible with the Reserve's character and long-term preservation goals.

B. Land use and development Activities not shown in Table 17.04A.100.B

1. Administrative site plan approvals with no construction activities.

~~17.04A.120—Level C certificate of appropriateness decisions—HPC recommendations and decisions.~~

- A. ~~Level C certificates of appropriateness—HPC recommendations to Planning Director.~~ This is an administrative decision on the COA, issued by the Planning Director, following review of the project by the HPC in a public meeting, for the development activities listed in section 17.04A.120.C., below, when those activities are proposed on a site that does not contain a historic structure, historic building, or historic resource; or is within a 100 feet of a historic building or structure. In these instances, the HPC recommendations on the COA are forwarded to the Planning Director for action, in conjunction with the underlying or companion land use or building permit.
- B. ~~Level C certificates of appropriateness—HPC decision.~~ This is an administrative decision on the COA, issued by the HPC, following a public meeting, for the development activities listed in [subsection] C., below, when those activities are proposed on a site containing a contributing structure or historic resource, or on a site that is within 100 feet of

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a historic building. In these instances, any conditions of approval attached to the COA by the HPC are forwarded to the Planning Director and become conditions of approval for the underlying or companion land use or building permit.

C. Land uses and development activities requiring a Level C certificate of appropriateness:

1. Above-ground power transmission lines.
1. Accessibility alterations that permanently alter the exterior of a historic building.
2. Additions or alterations to a historic building; new construction on a site containing a historic building or resource; new construction within 100 feet of a historic building.
3. New construction within review area 1, unless such construction is a contingent exemption pursuant to a heritage farm plan (section 17.04A.090.B.2.) or a NPS easement (section 17.04A.090.B.12).
4. Agricultural structures > 10,000 square feet (also refer to [subsection] C.9., below).
5. Communication towers or radio tower support structures that are not associated with a residential use and which do not effectively use camouflage or employ architectural concealment techniques.
6. Demolition (partial or complete) or relocation of a historic building or structure. (the standards for demolition are specified in section 17.04A.150).
7. Non-residential energy conservation or renewable energy (major or minor utilities) measures that affect the site or the exterior of a building or structure in review area 1 or 2.
8. Greenhouses, hoop houses, high tunnel, hot houses, or other fabric type structures associated with agricultural uses or activities when any one (1) or a series of these structures exceed 10,000 square feet (also refer to [subsection] C.5., above).
9. New multi-family structures or modular or mobile home parks.
10. New construction or alteration of nonresidential (commercial, public, or institutional) buildings, structures, or facilities within review areas 1 or 2.
11. Retaining walls and fences > six (6) feet in height.
12. Over-water shoreline development physically connected to uplands.

D. Level C certificates of appropriateness – HPC recommendations to Planning Director and decision-making body. The recommendations of the HPC on the certificate of appropriateness for certain Level C land use decisions (listed below) are restricted to design considerations only. These recommendations are advisory in nature and shall constitute a recommendation to the decision-making body.

In the case of planned residential developments and site plan review (defined in section 16.19.040.A. (Table A) as Type III permits), HPC recommendations on the COA will be incorporated into the staff report and recommendation to the Island County Hearing Examiner:

1. Highway, road, and street improvements involving the addition of lanes or right-of-way.
2. Over-water shoreline development not physically connected to uplands.
3. Projects requiring Energy Facility Site Evaluation Council (EFSEC) or Federal Energy Regulatory Commission (FERC) approval.
4. Site plan review or conditional use permits.
5. Subdivision plats or planned residential development (PRD).

- ~~6. Surface mine permits or expansions.~~
- ~~7. Water reclamation and phytoremediation projects not on property under federal ownership.~~
- ~~8. Class IV special forest practices permits.~~

12 - Level B certificate of appropriateness decisions—Administrative—Type II decision process.

- A. Purpose and intent of Level B certificate of appropriateness.
 - 1. To protect, enhance, and preserve the historic resources and landscape features which represent elements of the Reserve's cultural, agricultural, historic, social, economic, scenic, natural, and architectural history.
 - 2. To assist the public in making development decisions that are compatible with the Reserve's character and long-term preservation goals.
- B. Land use and development Activities not shown in Table 17.04A.100.B requiring a level B certificate of appropriateness:
 - 1. Approval of heritage farm plans.
 - 2. Non-exempt structures associated with an agricultural activity < 10,000 square feet, and which are of similar size, and scale, and within 200 feet of existing agricultural structures (not on a site with an operating farm).
- C. **Recommendations by the Reserve Committee.** Recommendations on a COA and associated conditions shall be unanimous. The Planning Director may refer an application to the Reserve's HPC for further review and comment when:
 - 1. At least one (1) other member of the Reserve Committee agrees that the application for the COA or the conditions of approval for the certificate of appropriateness should be reviewed by the HPC; or
 - 2. Upon the request of the applicant.

Commented [JE87]: Is it worthwhile to even have a heritage farm reference / where are the other requirements of a heritage farm plan?

Commented [JE88]: Remove

Commented [JE89]: Ref: (Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

17.04A.130—Level A and B certificates of appropriateness—Application requirements and Planning Department decisions.

- A. ~~Applications for the Level A or B certificates of appropriateness shall be submitted to the county on forms provided by the county and in accordance with the following submission requirements. The county may waive standard application requirements if not necessary to the decision making process due to the simplicity of the application.~~
- B. ~~The owner or the owner's agent (architect, contractor, lessee, etc.) shall apply to the county for review of a regulated action and request a certificate of appropriateness or, in the case of demolition, a waiver. All such applicants are strongly encouraged to avail themselves of the pre-application process as established in section 16.19.070. An applicant must include any information as required by this chapter or Island County Code. This includes information responding to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, referenced in WAC 254-20-100 and used by the Washington State Advisory Council on Historic Preservation and by the HPC. A copy of the standards is available at the county and town planning offices.~~
- C. **Application requirements.**
 - 1. ~~Clear color photographs of the building, object, site, structure, and adjacent properties.~~
 - 2. ~~A complete description of the intended work.~~

3. ~~A scaled site plan depicting existing and proposed structures and improvements, including significant trees, tree planting, buffering, and landscaping.~~
4. ~~Scaled design elevations of new structures or improvements, alterations, and additions.~~
5. ~~Existing or proposed covenants, as applicable.~~
6. ~~Samples of construction materials. For contributing structures, samples for comparison with the existing or the original building or structure.~~
7. ~~Any supplemental information deemed necessary for review of the application by the county.~~

~~D. **HPC review.** A Planning Director decision to refer a Level B application to the reserve HPC, pursuant to section 17.04A.110.B., shall be made within fourteen (14) days from the date on which a fully complete application is received and after consultation with the Reserve Committee.~~

~~E. **Level B certificates of appropriateness**—Planning Department administrative decisions. A Level B COA is an administrative decision issued by the Planning Director, following review of the application, including any review by the HPC when an application is referred to the HPC. Any conditions associated with the COA will be included the underlying or companion land use or building permit.~~

13 - Level C and D certificate of appropriateness decisions—HPC decisions and recommendations.

A. Purpose and intent of Level C and D certificate of appropriateness.

1. To protect, enhance, and preserve the historic resources and landscape features which represent elements of the Reserve's cultural, agricultural, historic, social, economic, scenic, natural, and architectural history.
2. To assist the public in making development decisions that are compatible with the Reserve's character and long-term preservation goals.
3. To acknowledge that these historic resources have the highest design review standards to preserve their character and integrity.

B. Land use and development activities not shown in Table 17.04A.100.B requiring a Level C certificate of appropriateness: (Reserved)

C. Land use and development activities not shown in Table 17.04A.100.B requiring a Level D certificate of appropriateness:

1. Highway, road, and street improvements involving the addition of lanes or right-of-way or non-maintenance activities.
2. Above-ground power transmission lines (primary infrastructure), other than lines involving service from transformer to meter or from meter to an outbuilding.
3. Projects requiring Energy Facility Site Evaluation Council (EFSEC) or Federal Energy Regulatory Commission (FERC) approval.
4. Water reclamation and phytoremediation projects not on property under federal ownership.

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Commented [JE90]: Why have the table if we're just going to keep things off of it?

Commented [JE91R90]: Is it more useful to use the table when the level differs based on the property type? And then in addition have these activities that aren't shown in the table?

Commented [JE92]: Ref: (Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

17.04A.140—Level C certificates of appropriateness—Application requirements, public meetings, and HPC decisions.

~~A. Applications for Level C certificates of appropriateness shall be submitted to the county on~~

forms provided by the county and in accordance with the following submission requirements:

- ~~1. The owner or the owner's agent (architect, contractor, lessee, etc.) shall apply to the county for review of a regulated action and request a certificate of appropriateness or, in the case of demolition, a waiver. All such applicants are strongly encouraged to avail themselves of the pre-application process as established in section 16.19.070. An applicant must include any information as required by this chapter or Island County Code. This includes information responding to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, referenced in WAC 254-20-100 and used by the Washington State Advisory Council on Historic Preservation and by the HPC. A copy of the standards is available at the county and town planning offices.~~
- ~~2. The HPC shall meet with the applicant and review the proposed work according to their established rules during a public meeting. Notice of the HPC meeting shall be published in a newspaper of general circulation and the agenda for a public meeting shall be properly posted.~~
- ~~3. The HPC shall complete its review and make its decisions or recommendations within the timelines established in state statutes, unless an extension of time is necessary and agreed to by the applicant.~~
- ~~4. The HPC reviews the request for certificates of appropriateness under the following procedures:~~

~~B. Public meeting:~~

- ~~1. The county planning official reviews each application, certifies it complete and, within seven (7) days of certification, causes notice of application to be provided in accordance with the appropriate decision-making level established in section 16.19.040.A (Table A). Following publication of the notice of application, the application shall be heard by the HPC. The HPC shall hold the public meeting within thirty (30) days of the receipt of a completed application by the county.~~
- ~~2. The Planning Director shall submit a staff report to the HPC, containing a description and analysis of the request, findings of fact, and a staff recommendation.~~
- ~~3. The HPC, after reviewing the application, the staff report, and considering the information and comments received at the public meeting, shall forward their recommendation to the Planning Director to grant, grant with conditions, or deny the application based upon the consistency of the proposed action with the requirements of this chapter.~~
- ~~4. The HPC's decision or recommendation on the COA shall be in writing and shall state the reasons relied upon in reaching its recommendation. A decision or recommendation to deny a certificate of appropriateness shall state the specific reasons for the denial and explain why the proposal is inconsistent with the requirements of this chapter and adopted guidelines for the reserve.~~
- ~~5. Upon receipt of the HPC recommendation or decision, the Planning Director shall transmit the COA decision or recommendation to the owner, applicant, and any agents at the addresses provided in the application.~~

14 - Application requirements.

Commented [JE93]: Check that this jives with state law.

A. Level A and B certificates of appropriateness - Application requirements and Planning Department decisions

1. Applications for the Level A or B certificates of appropriateness shall be submitted to the county on forms provided by the county and in accordance with the submission requirements outlined in subsection 3.
2. The owner or the owner's agent (architect, contractor, lessee, etc.) shall apply to the county for review of a regulated activity and request a certificate of appropriateness or, in the case of demolition, a waiver. All such applicants are strongly encouraged to avail themselves of the pre-application process as established in section 16.19.070. An applicant must include any information as required by this chapter or Island County Code.
3. **Application requirements.**
 - (i) Clear color photographs of the building, object, site, structure, and adjacent properties.
 - (ii) A complete description of the intended work.
 - (iii) A scaled site plan depicting existing and proposed structures and improvements, including significant trees, tree planting, buffering, and landscaping.
 - (iv) A scaled design of elevations of new structures or improvements, alterations, and additions.
 - (v) A scaled design in context of existing setting.
 - (vi) Existing or proposed covenants, as applicable.
 - (vii) Samples of construction materials. For contributing structures, samples for comparison with the existing or the original building or structure.
 - (viii) Any supplemental information deemed necessary for review of the application by the county. Examples of supplemental information may include samples of construction originally used with those of new proposed construction material.
 - (ix) Electronic copy of all application materials.
 - (x) The county may waive standard application requirements if not necessary to the decision-making process due to the simplicity of the application.
4. **Reserve Committee review.** A Planning Director's decision to refer a Level A application to the Reserve Committee, pursuant to section 17.04A.120.B., shall be made within fourteen (14) days from the date on which a fully complete application is received and after consultation with the Reserve Committee.
5. **Level B certificates of appropriateness—Planning Department administrative decisions.** A Level B COA is an administrative decision issued by the Planning Director, following a review of the application, including any review by the HPC when an application is referred to the HPC. Any conditions associated with the COA will be included in the underlying or companion land use or building permit.

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B. Level C and D certificates of appropriateness—Application requirements, public meetings, and HPC decisions.

1. Applications for Level C and D certificates of appropriateness shall be submitted to the county on forms provided by the county and in accordance with the submission requirements outlined in Section 14.A.3.

Commented [JE94]: Any specific application requirements similar to how they are outlined for Level A and B COAs?

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C. The HPC reviews the request for certificates of appropriateness under the following procedures:

1. Public meeting.
 - (i) The county planning official reviews each application, certifies it is complete and,

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within seven (7) days of certification, causes notice of the application to be provided in accordance with the appropriate decision-making level established in section 16.19.040.A (Table A). Following publication of the notice of application, the application shall be heard by the HPC. The HPC shall hold the public meeting within sixty (60) days of the receipt of a completed application by the county.

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(ii) The HPC shall meet with the applicant and review the proposed work according to their established rules during a public meeting. Notice of the HPC meeting shall be published in a newspaper of general circulation and the agenda for a public meeting shall be properly posted.

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(iii) The Planning Director shall submit a staff report to the HPC, containing a description and analysis of the request, findings of fact, and a staff recommendation.

(iv) The HPC, after reviewing the application, the staff report, and considering the information and comments received at the public meeting, shall not later than fourteen (14) days, unless an extension of time is necessary and agreed to by the applicant, forward their decision or recommendation to the Planning Director to grant, grant with conditions, or deny the application based upon the consistency of the proposed action with the requirements of this chapter.

(v) The HPC's decision or recommendation on the COA shall be in writing and shall state the reasons relied upon in reaching its decision or recommendation. A decision or recommendation to deny a certificate of appropriateness shall state the specific reasons for the denial and explain why the proposal is inconsistent with the requirements of this chapter and adopted guidelines for the Reserve.

(vi) Upon receipt of the HPC decision or recommendation, the Planning Director shall transmit the COA decision or recommendation to the owner, applicant, and any agents at the addresses provided in the application.

15 - Demolition or relocation of contributing buildings or structures or historic resources.

Commented [JE95]: Ref: (Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

Commented [JE96]: Include Demolition by Neglect?

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Ebey's Landing National Historical Reserve has been determined to be historically significant to the nation. ~~In consideration of this, it is the intention of the county and partners to preserve contributing buildings and structures in their current location. It is the policy of Island County to prevent the unnecessary demolition or relocation of historic properties within Ebey's Reserve.~~ Relocation of historic properties within the Reserve is preferred over demolition. A property owner wanting to demolish (in whole or part) or to relocate a historic ~~building or structure~~ property must receive a certificate of appropriateness before the action will be approved by the county. Such demolition is subject to further review under the State Environmental Policy Act (SEPA), pursuant to WAC 197-11- 800(2)(f).

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Even when a certificate of appropriateness to demolish a historic property has been issued because its owner is unable to make reasonable economic use of the historic property, demolition should be delayed until the owner is ready and able to proceed with a replacement use. Such delay often will be in the owner's economic interest as well as in the public interest, and a modest additional burden on an owner will be reasonable given the substantial benefit that all citizens, including the owner, derive from the resource's presence within Ebey's Landing National Historical Reserve.

~~A. The procedures and criteria established in this section do not apply to any demolition under an adopted may be altered through review and approval of a heritage farm plan consistent~~

~~with the design guidelines, however, such demolition is subject to further review under SEPA. The existing county ordinances governing demolition of agricultural structures will continue to apply unless a heritage farm plan is approved.~~

- A. Application requirements and procedures. A pre-application conference shall be required with the Reserve Committee to provide for initial review of proposal with the applicant or applicant's agent. Potential applicants are advised that performing the requisite surveys, studies, and providing substantiating information to file a complete application may entail a significant commitment of time and financial resources, prior to filing an application for demolition. Demolition of a historic ~~building or structure or historic resource~~ property is also subject to further review under the State Environmental Policy Act (SEPA). The application shall not be presented to the HPC until such time as the requirements of the SEPA threshold determination are completed.

1. Where demolition of the ~~building or structure~~ historic property is sought due to unsafe conditions, the applicant shall supply a report from a State of Washington licensed structural engineer; with demonstrated experience in historic preservation (as approved by the town or county), and whose report substantiates that the ~~building or structure~~ historic property poses an imminent danger to public health or safety.
2. Where demolition of the ~~building or structure~~ historic property is sought for reasons other than unsafe conditions, the applicant shall supply detailed reports and substantiating information from qualified professionals with demonstrated experience in historic preservation (as approved by the county) in support of the reasons for the request.

B. Decision criteria.

~~1. If demolition would be detrimental to the historic character of the reserve, then the application shall be denied unless the applicant can establish one (1) or more of the following:~~

- ~~a. The denial or partial denial will deprive the owner of reasonable economic use of the property; or~~
- ~~b. The building, structure, or portion to be removed cannot be adapted for any other use, whether by the owner or by a purchaser, which would result in a reasonable economic return; or~~
- ~~c. There is no viable or reasonable alternative which would have less impact; or~~
- ~~d. The structure is so deteriorated, and there is so little historic fabric, that it would be an inordinate burden to retain the historic, cultural, and architectural significance of the structure through rehabilitation or renovation.~~

~~2.1.~~ 2.1. The demolition of a historic building property will be determined to be detrimental to the historic character of the Reserve, if the structure meets three (3) or more of the following criteria:

- a. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history;
- b. Embodies distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;

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- c. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art at the national, regional, state, or local level;
- d. Exemplifies or reflects special elements of the Reserve's cultural, special, economic, political, aesthetic, engineering, or architectural history;
- e. Is associated with lives of persons significant in national, state, or local history;
- f. It is the only remaining, or one (1) of the few remaining structures of a particular style, building type, design, material, or method of construction;
- g. It is a conspicuous visual landmark in the Reserve; and
- h. It is an important or critical element in establishing or contributing to the continuity or character of the setting.

If application of the above criteria results in a denial, but the proposed action is necessary to correct an unsafe or dangerous condition on the property, then the Building Official may issue a permit strictly limited to correcting emergency conditions.

- 2. If demolition would be detrimental to the historic character of the Reserve, then the application shall be denied unless the applicant can establish one (1) or more of the following:
 - a. The denial or partial denial will deprive the owner of reasonable economic use of the property as reviewed under county code section xxx; or
 - b. The building, structure, or portion to be removed cannot be adapted for any other use, whether by the owner or by a purchaser, which would result in a reasonable economic return; or
 - c. There is no viable or reasonable alternative which would have less impact; or
 - d. The historic property is so deteriorated, and there is so little historic fabric, that it would be an inordinate burden to retain the historic, cultural, and architectural significance of the structure through rehabilitation or renovation.

- ~~2. The certificate of appropriateness for demolition may be issued with conditions such as:~~
 - ~~a. Approval of a replacement building before demolition;~~
 - ~~b. Providing adequate evidence of financial ability to complete the replacement project;~~
 - ~~c. A requirement that the building and site be thoroughly documented through photographs or other methods for permanent retention in local, regional, or national archives before any action is taken to demolish or relocate any contributing structure or historic building; and~~
 - ~~d. Allowing salvage of building materials for use in other locations.~~

- ~~3. The provisions of this chapter shall in no case be used to impose upon any property owner any peculiar or undue financial hardship, nor be so used to prevent the removal or demolition of any building or structure which cannot be economically maintained or rehabilitated, giving due consideration of all potential uses to which the structure may reasonably be put following rehabilitation by a private property owner.~~

- ~~4.3. If the HPC determines that demolition will be detrimental to the historic or~~

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~~architectural~~ character of the ~~R~~Reserve, the HPC shall issue the COA directing that demolition be postponed for a period fixed by the HPC, but not exceeding one (1) year from the date of the HPC meeting where the application was first scheduled to be heard by the HPC, unless further delay is agreed upon by all parties or the applicant requests a delay in review of the application for demolition.

~~5.4.~~ During the period of postponement, the partners and HPC may consult with interested persons, agencies, or organizations to ascertain what may be done to preserve the ~~building~~ historic property. If no means are found to preserve it, staff shall, at the conclusion of the postponement period, approve the demolition permit. During the period of postponement, the applicant shall allow ~~staff~~ the Reserve manager or a designated appointee of the Reserve Manager to photo-document the historic property and site.

- C. Expiration. The certificate of appropriateness will expire if the work authorized does not begin within two (2) years of issuance. The time period may be extended upon written application.
- D. Waivers. The HPC may issue a certificate of appropriateness with a waiver from some or all of the above requirements in cases where it has been demonstrated by the applicant that:
 - 1. Relocation can occur while retaining the same historical context and without damaging the building historic property; or
 - 2. Demolition of a portion of the building historic property would not reduce the ~~building's historic~~ historic property's significance and integrity; or
 - 3. Reports from qualified structural engineers and historic preservation experts indicate that the building historic property is so deteriorated and there is so little historic fabric left that its integrity is compromised and significance has been lost.
- E. Penalties. If someone demolishes (in whole or in part) or relocates a historic ~~building or structure~~ property without first receiving the required certificate of appropriateness, the owner may be subject to a civil penalty of up to two hundred fifty dollars (~~\$250.00~~ \$500.00) per day pursuant to section 17.03.260. Any new construction on the site will be reviewed based upon the adopted design guidelines for "infill construction." The property owner may also be subject to special valuation disqualification as stated in WAC 458-15-070.

F. Evaluation of reasonable economic use.

- 1. To prove the existence of a condition of unreasonable economic return, the applicant must establish and the HPC must find, both of the following:
 - a. The historic property is incapable of earning a reasonable economic return without making the alterations proposed. This finding shall be made by considering and the applicant shall submit to the commission evidence establishing each of the following factors:
 - (i) The current level of economic return on the historic property as considered in relation to the following:
 - a. The amount paid for the historic property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the historic property was purchased;

- condition after completion of the proposed alteration; and, in the case of proposed demolition, after renovation of the historic property for continued use;
- d. In the case of proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in historic restoration or rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing historic property;
- e. The unfeasibility of new construction around, above, or below the historic property.
- (iv) Potential economic incentives and/or funding available to the owner through federal, state, county, city or private programs.
- b. the certificate of appropriateness for demolition may be issued with the conditions that:
 - (i) The owner has the present intent and the secured financial ability, demonstrated by appropriate documentary evidence to complete the alteration.
 - (ii) The owner has an approved replacement building and/or site plan before demolition;
 - (iii) The owner shall allow the historic property and site be thoroughly documented, by the Reserve manager or a designated appointee by the Reserve Manager, through photographs or other methods for permanent retention in local, regional, or national archives before any action is taken to demolish or relocate any contributing structure or historic building; and
 - (iv) The owner shall allow for the salvaging and storing of materials for use in other locations and/or projects, if applicable.
- 2. Notwithstanding the foregoing enumerated factors, the property owner may demonstrate other appropriate factors applicable to economic return.
- 3. Upon reasonable notice to the owner, the HPC may appoint an expert or experts to provide advice and/or testimony concerning the value of the historic property, the availability of incentives and the economic impacts of approval, denial or partial denial of a certificate of appropriateness.
- 4. Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a certificate of appropriateness.

16 - Procedures for changes to the guidelines.

- A. The planning officials of the Town of Coupeville and Island County retain their authority to interpret their respective land development regulations and the guidelines, as established by ordinance. With respect to interpretations of this chapter and the guidelines, such interpretations by the ~~County Planning Director~~ shall require consultation with the ~~Town Planner Coupeville Community Planning Director~~ and the Reserve Manager. A record of issued interpretations shall be maintained and presented annually to the legislative bodies of the county and town, pursuant to the interlocal agreement adopted by the partners.

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- B. Changes to the guidelines shall require approval by the Board of County Commissioners, after first consulting with the council and Mayor of the Town of Coupeville and the Trust Board. Such changes are only effective upon approval by the Board of County Commissioners, consistent with the terms and conditions of the interlocal agreement adopted by the partners.

17 - Political subdivisions, special purpose districts, and public and private utility projects.

- A. In order to achieve consistency with the Ebey's Design Guidelines and in order to promote efficient and effective planning for the capital needs of those political subdivisions, special purpose districts, and public or private utility owners, hereinafter referred to as "service providers," the service provider should initiate the design development process for new and replacement facilities with the Reserve Committee prior to commencement of formal design development activities and permitting processes, as applicable.
- B. A pre-application meeting with the Reserve Committee shall be held at least ninety (90) days before the application is submitted and accepted by the town or county or service provider. This ninety-day period may be waived in the case of emergencies and when the Reserve Committee finds the proposal consistent with the purpose and intent of the design guidelines.

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(Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

18- Designated buildings and sites—National Register of Historic Places.

Appendix ~~2~~ 1 (attached) is a list of properties within the Reserve that are locally designated as historic resources. This list includes properties designated as "contributing resources" in the building and landscape inventory (1995) prepared for the Reserve and "contributing resources" to the Central Whidbey Historic District. Additional contributing structures that meet the National Register criteria may be designated in the future. The Town and County Planners are directed to record this attachment as a matter of public record in the office of the Island County Auditor.

Commented [JE101]: Ref:
(Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

19 - Review and monitoring of property for special property tax valuation.

- A. This section implements the local option special valuation tax incentive program as established in Chapter 84.26 RCW. "Special valuation tax incentive program" or "special valuation" means the local option program which makes available to property owners a special tax valuation for rehabilitation of historic property under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten (10) years, the actual cost of the rehabilitation.
- B. Timelines.
 - 1. Applications must be filed with the county assessor's office and shall be forwarded to the HPC by the assessor within ten (10) days of filing.
 - 2. For applications filed at least thirty (30) days prior to the next regularly scheduled meeting of the HPC, the case may be put on the agenda for that meeting. If there are not thirty (30) days, the case will be scheduled for the next regularly scheduled

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(Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

meeting of the HPC.

3. Applications shall be reviewed by the HPC before December 31 of the calendar year in which the application is made.
4. HPC decisions regarding the applications shall be certified in writing and filed with the assessor within ten (10) days of the decision.

C. Procedure.

1. The applicant files an application for special valuation with the county assessor's office no later than October 1 preceding the tax assessment year in which they wish to apply. A fee may be required as established in the county fee schedule.
2. The assessor forwards the application to the HPC within ten (10) days of receipt of the completed application.
3. The HPC reviews the application, consistent with its rules and procedures, and determines if the application is complete and if the property meets the criteria set forth in WAC 254-20-070(1).
4. If the HPC finds the property meets all the criteria, then it may be approved. If the HPC determines the property does not meet all the criteria set forth in WAC 254-20-070(1), then it shall deny the application.
5. The HPC shall certify its decisions in writing and state the facts upon which the approvals or denials are based and files copies of the certifications with the assessor.
6. For approved applications:
 - a. The HPC, as the local review board, shall forward copies of the agreements, applications, and supporting documentation (as required by WAC 254-20-090(4)), to the county assessor, so as to comply with WAC 254-20-070(5);
 - b. The HPC forwards the signed agreement and application documents to the county assessor for recording. The assessor shall record the certificate with the county auditor as required by RCW 84.26.060(3) and the applicant shall be assessed fees for recording as prescribed by the county auditor and other applicable County Code sections; and
 - c. Pursuant to WAC 254-20-070(6), the HPC monitors the property for continued compliance with the agreements throughout the ten-year special valuation period.
7. The HPC determines in a manner consistent with its rules of procedure, whether or not property is disqualified from special valuation either because of:
 - a. The owner's failure to comply with the terms of the agreement; or
 - b. Because of a loss of historic value resulting from physical changes to the building or site.
8. For disqualified property, pursuant to RCW 84.26.080, the HPC shall notify the owner and assessor in writing and state the facts supporting its findings.

D. Criteria.

1. **Historic property criteria.** The class of property eligible to apply for special valuation in Island County shall mean all property listed on the National Register of Historic Places or all property containing contributing ~~structures~~-resources in Ebey's Landing National Historical Reserve, which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter

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84.26 RCW.

2. **Application criteria.** Complete applications shall consist of the following documentation:
 - a. A legal description of the ~~historic property~~ contributing resource;
 - b. A copy of the nomination inventory form for the subject property;
 - c. Comprehensive exterior and interior photographs of the ~~historic property~~ contributing resource before and after rehabilitation. Photographs should be four (4) inches by six (6) inches or five (5) inches by seven (7) inches minimum format either black and white or color, and must be clearly labeled to identify case, location, subjects and the direction the photograph was taken. Photographs shall include:
 - (i) Photos taken prior to construction;
 - (ii) Historic photos or other source materials of replicated features; and
 - (iii) A current streetscape.
 - d. Architectural plans or other legible drawings depicting the completed rehabilitation work signed by the architect or draftsman;
 - e. notarized affidavit(s):
 - (i) Attesting to the actual itemized cost of the rehabilitation work completed prior to the date of application, and
 - (ii) Indicating rehabilitation work was completed within the twenty-four-month period of time prior to application for special valuation. Documentation of both must be made available to the HPC;
 - f. Samples of utilized materials may be required by the HPC; and
 - g. Other information as required by staff or the HPC at a pre-application meeting.
 3. **Property review criteria.** In its review the HPC shall determine if the property meets all of the following criteria:
 - a. The property is a historic property which is listed on the National Register of Historic Places within the ~~R~~Reserve;
 - b. The property has been rehabilitated at a cost ~~which~~that meets the definition set forth in RCW 84.26.020(2) (and identified in rules and procedures of this chapter) within twenty-four (24) months prior to the date of application; and
 - c. The property has not been altered in any way which adversely affects those elements which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties (WAC 254-20-100(1)) and listed in rules and procedures of this chapter).
 4. **Rehabilitation and maintenance criteria.** The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-20-100 shall be used by the HPC as minimum requirements for determining whether or not a historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.
- E. Agreement. The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the HPC as the minimum agreement necessary to comply with the requirements

of RCW 84.26.050(2).

- F. Appeals. Any decision of the HPC acting on any application for classification as historic property, eligible for special valuation, may be appealed to superior court under RCW 34.04.130 in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the County Board of Equalization.

Commented [JE103]: CLG: The Switch to Contributing Resource is out of sync with the CLG Model - it uses historic property.

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20 - Disclosure statement.

Pursuant to the requirements of this chapter, no person shall sell, lease, or offer for sale or lease any property within the Ebey's Landing National Historical Reserve and subject to the design standards and protections required by this section, unless the prospective buyer or lessee has been given notice substantially as follows.

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(Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

Statement

The Seller/Selling Agent discloses the following information and Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

To: _____

The Property at _____
(Assessor's Parcel # _____) is located within the Ebey's Landing National Historical Reserve.

Before purchasing or leasing the above property, you should consult with the Island County Planning Department or the Town of Coupeville Planning Department and research and review The Ebey's Landing National Historical Reserve Design Guidelines and associated procedures and regulations, as well as any previously issued permits, to determine restrictions, if any, which have been placed on the subject property.

The owners of property within the Ebey's Landing National Historical Reserve have a unique responsibility and challenge in protecting the Reserve's cultural landscape. The Reserve is a complex combination of buildings, structures and landscape features (both natural and manmade). Its character ranges from a town with thriving commercial and residential neighborhoods and a valuable shoreline with dramatic vistas to prairies with Operating Farms and suburban subdivisions. In recognition of its importance, the Reserve is a Congressionally authorized unit of the National Park Service.

Such a fragile resource can be easily lost through incremental changes and as a result Island County and the Town of Coupeville have adopted standards to protect ~~Contributing Structures~~ [historic properties](#), the landscape, views, and vistas.

I/WE acknowledge receipt of this disclosure:

Buyer/Lessee _____

Date: _____

Buyer _____

Date: _____

I acknowledge receipt of a copy of this Signed Statement Agent (Broker) representing

Seller _____

Date: _____

I acknowledge witnessing the Signing of this Statement

Agent (Broker) representing Buyer: _____

Date: _____

21 - Penalties and enforcement.

- A. Island County has established enforcement procedures in Island County Code [sections] 17.03.250 and 17.03.260. Additional enforcement provisions are also adopted herein for the unlawful demolition of a historic building or structure. Enforcement actions as related to enforcement of the provisions of this chapter shall be prioritized based upon the impact to the historic resources involved.
- B. Restoration or modification. When work has been done upon a resource without a permit, and the HPC finds that the work does not qualify for a certificate of appropriateness, the county may require an owner to restore the resource to the condition the resource was in before the inappropriate work was done or to modify the work so that it qualifies for a certificate of appropriateness.

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(Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

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22 - Severability.

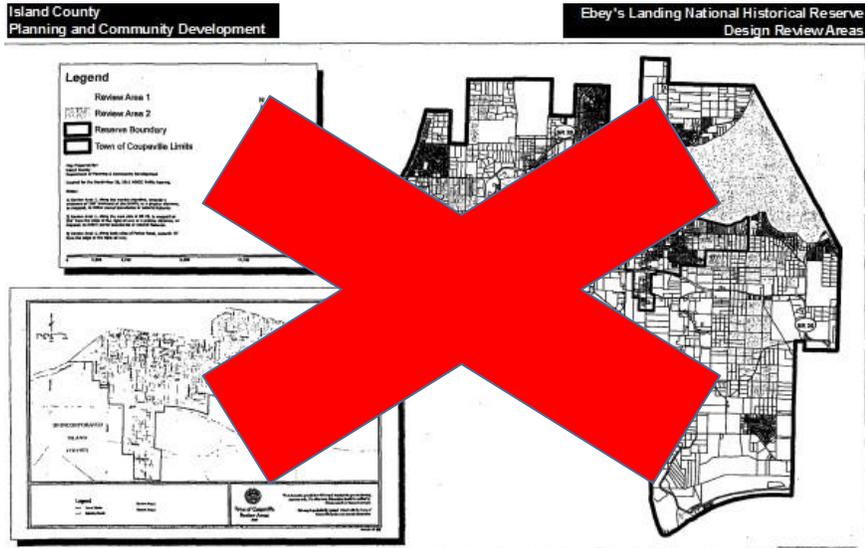
If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provisions to other persons or circumstances is not affected.

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(Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

Appendices

- Appendix 1: Map
- Appendix 2: Historic Resources

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ATTACHMENT 2

**Coupeville Town Code Title 16.13
Ebey's Landing National Historical Reserve Code
Table Revisions**

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(Ord. C-84-11 [PLG-019-11], October 3, 2011, effective
January 1, 2012, vol. 2011, p. 180)

17.04A.090 – Exempt activities.

Exempt activities are divided into two (2) categories: categorical exemptions and contingent exemptions. Exempt activities do not require a certificate of appropriateness (COA). Only those exempt activities listed as contingent exemptions are required to meet the guidelines established in the Ebey's Landing National Historical Reserve Design Manual.

A. ~~Categorical exemptions.~~ The following activities are categorical exemptions. These activities are not required to comply with the guidelines and these activities are not required to obtain a certificate of appropriateness:

1. ~~Agricultural activities, as defined herein (See section 17.04A.050-Definitions).~~
2. ~~Alteration of interior features.~~
3. ~~Emergency repairs. Following cessation of an emergency, all emergency repairs are required to meet all relevant guidelines and obtain a COA, if applicable.~~
4. ~~Residential energy conservation or renewable energy measures that do not affect the site or the exterior of a building or structure.~~
5. ~~Replacement of driveways or sidewalks—Non-historic structures.~~
6. ~~Replacement in kind—Non-historic structures.~~
7. ~~Replacement or addition of utility systems that do not alter the exterior of the building—Non-historic structures.~~
8. ~~Replacement or repair of foundations—Non-historic structures.~~
9. ~~Seismic or structural upgrades that do not alter the exterior of the building—Non-historic structures.~~
10. ~~Temporary accessibility improvements, such as ramps, for disabled access that are not permanent structures or do not require a building permit.~~

B. ~~Contingent exemptions.~~ The following activities are contingent exemptions. When these activities require a building permit, they are required to comply with the guidelines but do not require a certificate of appropriateness. When these activities do not require a building permit, county staff will assist owners in understanding and applying the design guidelines.

1. ~~Exterior painting.~~
2. ~~Construction or demolition consistent with a heritage farm plan.~~
3. ~~Ordinary repair and maintenance.~~
4. ~~Replacement or the addition of utility systems that do not alter the exterior of the building—Historic structures.~~
5. ~~Replacement of driveways or sidewalks—Historic structures.~~
6. ~~Replacement in kind or repair of foundations—Historic structures.~~
7. ~~Re-roofing and re-siding with the same or substantially similar materials (when no building permit required).~~
8. ~~Residential satellite dishes < thirty six (36) inches in diameter or largest dimension.~~
9. ~~Seismic or structural upgrades that do not alter the exterior of the building—Historic structures.~~
10. ~~Operating farms—Agricultural structures < 10,000 square feet, and which are of similar size, scale, and within 200 feet of existing agricultural structures.~~

- ~~11. Public park improvements other than buildings (such as playground equipment, trails, etc., that do not require a building permit).~~
- ~~12. Development activities or agricultural structures within building envelopes, construction zones, etc., which are consistent with and described in easement agreements with the National Park Service.~~
- ~~13. Greenhouses, hoop houses, high tunnel, hot houses, or other fabric type structures associated with agricultural uses or activities and when these structures do not exceed 10,000 square feet in area and are of similar size, scale, and within 200 feet of existing agricultural structures.~~

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9 – Ebey’s Landing National Historical Reserve Property Types and Review Area Overlays

A. Maps of Property Types and Review Area Overlay

1. Property types and design review areas established by this chapter are bounded and defined as shown on the official Ebey’s design review area maps contained in the Ebey’s design review area atlas of Island County, which together with all explanatory materials contained thereon, are hereby made a part of this chapter. The Ebey’s design review area atlas shall also identify contributing resources determined to be significant in the building and landscape inventory.
2. There shall be only one (1) official Ebey’s design review area atlas, in an eight and one-half by eleven (8 ½ x 11) format at a scale of approximately one (1) inch = 400 feet, all the official maps that depict and delineate property types and designated design review areas. The Ebey’s design review area atlas shall be maintained by the Planning Director in the office of the Island County Planning and Community Development Department and shall be modified promptly to reflect amendments enacted by the county pursuant to the procedures established in this chapter and chapter 16.19.
3. Whenever there is a conflict between the individual parcels and their designated design review area, the designation shown in Ebey’s design review area atlas shall control.

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B. How to use this table. This table is intended to assist you in identifying the type of property and the three (3) review areas within Ebey’s Landing National Historical Reserve, Island County. Table Components include:

1. Type of property
2. Type of resource
3. Review area

C. Ebey’s Landing Historical Reserve Property Type and Review Area Overlay.

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Table 17.04A.090		Ebey's Landing National Historical Reserve Property Types and Review Area Overlays
	Ebey's Landing National Historical Reserve	Intent
Historic Property	Contributing Resource	<ul style="list-style-type: none"> • <u>Defined in section 301(5) of the NHPA and means any prehistoric or historic district, site, building, structure, landscape or object included in, or eligible for inclusion in the National Register, including artifacts, records, and material remains related to such a property or resource.</u> • <u>Defined as a historic property, determined to be significant in the building and landscape inventory.</u>
	Non-Contributing Resource	<ul style="list-style-type: none"> • <u>Defined in section 301(5) of the NHPA and means any prehistoric or historic district, site, building, structure, landscape or object included in, or eligible for inclusion in the National Register, including artifacts, records, and material remains related to such a property or resource.</u> • <u>Defined as a historic building, site, structure, or object that was not determined significant at the time of the building and landscape inventory due to additions, alterations or general condition.</u>
Non-Historic Property	Review Area 1	<ul style="list-style-type: none"> • <u>Those portions of the Reserve with a concentration of buildings and associated landscape features that retain a high degree of historic character.</u> • <u>These resources have the highest design review standards in order to preserve their character and integrity; as designated in Ebey's design review area atlas.</u> • <u>This area includes buildings, sites, structures, landscapes, or objects in the Reserve visible across a prairie or water body or from certain public roads, as well as the intrinsic links between historic buildings and other significant historic features; these links shall be visually protected to maintain the sense of the historic setting.</u> • <u>Review area 1 includes historic properties, scenic easements, and view corridors within the Reserve, as indicated in Appendix 1, and the associated area measured within 500 feet from those resources.</u>

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Corridors and viewsheds within nomination form

Review Area 2	<ul style="list-style-type: none">• Those areas within the Reserve containing newer neighborhoods predominately developed after World War II and heavily forested lands requiring limited review for regulated actions as designated in Ebey's design review area atlas.• Those areas not included within the 500 foot radius surrounding the historic properties, scenic easements, and view corridors within the Reserve, as indicated in Appendix 1, are considered review area 2 as well as all areas not in Review Area 1 or Review Area 3
Review Area 3	<ul style="list-style-type: none">• Those remaining areas within the Reserve with minimal historic character remaining.• Those non-historic properties within the boundaries of:<ol style="list-style-type: none">1. Rolling Hills Raid2. Penn Cove Raid3. Sierra Plat

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Corridors and viewsheds within nomination form

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(Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

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~~17.04A.100 – Level A certificate of appropriateness decisions – Ministerial – Planning staff decision process:~~

~~Level A certificate of appropriateness.~~ A ministerial decision issued by the Planning Director for the development activities listed below:

- ~~A. Accessibility alterations that alter the exterior of the structure – Non historic structure.~~
- ~~B. Administrative site plan approvals with no construction activities.~~
- ~~C. Commercial, institutional, public, and residential signs.~~
- ~~D. Decks or porches – Non historic structures.~~
- ~~E. Re-roofing (whether or not a building permit is required) with new or different materials – Non historic structures.~~
- ~~F. Retaining walls and fences < six (6) feet in height.~~
- ~~G. Residential greenhouses, hoop houses, high tunnel, hot houses, or other fabric type structures, when no building permit is required.~~
- ~~H. Residential energy conservation or renewable energy measures that affect the site or the exterior of a building or structure in review area 2 or in review area 1 for non historic structures.~~

10 – Certificate of Appropriateness Decisions and Exemptions Table

A. How to use this table. This table is intended to assist you in identifying the allowable development activities within the three (3) review areas of Ebey’s Landing National Historical Reserve, Island County. This table also provides applicable information about certificate of appropriateness levels (COA), conditions, and limitations for properties and specific review areas at various levels of intensity. Table Components include:

- COA Types and Exemptions
- Decision Types
- Footnotes and References

1. **COA Types:** This section represents all development activities allowed within the three (3) review areas that have been adopted into the Island County Zoning Code. The table lists development activities that intersect with each review area, outlining whether the development activity is permitted and its associated certificate of appropriateness level. Some development activities have two (2) associated certificates of appropriateness levels. This means that property type and review area standards will dictate if and how the developmental activity may be decided.
2. **Level A certificate of appropriateness decisions:** Development activities labeled as "Level A" are reviewed as a Ministerial decision issued by the Planning Director.
3. **Level B certificate of appropriateness decisions:** Development activities labeled as "Level B" are reviewed as an administrative decision issued by the Planning Director, following consultation with the Reserve Committee.
4. **Level C certificate of appropriateness decisions:** Development activities labeled as "Level C" are reviewed as an HPC recommendation to the Planning Director. This is an administrative decision on the COA, issued by the Planning Director, following a review of the project by the HPC in a public meeting. The HPC recommendations on the COA are forwarded to the Planning Director for action, in conjunction with the underlying or companion land use or building permit.

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5. **Level D certificate of appropriateness decisions:** Development activities labeled as "Level D" are reviewed as an HPC decision. This is an administrative decision on the COA issued by the HPC, following a public meeting for the development activities listed in subsection 17.04A.100.B. Any conditions of approval attached to the COA by the HPC are forwarded to the Planning Director and become conditions of approval for the underlying or companion land use or building permit.

6. **Exempt:** Development activities labeled as "E" do not require a COA.

7. **Expiration of permits:** Unless a different expiration period is specifically provided under the Island County Code, state, or federal law, certificates of appropriateness approvals shall expire two (2) years from the date of approval, unless an extension of time of up to one (1) additional year has been requested in writing by the applicant with an explanation of the reason(s) for the requested additional time, and the request has been approved in writing by the Director or a designated appointee by the Director.

B. Ebey's Landing Historical Reserve Development Activities Table. Development activities in design review areas one (1), two (2), and three (3) shall be shown in Table 17.04A.100.B. For development activities not shown in Table 17.04A.100.B see ICC 17.04A.110, 17.04A.120, and 17.04A.130.

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<u>COA TYPE:</u>	<u>Historic Properties and Review Area 1</u>	<u>Review Area 2</u>
<u>Exempt</u>	<p><u>Emergency Repair*</u> <u>Interior Alterations</u> <u>Ordinary Repair and Maintenance</u></p> <p><u>Agriculture:</u></p> <ul style="list-style-type: none"> - <u>Agriculture Activities</u> - <u>Structures less than 10,000 sq. ft.</u> - <u>Construction + Demolition consistent with a Heritage Farm Plan</u> <p><u>Site Development:</u></p> <ul style="list-style-type: none"> - <u>Minor Landscaping</u> - <u>Public Park Improvements that are not buildings</u> - <u>Municipal Safety</u> - <u>Foundation, Driveway, + Sidewalk Repair</u> <p><u>Residential:</u></p> <ul style="list-style-type: none"> - <u>Residential Antennas / Satellite Dishes</u> - <u>Screened Mechanical Equipment</u> - <u>Screened Utility Systems</u> - <u>Non-permanent Accessibility Alterations</u> - <u>Seismic / Structural upgrades</u> 	<p><u>Emergency Repair*</u> <u>Interior Alterations</u> <u>Ordinary Repair and Maintenance</u> <u>Replacement in Kind</u></p> <p><u>Agriculture:</u></p> <ul style="list-style-type: none"> - <u>Agriculture Activities</u> - <u>Structures less than 10,000 sq. ft.</u> - <u>Construction + Demolition consistent with a Heritage Farm Plan</u> <p><u>Site Development:</u></p> <ul style="list-style-type: none"> - <u>Minor Landscaping</u> - <u>Public Park Improvements that are not buildings</u> - <u>Municipal Safety</u> - <u>Foundation, Driveway, + Sidewalk Repair</u> <p><u>Residential:</u></p> <ul style="list-style-type: none"> - <u>Residential Antennas / Satellite Dishes</u> - <u>Screened Mechanical Equipment</u> - <u>Screened Utility Systems</u> - <u>Non-permanent Accessibility Alterations</u> - <u>Seismic / Structural upgrades</u>

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Level A	<p>Site Development:</p> <ul style="list-style-type: none"> - Major Landscaping - Tree Removal - Fences - Retaining Walls - Bulkheads and Shoreline Modifications <p>Non-Residential:</p> <ul style="list-style-type: none"> - Signs <p>Residential:</p> <ul style="list-style-type: none"> - Energy Conservation or Renewable Energy Measures 	<p>Site Development:</p> <ul style="list-style-type: none"> - Major Landscaping - Tree Removal - Fences - Retaining Walls - Bulkheads and Shoreline Modifications - Administrative site plan approvals with no construction activities <p>Non-Residential:</p> <ul style="list-style-type: none"> - Signs <p>Residential:</p> <ul style="list-style-type: none"> - Construction of New Accessory Structures - Demolition - Relocation - Exterior Alterations - Energy Conservation or Renewable Energy Measures
Level B	<p>Unclassified Applications Replacement in Kind</p> <p>Site Development:</p> <ul style="list-style-type: none"> - Short Plat (1 -4 Lots) - Approval of heritage farm plans <p>Residential:</p> <ul style="list-style-type: none"> - Installation of New Manufactured Homes in an existing Park 	<p>Unclassified Applications Replacement in Kind</p> <p>Site Development:</p> <ul style="list-style-type: none"> - Short Plat (1 -4 Lots) - Approval of heritage farm plans <p>Residential:</p> <ul style="list-style-type: none"> - Installation of New Manufactured Homes in an existing Park

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- Commented [JE18]:** What is the Threshold
- Commented [JE17]:** All fences - strengthen guidelines on when over 6 ft. is appropriate.
- Commented [JE19]:** All fences - strengthen guidelines on when over 6 ft. is appropriate.
- Commented [JE20]:** Does this happen often? Do we need to include this?
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- Commented [JE21]:** All or should we break this down further into above / below building permit threshold?
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<p>Level C (Recommendation)</p>	<p>Site Development:</p> <ul style="list-style-type: none"> - Long Plat (5 + Lots) <p>Non-Residential:</p> <ul style="list-style-type: none"> - Overwater Shoreline Development - Communication Towers - Highway, road, and street improvements involving the addition of lanes or right-of-way or non-maintenance activities. - Projects requiring Energy Facility Site Evaluation Council (EFSEC) or Federal Energy Regulatory Commission (FERC) approval. - Water reclamation and phytoremediation projects not on property under federal ownership. 	<p>Site Development:</p> <ul style="list-style-type: none"> - Long Plat (5 + Lots) <p>Non-Residential:</p> <ul style="list-style-type: none"> - Overwater Shoreline Development - Communication Towers - Highway, road, and street improvements involving the addition of lanes or right-of-way or non-maintenance activities. - Above-ground power transmission lines. - Projects requiring Energy Facility Site Evaluation Council (EFSEC) or Federal Energy Regulatory Commission (FERC) approval. - Water reclamation and phytoremediation projects not on property under federal ownership. - New Construction - Additions - Exterior Alterations
<p>Level D (Decision)</p>	<p>Agriculture:</p> <ul style="list-style-type: none"> - Structures greater than 10,000 sq. ft. <p>Site Development:</p> <ul style="list-style-type: none"> - Establishment of New Manufactured Home Parks <p>Residential:</p> <ul style="list-style-type: none"> - New Construction - New Construction of Accessory Structures - Additions - Exterior Alterations - Demolition - Relocation <p>Non-Residential:</p> <ul style="list-style-type: none"> - Renewable Energy Facilities - New Construction - Additions - Exterior Alterations - Above-ground power transmission lines. 	<p>Agriculture:</p> <ul style="list-style-type: none"> - Structures greater than 10,000 sq. ft. <p>Site Development:</p> <ul style="list-style-type: none"> - Establishment of New Manufactured Home Parks <p>Non-Residential:</p> <ul style="list-style-type: none"> - Renewable Energy Facilities

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(Ord. C-84-11 [PLG-019-11], October 3, 2011, effective
January 1, 2012, vol. 2011, p. 180)

**~~17.04A.110—Level B certificate of appropriateness decisions—
Administrative—Type II decision process:~~**

- ~~A. **Level B certificate of appropriateness.** An administrative decision issued by the Planning Director, following consultation with the Reserve Committee, for the development activities listed below:~~
- ~~1. Accessory structures consistent with the design guidelines.~~
 - ~~2. Aircraft hangars in Airport (AP) Zone.~~
 - ~~3. Clearing and grading activities.~~
 - ~~4. Decks or porches that conform to the design guidelines—Historic structures.~~
 - ~~5. Accessibility alterations that do not permanently alter the exterior of a historic structure.~~
 - ~~6. Demolition or relocation—Non historic structures.~~
 - ~~7. Approval of heritage farm plans.~~
 - ~~8. New residential construction in review area 2, provided this construction is not within 100 feet of a historic structure.~~
 - ~~9. Tree removal when not associated with an underlying or companion building, health, public works, or land use permit.~~
 - ~~10. Replacement in kind, consistent with the design guidelines—Historic structures.~~
 - ~~11. Re-roofing with new or different materials—Historic structures.~~
 - ~~12. Residential energy conservation or renewable energy measures that affect the site (i.e., within 100 feet) or the exterior of a building or structure in review area 1—Historic structures.~~
 - ~~13. Short plat and short subdivision design.~~
 - ~~14. Antenna support structures associated with residential uses that (as built or when retracted) do not exceed the allowable height of structures in the underlying zoning district.~~
 - ~~15. Greenhouses, hoop houses, high tunnel, hot houses, or other fabric type structures for commercial use when a building permit is required.~~
 - ~~16. Structures associated with an agricultural activity < 10,000 square feet, and which are of similar size, scale, and within 200 feet of existing agricultural structures (not on a site with an operating farm).~~
 - ~~17. Communication towers or radio tower support structures, when not associated with a residential use, and that: 1) effectively use camouflage or architectural concealment techniques; or 2) consist of "swap out" utility poles placed in line with existing utility poles.~~
- ~~B. **Recommendations by the Reserve Committee.** Recommendations on a COA and associated conditions should, ideally, be unanimous. The Planning Director may refer an application to the reserve HPC for further review and comment when:~~
- ~~1. At least one (1) other member of the Reserve Committee agrees that the application for the COA or the conditions of approval for the certificate of appropriateness should be reviewed by the HPC; or~~
 - ~~2. Upon the request of the applicant.~~

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11 - Level A certificate of appropriateness decisions—Ministerial—Planning staff decision process.

A. Purpose and intent of Level A certificate of appropriateness are:

1. To protect, enhance, and preserve the historic resources and landscape features which represent elements of the Reserve's cultural, agricultural, historic, social, economic, scenic, natural, and architectural history.
2. To assist the public in making development decisions that are compatible with the Reserve's character and long-term preservation goals.

B. Land use and development Activities not shown in Table 17.04A.100.B (Reserved)

C. Recommendation to the Reserve Committee. The Planning Director may refer an application to the Reserve Committee for further review and comment when:

1. The application directly involves a historic property;
2. The application contains unusual circumstances that the County believes should be reviewed by the Reserve Committee; or
3. Upon the request of the applicant.

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17.04A.120—Level C certificate of appropriateness decisions—HPC recommendations and decisions.

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A. Level C certificates of appropriateness—HPC recommendations to Planning Director.

This is an administrative decision on the COA, issued by the Planning Director, following review of the project by the HPC in a public meeting, for the development activities listed in section 17.04A.120.C., below, when those activities are proposed on a site that does not contain a historic structure, historic building, or historic resource; or is within a 100-foot of a historic building or structure. In these instances, the HPC recommendations on the COA are forwarded to the Planning Director for action, in conjunction with the underlying or companion land use or building permit.

B. Level C certificates of appropriateness—HPC decision. This is an administrative decision on the COA, issued by the HPC, following a public meeting, for the development activities listed in [subsection] C., below, when those activities are proposed on a site containing a contributing structure or historic resource, or on a site that is within 100 feet of a historic building. In these instances, any conditions of approval attached to the COA by the HPC are forwarded to the Planning Director and become conditions of approval for the underlying or companion land use or building permit.

C. Land uses and development activities requiring a Level C certificate of appropriateness:

- 1. Above-ground power transmission lines:**
 1. Accessibility alterations that permanently alter the exterior of a historic building.
 2. Additions or alterations to a historic building; new construction on a site containing a historic building or resource; new construction within 100 feet of a historic building.
 3. New construction within review area 1, unless such construction is a contingent exemption pursuant to a heritage farm plan (section 17.04A.090.B.2.) or a NPS easement (section 17.04A.090.B.12).

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- ~~4. Agricultural structures > 10,000 square feet (also refer to [subsection] C.9., below).~~
- ~~5. Communication towers or radio tower support structures that are not associated with a residential use and which do not effectively use camouflage or employ architectural concealment techniques.~~
- ~~6. Demolition (partial or complete) or relocation of a historic building or structure. (the standards for demolition are specified in section 17.04A.150).~~
- ~~7. Non-residential energy conservation or renewable energy (major or minor utilities) measures that affect the site or the exterior of a building or structure in review area 1 or 2.~~
- ~~8. Greenhouses, hoop houses, high tunnel, hot houses, or other fabric type structures associated with agricultural uses or activities when any one (1) or a series of these structures exceed 10,000 square feet (also refer to [subsection] C.5., above).~~
- ~~9. New multi-family structures or modular or mobile home parks.~~
- ~~10. New construction or alteration of nonresidential (commercial, public, or institutional) buildings, structures, or facilities within review areas 1 or 2.~~
- ~~11. Retaining walls and fences > six (6) feet in height.~~
- ~~12. Over-water shoreline development physically connected to uplands.~~

~~D. **Level C certificates of appropriateness**—HPC recommendations to Planning Director and decision-making body. The recommendations of the HPC on the certificate of appropriateness for certain Level C land use decisions (listed below) are restricted to design considerations only. These recommendations are advisory in nature and shall constitute a recommendation to the decision-making body.~~

~~In the case of planned residential developments and site plan review (defined in section 16.19.040.A. (Table A) as Type III permits), HPC recommendations on the COA will be incorporated into the staff report and recommendation to the Island County Hearing Examiner.~~

- ~~1. Highway, road, and street improvements involving the addition of lanes or right-of-way.~~
- ~~2. Over-water shoreline development not physically connected to uplands.~~
- ~~3. Projects requiring Energy Facility Site Evaluation Council (EFSEC) or Federal Energy Regulatory Commission (FERC) approval.~~
- ~~4. Site plan review or conditional use permits.~~
- ~~5. Subdivision plats or planned residential development (PRD).~~
- ~~6. Surface mine permits or expansions.~~
- ~~7. Water reclamation and phytoremediation projects not on property under federal ownership.~~
- ~~8. Class IV special forest practices permits.~~

12 - Level B certificate of appropriateness decisions—Administrative—Type II decision process.

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A. Purpose and intent of Level B certificate of appropriateness.

1. To protect, enhance, and preserve the historic resources and landscape features which represent elements of the Reserve's cultural, agricultural, historic, social, economic, scenic, natural, and architectural history.

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2. To assist the public in making development decisions that are compatible with the Reserve's character and long-term preservation goals.

B. Land use and development Activities not shown in Table 17.04A.100.B requiring a level B certificate of appropriateness: (Reserved)

C. Recommendations by the Reserve Committee. Recommendations on a COA and associated conditions shall be unanimous. The Planning Director may refer an application to the HPC for further review and comment when:

1. At least one (1) other member of the Reserve Committee agrees that the application for the COA or the conditions of approval for the certificate of appropriateness should be reviewed by the HPC; or

2. Upon the request of the applicant.

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(Ord. C-84-11 [PLG-019-11], October 3, 2011, effective January 1, 2012, vol. 2011, p. 180)

~~**17.04A.130—Level A and B certificates of appropriateness—Application requirements and Planning Department decisions.**~~

~~A. Applications for the Level A or B certificates of appropriateness shall be submitted to the county on forms provided by the county and in accordance with the following submission requirements. The county may waive standard application requirements if not necessary to the decision-making process due to the simplicity of the application.~~

~~B. The owner or the owner's agent (architect, contractor, lessee, etc.) shall apply to the county for review of a regulated action and request a certificate of appropriateness or, in the case of demolition, a waiver. All such applicants are strongly encouraged to avail themselves of the pre-application process as established in section 16.19.070. An applicant must include any information as required by this chapter or Island County Code. This includes information responding to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, referenced in WAC 254-20-100 and used by the Washington State Advisory Council on Historic Preservation and by the HPC. A copy of the standards is available at the county and town planning offices.~~

~~**C. Application requirements:**~~

~~1. Clear color photographs of the building, object, site, structure, and adjacent properties.~~

~~2. A complete description of the intended work.~~

~~3. A scaled site plan depicting existing and proposed structures and improvements, including significant trees, tree planting, buffering, and landscaping.~~

~~4. Scaled design elevations of new structures or improvements, alterations, and additions.~~

~~5. Existing or proposed covenants, as applicable.~~

~~6. Samples of construction materials. For contributing structures, samples for comparison with the existing or the original building or structure.~~

~~7. Any supplemental information deemed necessary for review of the application by the county.~~

~~D. **HPC review.** A Planning Director decision to refer a Level B application to the reserve HPC, pursuant to section 17.04A.110.B., shall be made within fourteen (14) days from the date on which a fully complete application is received and after consultation with the Reserve Committee.~~

~~E. **Level B certificates of appropriateness**—Planning Department administrative decisions.~~

~~A Level B COA is an administrative decision issued by the Planning Director, following review~~

of the application, including any review by the HPC when an application is referred to the HPC. Any conditions associated with the COA will be included the underlying or companion land use or building permit.

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13 - Level C and D certificate of appropriateness decisions—HPC decisions and recommendations.

- A. Purpose and intent of Level C and D certificate of appropriateness.
 - To protect, enhance, and preserve the historic resources and landscape features which represent elements of the Reserve's cultural, agricultural, historic, social, economic, scenic, natural, and architectural history.
 - To assist the public in making development decisions that are compatible with the Reserve's character and long-term preservation goals.
 - To acknowledge that these historic resources have the highest design review standards to preserve their character and integrity.
- B. Land use and development activities not shown in Table 17.04A.100.B requiring a Level C certificate of appropriateness: (Reserved)
- C. Land use and development activities not shown in Table 17.04A.100.B requiring a Level D certificate of appropriateness: (Reserved)

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17.04A.140—Level C certificates of appropriateness—Application requirements, public meetings, and HPC decisions.

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- A. Applications for Level C certificates of appropriateness shall be submitted to the county on forms provided by the county and in accordance with the following submission requirements:
 - The owner or the owner's agent (architect, contractor, lessee, etc.) shall apply to the county for review of a regulated action and request a certificate of appropriateness or, in the case of demolition, a waiver. All such applicants are strongly encouraged to avail themselves of the pre-application process as established in section 16.19.070. An applicant must include any information as required by this chapter or Island County Code. This includes information responding to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, referenced in WAC 254-20-100 and used by the Washington State Advisory Council on Historic Preservation and by the HPC. A copy of the standards is available at the county and town planning offices.
 - The HPC shall meet with the applicant and review the proposed work according to their established rules during a public meeting. Notice of the HPC meeting shall be published in a newspaper of general circulation and the agenda for a public meeting shall be properly posted.
 - The HPC shall complete its review and make its decisions or recommendations within the timelines established in state statutes, unless an extension of time is necessary and agreed to by the applicant.
 - The HPC reviews the request for certificates of appropriateness under the following procedures:
- B. Public meeting:

- ~~1. The county planning official reviews each application, certifies it complete and, within seven (7) days of certification, causes notice of application to be provided in accordance with the appropriate decision-making level established in section 16.19.040.A (Table A). Following publication of the notice of application, the application shall be heard by the HPC. The HPC shall hold the public meeting within thirty (30) days of the receipt of a completed application by the county.~~
- ~~2. The Planning Director shall submit a staff report to the HPC, containing a description and analysis of the request, findings of fact, and a staff recommendation.~~
- ~~3. The HPC, after reviewing the application, the staff report, and considering the information and comments received at the public meeting, shall forward their recommendation to the Planning Director to grant, grant with conditions, or deny the application based upon the consistency of the proposed action with the requirements of this chapter.~~
- ~~4. The HPC's decision or recommendation on the COA shall be in writing and shall state the reasons relied upon in reaching its recommendation. A decision or recommendation to deny a certificate of appropriateness shall state the specific reasons for the denial and explain why the proposal is inconsistent with the requirements of this chapter and adopted guidelines for the reserve.~~
- ~~5. Upon receipt of the HPC recommendation or decision, the Planning Director shall transmit the COA decision or recommendation to the owner, applicant, and any agents at the addresses provided in the application.~~

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Town of Coupeville

4 NE Seventh • Coupeville, WA 98239
360.678.4461 • www.townofcoupeville.org

STAFF REPORT

DATE: July 15, 2025
TO: Coupeville Planning Commission
FROM: Joshua Engelbrecht, Community Planning Director
RE: Introduction: Comprehensive Plan Development Regulations
Planning Commission,

Along with the policy and goal development of the Comprehensive Plan, the State also requires that local development regulations (Chapter 16 of Coupeville Town Code) are updated to comply with statutes that have been updated since the last time a comprehensive plan was updated. The Department of Commerce supplies local municipalities with a couple different checklists to help organize the required regulation updates (Attachments 2 + 3).

This update process is not a comprehensive action intended to implement or better facilitate new policies within the Comprehensive Plan. Rather it is a check-in to ensure that Coupeville Town Code is up to date with the various requirements imposed upon us. Staff expects that future code projects will be initiated to seriously work through the mechanics of how to implement certain aspects of the Comprehensive Plan.

At the July 15, 2025 meeting, Staff will provide an overview of the relatively few updates needed to our development regulations (Attachment 1). At upcoming meetings, Staff will provide the direct code with strikethroughs and addition for further discussion.

Table 1 outlines the expected Planning Commission Schedule for the remainder of 2025 and will be a consistent piece of all future Staff Reports.

Date (1st Tuesday)	Topic	Date (3rd Tuesday)	Topic
July 1	Street Level Residential / Vacation Rental Comp Plan Draft Overview	July 15	Ebey's Reserve Code #1 Development Regulations #1 Sign Code Update Shoreline Master Program Update
August 5	Comp Plan Topic: Workforce Housing Housing within the MOA	August 19	Comp Plan Topic: Transportation Development Regulations #2
September 2	Comp Plan Topic: Parks + Rec SMP (Tentative)	September 16	Ebey's Reserve Code #2 Sign Code (Tentative)
October 7	Comp Plan Topic:	October 21	Ebey's Reserve Code #3 Development Regulations #3
November 4	Public Hearings for Comp Plan and Development Regulations	November 18	
December 2		December 9	Last Town Council Meeting of 2025

Table 1: Planning Commission Schedule

Attachments:

1. Consolidated Checklist
2. Development Regulations Checklist
3. Critical Areas Checklist



ATTACHMENT 1

Coupeville Town Code Title 16 Consolidated Checklist Development Regulations

Development Regulations Checklist - Consolidated

Critical Areas changes	Changes needed to meet statue
Critical Aquafer Recharge Areas	Recommend developing Coupeville specific critical area maps The Town relies on the County’s mapping layers for CARA’s. Coupeville is mapped as medium to low susceptibility
Definition of Geologically Hazardous Areas	CTC 16.34.580 – Definition is similar but is not consistent. Recommend updating.
Protection of Geologically Hazardous Areas	CTC 16.34.470 – Designation of specific hazard areas. Recommend updating limit or regulate their use consistent with public health and safety.
DEFINITION OF FISH AND WILDLIFE HABITAT AND CONSERVATION AREAS	CTC 16.34.580 – Does not include stated amendments. Recommend updating.
PROTECTION OF FISH AND WILDLIFE HABITAT AND CONSERVATION AREAS	CTC 16.34.540 – Amendment needed to reflect regulatory updates after 2008. CTC 16.34.540 – Refers to WDFW and USFWS Lists and resources. Recommend updating to include new regulations and WRIA 6.
Non-Regulatory Good Ideas: Monitoring and Adaptive Management	Recommend updating to incorporate a monitoring and adaptive management section. Currently, only mentioned in the definitions section.
Zoning Code Changes	Changes needed to meet statue
Zoning designations are consistent and implement land use designations that accommodate future housing needs by income bracket as allocated through the countywide planning process. (RCW 36.70A.070(2)(c) - amended in 2021 (HB 1220)	Update zoning designations to match land use changes in the Comprehensive Plan needed to accommodate housing for all economic segments as required by the updated housing element RCW.
Permanent supportive housing or transitional housing must be allowed where residences and hotels are allowed. RCW 36.70A.390 new in 2021, (HB 1220 sections 3-5) “permanent supportive housing” is defined in RCW 36.70A.030; “transitional housing” is defined in RCW 84.36.043(2)(c)	Permanent supportive housing or transitional housing allowed in some residential zones, but not in commercial zones where hotels are allowed. See CTC 16.08.050

<p>Indoor emergency shelters and indoor emergency housing must be allowed in any zones in which hotels are allowed, except in cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within one-mile of transit. RCW 35A.21.430 amended in 2021, RCW 35.21.683, amended in 2021, (HB 1220 sections 3-5) “emergency housing” is defined in RCW 84.36.043(2)(b)</p>	<p>The code has two group home allowances. However, it does not differentiate between the two in the definitions section and the definition does not fully comply with the RCW definition of emergency housing. Adult family homes and Class 1 group homes are principal uses in all residential zones. Class II group homes require CUP’s. Commercial zones do not explicitly call out emergency housing but allow for public/quasi-public facilities as conditional uses.</p>
<p>Family day care providers are allowed in all residential dwellings located in areas zoned for residential or commercial RCW 36.70A.450. Review RCW 43.216.010 for definition of family day care provider and WAC 365-196-865 for more information.</p>	<p>Family day care providers are considered “accessory uses” in all residential zones and in the Historic Commercial Center. Family day care centers are permitted as "conditional uses” in the Town Commercial Zone. Consider updating to allow these as principal uses in both commercial zones. Recommend updating definition for consistency with RCW 43.216.010 .</p>
<p>Limitations on regulating: outdoor encampments, safe parking efforts, indoor overnight shelters and temporary small houses on property owned or controlled by a religious organization. RCW 36.01.290 amended in 2020</p>	<p>Coupeville Town Code will need to amend Title 16 to make allowances for outdoor encampments, safe parking sites, indoor overnight shelters, and temporary small houses on property owned or controlled by a religious organization.</p>
<p>Provisions for corrective action for failing septic systems that pollute waters of the state. RCW 36.70A.070(1). See also: DOH Wastewater Management, Ecology On-Site Sewage System Projects & Funding</p>	<p>The Town will need to amend code to provide for corrective action for failing septic systems.</p>
<p>Concurrency and Transportation Demand Management</p>	<p>Changes needed to meet statute</p>
<p>The transportation concurrency requirement includes specific language that prohibits development when level of service standards for transportation facilities cannot be met. RCW 36.70A.070(6)(b) amended in 2023, WAC 365-196-840. Note: Concurrency is required for transportation, but may also be applied to park facilities, etc.</p>	<p>CTC 16.06.090 establishes the Town’s concurrency program. However, this section does not contain language that specifically states that development is prohibited when level of service (LOS) standards for facilities cannot be met. This will be a relatively minor revision.</p>

<p>Measures exist to bring into compliance locally owned, or locally or regionally operated, transportation facilities or services that are below the levels of service established in the comprehensive plan. RCW 36.70A.070(6)(a)(iii)(B) and (D), RCW 36.70A.070(6)(b) amended in 2023 Levels of service can be established for automobiles, pedestrians and bicycles. See WAC 365-196-840(3) on establishing an appropriate level of service.</p>	<p>The Town's concurrency ordinance does not contain provisions for bringing locally owned; locally or regionally operated transportation facilities; or services into compliance with established levels of service. Rather, it contains provisions for how an applicant for development must meet concurrency requirements so that facilities do not fall out of concurrency to begin with. Code should be revised to include specific provisions for bringing facilities into compliance. This can be a link between code and the Comp Plan/CFP.</p>
<p>Highways of statewide significance (HSS) are exempt from the concurrency ordinance. RCW 36.70A.070(6)(a)(iii)(C)</p>	<p>CTC 16.06.090 does not currently state that State Route (SR) 20 is exempt from the concurrency ordinance</p>
<p>Regulations include procedures to identify, preserve, and/or monitor historical or archaeological resources. RCW 36.70A.020(13), WAC 365-196-450</p>	<p>The SMP and Ebey's Design Code contain regulations on cultural and historical preservation. The broader development code should be revised to include this as well.</p>
<p>Regulations limit amendments to the comprehensive plan to once a year (with statutory exceptions). RCW 36.70A.130(2) and WAC 365-196-640(3)</p>	<p>CTC does not currently contain any regulations limiting amendments to the Comprehensive Plan to once a year with statutory exceptions.</p>
<p>Regulations define emergency for an emergency plan amendment. RCW 36.70A.130(2)(b) and WAC 365-196-640(4)</p>	<p>CTC currently does not define anything related to Comprehensive Plan amendments.</p>
<p>Regulations include a docketing process for requesting and considering plan amendments. RCW 36.70A.130(2), RCW 36.70A.470, and WAC 365-196-640(6)</p>	<p>CTC does not currently have regulations that detail a docketing process for requesting and considering plan amendments.</p>
<p>A process has been established for early and continuous public notification and participation in the planning process. RCW 36.70A.020(11), RCW 36.70A.035 and RCW 36.70A.140. See WAC 365-196-600 regarding public participation and WAC 365-196-610(2) listing recommendations for meeting requirements.</p>	<p>A process is established in code for public notification and participation for impending actions generally, but nothing is specifically established for amendments to the Comprehensive Plan. Note that the current Plan update, as well as the previous one, required an engagement plan to ensure early and continuous public involvement.</p>



ATTACHMENT 2

Coupeville Town Code Title 16 Development Regulations Checklist

Section II: Development Regulations

Must be consistent with and implement the comprehensive plan. [RCW 36.70A.040](#), [WAC 365-196-800](#) and [810](#)

Critical Areas

Regulations protecting critical areas are required by [RCW 36.70A.060\(2\)](#), [RCW 36.70A.172\(1\)](#), [WAC 365-190-080](#) and [WAC 365-195-900](#) through [925](#).

Please visit Commerce's [Critical Areas webpage](#) for resources and to complete the [Critical Areas Checklist](#). Critical areas regulations must be reviewed and updated, as necessary, to incorporate legislative changes and best available science. Jurisdictions using periodic update grant funds to update critical areas regulations must submit the critical areas checklist as a first deliverable, in addition to this periodic update checklist.

Zoning Code

- Note: Please review the new 2023 housing laws in the [Washington State Housing Laws of 2019 through 2023](#) guidance, on Commerce's [Planning for Housing](#) webpage and [Appendix A](#) of this checklist.

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
<p>Notice: For more information about housing regulatory changes regarding supportive housing types, see Supportive Housing Types Review Checklist on the Updating GMA Housing Elements webpage. And for additional information on middle housing and ADU regulations, see the Middle Housing webpage.</p>				
<p>a. Zoning designations are consistent and implement land use designations that accommodate future housing needs by income bracket as allocated through the countywide planning process. (RCW 36.70A.070(2)(c) - amended in 2021 (HB 1220)</p>	<p>Yes Coupeville Town Code 16.08.040(A), (B), (C), and (D)</p>	Yes	As noted in Section I, the Town will need to update its zoning designations to match land use changes in the Comprehensive Plan needed to accommodate housing for all economic segments as required by the updated housing element RCW. The Town has acquired grant funding from Commerce to develop a middle housing code that will help address this gap in Title 16.	Completed: <input type="checkbox"/> Date:
<p>b. Permanent supportive housing or transitional housing must be allowed where residences and hotels are allowed. RCW 36.70A.390 new in 2021, (HB 1220 sections 3-5)</p>	No	Yes	Permanent supportive housing or transitional housing allowed in some residential zones, but not in commercial zones where hotels are allowed. See CTC 16.08.050	Completed: <input type="checkbox"/> Date:

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<p>“permanent supportive housing” is defined in RCW 36.70A.030; “transitional housing” is defined in RCW 84.36.043(2)(c)</p>				
	<p>In Current Regs? Yes/No If yes, cite section</p>	<p>Changes needed to meet current statute? Yes/No</p>	<p>Notes</p>	
<p>c. Indoor emergency shelters and indoor emergency housing must be allowed in any zones in which hotels are allowed, except in cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within one-mile of transit. RCW 35A.21.430 amended in 2021, RCW 35.21.683, amended in 2021, (HB 1220 sections 3-5)</p> <p>“emergency housing” is defined in RCW 84.36.043(2)(b)</p>	<p>No</p>	<p>Yes</p>	<p>The code has two group home allowances. However, it does not differentiate between the two in the definitions section and the definition does not fully comply with the RCW definition of emergency housing. Adult family homes and Class 1 group homes are principal uses in all residential zones. Class II group homes require CUP’s. Commercial zones do not explicitly call out emergency housing but allow for public/quasi-public facilities as conditional uses.</p>	<p>Completed: <input type="checkbox"/> Date:</p>
<p>d. The number of unrelated persons that occupy a household or dwelling unit except as provided in state law, for short-term rentals, or occupant load per square foot shall not be regulated or limited by cities. (HB 5235), RCW 35.21.682 new in 2021, RCW 35A.21.314 new in 2022, RCW 36.01.227 new in 2021</p>	<p>No</p>	<p>Yes</p>	<p>Dwelling units and multi-family (MF) Dwelling units have “for not more than one family” in their definitions. Family is also defined in code and includes “a group of not more than five persons not related by blood or marriage”.</p>	<p>Completed: <input type="checkbox"/> Date:</p>
<p>e. Limitations on the amount of parking local governments can require for low-income, senior, disabled and market-rate housing units located near high-quality transit service. RCW 36.70A.620 amended in 2020 and RCW 36.70A.600 amended in 2019</p>	<p>No</p>	<p>No</p>	<p>The Town will consider updating Chapter 16.12.070 (Off Street Parking Requirements) to differentiate between market-rate and low-income housing, senior or disabled housing. MF dwellings are required to provide 1.5 spaces/du, exceeding what is allowed under GMA. Island Transit provides three (Mon.-Sat.) routes with 15-20 departures in each direction per day in Coupeville (1S, 1N). In addition, there is Coupeville to Oak Harbor</p>	<p>Completed: <input type="checkbox"/> Date:</p>

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			route Monday-Friday and “on-demand” service by scheduling ahead.	
f. Family day care providers are allowed in all residential dwellings located in areas zoned for residential or commercial RCW 36.70A.450 . Review RCW 43.216.010 for definition of family day care provider and WAC 365-196-865 for more information.	Yes	Yes	Family day care providers are considered “accessory uses” in all residential zones and in the Historic Commercial Center. Family day care centers are permitted as “conditional uses” in the Town Commercial Zone. Consider updating to allow these as principal uses in both commercial zones. Recommend updating definition for consistency with RCW 43.216.010 .	Completed: <input type="checkbox"/> Date:
	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
g. Manufactured housing is regulated the same as site built housing. RCW 35.21.684 amended in 2019, RCW 35.63.160 , RCW 35A.21.312 amended in 2019 and RCW 36.01.225 amended in 2019. A local government may require that manufactured homes: (1) are new, (2) are set on a permanent foundation, and (3) comply with local design standards applicable to other homes in the neighborhood, but may not discriminate against consumer choice in housing. See: National Manufactured Housing Construction and Safety Standards Act of 1974	Yes CTC 16.04.060 (definitions), 16.10.090 - Manufactured housing units and manufactured housing parks	No	Coupeville’s code adequately includes manufactured homes that meet HUD and Washington Labor and Industries (L&I) standards and were manufactured after June 15, 1976, regulated the same as single-family site-built homes.	Completed: <input type="checkbox"/> Date:
h. Accessory dwelling units: cities (and counties) must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations and other official controls. RCW 36.70A.680 amended in 2023, RCW 36.70A.681 amended in 2023, RCW 36.70A.696 amended in 2023, RCW 36.70A.697 amended in 2020, RCW 36.70A.698 amended in 2020, RCW 36.70A.699 amended in 2020 See new Commerce guidance on the Middle Housing webpage	Yes CTC 16.10.050	Yes	ADU’s are permitted in all residential zones except the RH District (one ADU per parcel). Existing code will need to need to be amended to comply with the various provisions of HB 1337 in this section.	Completed: <input type="checkbox"/> Date:

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<p>i. Residential structures occupied by persons with handicaps, and group care for children that meets the definition of “familial status” are regulated the same as a similar residential structure occupied by a family or other unrelated individuals. No city or county planning under the GMA may enact or maintain ordinances, development regulations, or administrative practices which treat a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. RCW 36.70A.410, RCW 70.128.140 and 150, RCW 49.60.222-225 and WAC 365-196-860</p>	<p>Yes CTC 16.08.040</p>	<p>No</p>	<p>Allowed as principal use in Residential zoning districts.</p>	<p>Completed: <input type="checkbox"/> Date:</p>
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	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
j. Affordable housing programs enacted or expanded under RCW 36.70A.540 amended in 2022 comply with the requirements of this section. Examples of such programs may include: density bonuses within urban growth areas, height and bulk bonuses, fee waivers or exemptions, parking reductions, expedited permitting conditioned on provision of low-income housing units, or mixed-use projects. WAC 365-196-300 See also RCW 36.70A.545 and WAC 365-196-410(2)(e)(i) "affordable housing" is defined in RCW 84.14.010 Review RCW 36.70A.620 amended in 2020 , for minimum residential parking requirements.	No	Yes	Coupeville does not currently use any of the tools covered by RCW 36.70A.540. However, if new code is developed as a result of this plan or the Middle Housing grant uses any of these tools, the resulting code will have to comply with this statute and others.	Completed: <input type="checkbox"/> Date:
k. Limitations on regulating: outdoor encampments, safe parking efforts, indoor overnight shelters and temporary small houses on property owned or controlled by a religious organization. RCW 36.01.290 amended in 2020	No	Yes	Coupeville Town Code will need to amend Title 16 to make allowances for outdoor encampments, safe parking sites, indoor overnight shelters, and temporary small houses on property owned or controlled by a religious organization.	Completed: <input type="checkbox"/> Date:
l. Regulations discourage incompatible uses around general aviation airports. RCW 36.70.547 and WAC 365-196-455 . Incompatible uses include: high population intensity uses such as schools, community centers, tall structures, and hazardous wildlife attractants such as solid waste disposal sites, wastewater or stormwater treatment facilities, or stockyards. For more guidance, see WSDOT's Aviation Land Use Compatibility Program .	Not Applicable	Not Applicable	DeLaurentis Airport and OLF are nearby, but neither are adjacent to the Town. The Town does have use regulations based on noise levels from OLF, but the other incompatibilities mentioned in the statute are not applicable.	Completed: <input type="checkbox"/> Date:

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
m. If a U.S. Department of Defense (DoD) military base employing 100 or more personnel is within or adjacent to the jurisdiction, zoning should discourage the siting of incompatible uses adjacent to military base. RCW 36.70A.530(3) and WAC 365-196-475 . Visit Military One Source to locate any bases in your area and help make determination of applicability. If applicable, inform the commander of the base regarding amendments to the comprehensive plan and development regulations on lands adjacent to the base.	Not Applicable	Not Applicable	NAS Whidbey is the closest military base located in Oak Harbor, WA.	Completed: <input type="checkbox"/> Date:
n. Electric vehicle infrastructure (jurisdiction specified: adjacent to Interstates 5, 90, 405 or state route 520 and other criteria) must be allowed as a use in all areas except those zoned for residential, resource use or critical areas. RCW 36.70A.695	Not Applicable	Not Applicable	Coupeville is not within the vicinity of the stated interstates and highways. Electric vehicle (EV) charging stations are permitted in all zones and required for new MF housing projects or expanded parking facilities. See CTC 16.12.075 for details.	Completed: <input type="checkbox"/> Date:

Shoreline Master Program
 Consistent with [RCW 90.58](#) Shoreline Management Act of 1971

a. Zoning designations are consistent with Shoreline Master Program (SMP) environmental designations. RCW 36.70A.480	Yes CTC 16.30.340.B(1)(b)	No	Coupeville's SMP was updated in 2022. The "Historic Urban" designation is recognized by Washington Department of Ecology (ECY). Coupeville elected to make its critical areas regulations in Chapter 16.34 CTC applicable to critical areas within shoreline jurisdiction.	Completed: <input type="checkbox"/> Date:
b. If updated to meet RCW 36.70A.480 (2010), SMP regulations provide protection to critical areas in shorelines that is at least equal to the protection provided to critical areas by the critical areas ordinance. RCW 36.70A.480(4) and RCW 90.58.090(4)		TBD	Coupeville's CAO is being reviewed as part of the Comprehensive Plan Update and may result in further amendments.	Completed: <input type="checkbox"/> Date:

See Ecology's shoreline planners' toolbox for the SMP Checklist and other resources and Ecology's Shoreline Master Programs Handbook webpage				
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Resource Lands

Defined in [RCW 36.70A.030\(3\), \(12\) and \(17\)](#) and consistent with [RCW 36.70A.060](#) and [RCW 36.70A.170](#)

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
a. Zoning is consistent with natural resource lands designations in the comprehensive plan and conserves natural resource lands. RCW 36.70A.060(3) , WAC 365-196-815 and WAC 365-190-020(6) . Consider innovative zoning techniques to conserve agricultural lands of long-term significance RCW 36.70A.177(2) . See also WAC 365-196-815(3) for examples of innovative zoning techniques.	No	N/A	Coupeville is not required to designate resource lands.	Completed: <input type="checkbox"/> Date:
b. Regulations to assure that use of lands adjacent to natural resource lands does not interfere with natural resource production. RCW 36.70A.060(1)(a) and WAC 365-190-040 Regulations require notice on all development permits and plats within 500 feet of designated natural resource lands that the property is within or near a designated natural resource land on which a variety of commercial activities may occur that are regulations to implement comprehensive plan	No	N/A	Coupeville is not required to designate resource lands.	Completed: <input type="checkbox"/> Date:
c. For designated agricultural land, regulations encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes. Accessory uses should be located, designed and operated to support the continuation of agricultural uses. RCW 36.70A.177(3)(b)	No	N/A	Coupeville does not have any designated agricultural lands.	Completed: <input type="checkbox"/> Date:
d. Designate mineral lands and associated regulations as required by RCW 36.70A.131 and WAC 365-190-040(5) . For more information				Completed: <input type="checkbox"/> Date:

review the WA State Dept. of Natural Resources (DNR)'s Geology Division site				
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Siting Essential Public Facilities

Regulations for siting essential public facilities should be consistent with [RCW 36.70A.200](#) and consider [WAC 365-196-550](#). Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities. Regulations may be specific to a local jurisdiction, but may be part of county-wide planning policies (CWPPs).

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
<p>Regulations for CWPPs include a process for siting EPFs and ensure EPFs are not precluded. RCW 36.70A.200 amended in 2023, WAC 365-196-550(6) lists process for siting EPFs. WAC 365-196-550(3) details preclusions. EPFs should be located outside of known hazardous areas.</p> <p>Visit Commerce’s Behavioral Health Facilities Program page for information on establishing or expanding new capacity for behavioral health EPFs.</p> <p>Note: RCW 36.70A.200 amended by SB 5536 to include EPFs for opioid treatment programs</p>	No	No	Siting of EPFs is covered in the Island County CPPs and in the existing Comprehensive Plan. Recommend adding regulations on siting of EPFs in the code.	Completed: <input type="checkbox"/> Date:

Subdivision Code

a. Subdivision regulations are consistent with and implement comprehensive plan policies. RCW 36.70A.030(8) , RCW 36.70A.040(4)	Yes Yes CTC 16.16.060, 16.06.090 Concurrency Management Program	No No	No changes to subdivision code needed to comply with existing statute.	Completed: <input type="checkbox"/> Date:
<p>b. Written findings to approve subdivisions establish adequacy of public facilities. RCW 58.17.110 amended in 2018</p> <ul style="list-style-type: none"> Streets or roads, sidewalks, alleys, other public ways, transit stops, and other features that assure safe walking conditions for students. Potable water supplies, sanitary wastes, and drainage ways. RCW 36.70A.590 amended 2018 				Completed: <input type="checkbox"/> Date:

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<ul style="list-style-type: none"> • Open spaces, parks and recreation, and playgrounds • Schools and school grounds <p>Other items related to the public health, safety and general welfare, WAC 365-196-820(1).</p>				
	<p>In Current Regs? Yes/No</p> <p>If yes, cite section</p>	<p>Changes needed to meet current statute? Yes/No</p>	<p>Notes</p>	
<p>c. Preliminary subdivision approvals under RCW 58.17.140 and RCW 58.17.170 are valid for a period of five or seven years (previously five years).</p> <p>Note: preliminary plat approval is valid for: seven years if the date of preliminary plat approval is on or before December 31, 2014; five years if the preliminary plat approval is issued on or after January 1, 2015; and ten years if the project is located within city limits, not subject to the shoreline management act, and the preliminary plat is approved on or before December 31, 2007.</p>	<p>Yes CTC 16.16.100</p>	<p>No</p>	<p>A unit lot subdivision defines boundary lines and uses areas within a larger “parent” lot to establish individual sellable lots. This type of survey is primarily used when multiple buildings are permitted to fit on a single original lot (e.g., townhouses or row houses). The individual unit lots created reflects the structure placement, amenity areas, and access and utility easement locations per the approved building permit(s). They are not separately developable lots, but they are capable of being sold individually.</p>	<p>Completed: <input type="checkbox"/></p> <p>Date:</p>
<p>d. Include in short plat regulations procedures for unit lot subdivisions allowing division of a parent lot into separately owned unit lots, RCW 58.17.060 (3) new in 2023 by SB 5258 - section 11</p>	<p>No</p>	<p>Yes</p>	<p>The Town will need to add provisions to Chapter 16.16 allowing division of a parent lot into separately owned unit lots in short subdivisions.</p>	<p>Completed: <input type="checkbox"/></p> <p>Date:</p>

Stormwater

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
<p>a. Regulations protect water quality and implement actions to mitigate or cleanse drainage, flooding, and storm water run-off that pollute waters of the state, including Puget Sound or waters entering Puget Sound. RCW 36.70A.070(1) Regulations may include: adoption of a stormwater manual consistent with Ecology’s latest manual for Eastern or Western Washington, adoption of a clearing and grading ordinance –See Commerce’s 2005 Technical Guidance Document for Clearing and Grading in Western Washington.</p> <p>Adoption of a low impact development ordinance. See Puget Sound Partnership’s 2012 Low Impact Development guidance and Ecology’s 2013 Eastern Washington Low Impact Development guidance.</p> <p>Additional Resources: Federal Grants to Protect Puget Sound Watersheds, Building Cities in the Rain, Ecology Stormwater Manuals, Puget Sound Partnership Action Agenda</p>	<p>Yes Stormwater management ordinance adopted as Chapters 13.18 (Stormwater Service System) and Chapter 13.20 (Stormwater Management Regulations). Section 13.20.060 adopts the latest Western Washington stormwater manual from Ecology.</p>	<p>No</p>	<p>No changes needed to comply with statute. Changes to stormwater regulations may be proposed as part of code changes related to the development of the climate change element.</p>	<p>Completed: <input type="checkbox"/> Date:</p>
<p>b. Provisions for corrective action for failing septic systems that pollute waters of the state. RCW 36.70A.070(1). See also: DOH Wastewater Management, Ecology On-Site Sewage System Projects & Funding</p>	<p>No</p>	<p>Yes</p>	<p>The Town will need to amend code to provide for corrective action for failing septic systems.</p>	<p>Completed: <input type="checkbox"/> Date:</p>

Organic Materials Management Facilities

New in 2022, [HB 1799](#) added a section to the GMA aimed at reducing the volumes of organic materials collected in conjunction with other solid waste and delivered to landfills, supporting productive uses of organic material waste and reduction of methane gas (a greenhouse gas).

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
<p>New section RCW 36.70A.142; new in 2022 legislation HB 1799: Development regulations newly developed, updated, or amended after January 1, 2025 allow for the siting of organic materials (OM) management facilities as identified in local solid waste management plans (SWMP) to meet OM reduction and diversion goals. Siting to meet criteria described in RCW 70A.205.040(3)</p> <p>See also RCW 36.70.330. For applicability, see RCW 70A.205.540</p>	No	No	RCW 36.70A.205(3)(a)(i) (referenced in RCW 36.70A.142) stipulates that priority areas for organic materials management facilities must be in industrial zones, agricultural zones, or rural zones, so this does not apply to Coupeville.	Completed: <input type="checkbox"/> Date:

Impact Fees

May impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds; cannot rely solely on impact fees.

<p>a. If adopted, impact fees are applied consistent with RCW 82.02.050 amended in 2015, RCW 82.02.060 amended in 2023 by SB 5258, .070, .080, .090 amended in 2018 and .100. WAC 365-196-850 provides guidance on how impact fees should be implemented and spent.</p>	No	No	Coupeville's current Comprehensive Plan contains policies encouraging the Town to adopt impact fees, but this has not occurred yet. In the future, any impact fee ordinances will have to comply with these requirements.	Completed: <input type="checkbox"/> Date:
<p>b. Jurisdictions collecting impact fees must adopt and maintain a system for the deferred collection of impact fees for single-family detached and attached residential construction, consistent with RCW 82.02.050(3) amended in 2016</p>	No	No	Coupeville's current Comprehensive Plan contains policies encouraging the Town to adopt impact fees, but this has not occurred yet. In the future, any impact fee ordinances will have to comply with these requirements.	Completed: <input type="checkbox"/> Date:
<p>c. If adopted, limitations on impact fees for early learning facilities RCW 82.02.060 amended in 2021</p>	No	No	Coupeville's current Comprehensive Plan contains policies encouraging the Town to adopt impact fees, but this has not occurred yet. In the future, any impact fee	Completed: <input type="checkbox"/> Date:

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	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	ordinances will have to comply with these requirements.	
			Notes	
d. If adopted, exemption of impact fees for low-income and emergency housing development RCW 82.02.060 amended in 2023. See also definition change in RCW 82.02.090(1)(b) amended in 2018	No	No	Coupeville’s current Comprehensive Plan contains policies encouraging the Town to adopt impact fees, but this has not occurred yet. In the future, any impact fee ordinances will have to comply with these requirements.	Completed: <input type="checkbox"/> Date:
e. Ensure impact fees are not assessed on the construction of accessory dwelling units that are greater than 50 percent (50%) of the impact fees that would be imposed on the principal unit. RCW 36.70A.681 new in 2023 by HB 1337	No	No	Coupeville’s current Comprehensive Plan contains policies encouraging the Town to adopt impact fees, but this has not occurred yet. In the future, any impact fee ordinances will have to comply with these requirements.	Completed: <input type="checkbox"/> Date:
f. The schedule of impact fees reflects the proportionate impact of new housing units, including multifamily and condominium units, based on the square footage, number of bedrooms, or trips generated, in the housing unit in order to produce a proportionally lower impact fee for smaller housing units. RCW 82.02.060 amended in 2023 by SB 5258	No	No	Coupeville’s current Comprehensive Plan contains policies encouraging the Town to adopt impact fees, but this has not occurred yet. In the future, any impact fee ordinances will have to comply with these requirements.	Completed: <input type="checkbox"/> Date:

Concurrency and Transportation Demand Management (TDM)
Ensures consistency in land use approval and the development of adequate public facilities as plans are implemented, maximizes the efficiency of existing transportation systems, limits the impacts of traffic and reduces pollution.

a. The transportation concurrency requirement includes specific language that prohibits development when level of service standards for transportation facilities cannot be met. RCW 36.70A.070(6)(b) amended in 2023, WAC 365-196-840 . Note: Concurrency is required for transportation, but may also be applied to park facilities, etc.	No	Yes	CTC 16.06.090 establishes the Town’s concurrency program. However, this section does not contain language that specifically states that development is prohibited when level of service (LOS) standards for facilities cannot be met. This will be a relatively minor revision.	Completed: <input type="checkbox"/> Date:
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	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
<p>b. Measures exist to bring into compliance locally owned, or locally or regionally operated, transportation facilities or services that are below the levels of service established in the comprehensive plan. RCW 36.70A.070(6)(a)(iii)(B) and (D), RCW 36.70A.070(6)(b) amended in 2023</p> <p>Levels of service can be established for automobiles, pedestrians and bicycles. See WAC 365-196-840(3) on establishing an appropriate level of service.</p>	Yes Capital Facilities Plan and policies within Comprehensive Plan	Yes	The Town's concurrency ordinance does not contain provisions for bringing locally-owned; locally or regionally operated transportation facilities; or services into compliance with established levels of service. Rather, it contains provisions for how an applicant for development must meet concurrency requirements so that facilities do not fall out of concurrency to begin with. Code should be revised to include specific provisions for bringing facilities into compliance. This can be a link between code and the Comp Plan/CFP.	Completed: <input type="checkbox"/> Date:
<p>c. Highways of statewide significance (HSS) are exempt from the concurrency ordinance. RCW 36.70A.070(6)(a)(iii)(C)</p>	No	Yes	CTC 16.06.090 does not currently state that State Route (SR) 20 is exempt from the concurrency ordinance.	Completed: <input type="checkbox"/> Date:
<p>d. Traffic demand management (TDM) requirements are consistent with the comprehensive plan. RCW 36.70A.070(6)(a)(vi) Examples may include requiring new development to be oriented towards transit streets, pedestrian-oriented site and building design, and requiring bicycle and pedestrian connections to street and trail networks. WAC 365-196-840(4) recommends adopting methodologies that analyze the transportation system from a comprehensive, multimodal perspective.</p>	No	No	The Town does not have any TDM requirements.	Completed: <input type="checkbox"/> Date:
<p>e. If required by RCW 82.70, a commute trip reduction (CTR) ordinance to achieve reductions in the proportion of single-occupant vehicle commute trips has been adopted. The ordinance should be consistent with comprehensive plan policies for CTR and Department of Transportation rules.</p>	No	No	A commute trip reduction ordinance is not required in the Town.	Completed: <input type="checkbox"/> Date:

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Tribal Participation in Planning new in 2022 (see [HB 1717](#))

A federally recognized Indian tribe may voluntarily choose to participate in the county or regional planning process. See Commerce's new [Tribal Planning Coordination for GMA](#) webpage for guidance and staff contacts.

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
a. Mutually agreeable memorandum of agreement between local governments and tribes in regard to collaboration and participation in the planning process unless otherwise agreed at the end of a mediation period RCW 36.70A.040(8)(a) new in 2022.	No	Yes		Completed: <input type="checkbox"/> Date:
b. Policies consistent with countywide planning policies that address the protection of tribal cultural resources in collaboration with federally recognized Indian tribes that are invited, provided that a tribe, or more than one tribe, chooses to participate in the process. RCW 36.70A.210(3)(i) new in 2022.	No	Yes	The Comp Plan currently includes policies on the protection of historic and cultural resources. Recommend updating to include specific policies on protection of tribal cultural resources. The work plan and engagement plan include outreach to tribes to participate in the process in compliance with RCW 36.70A.210(3)(i).	Completed: <input type="checkbox"/> Date:

Regulations to Implement Optional Elements

a. New fully contained communities are consistent with comprehensive plan policies, RCW 36.70A.350 and WAC 365-196-345	No	No	Coupeville cannot establish a fully contained community.	Completed: <input type="checkbox"/> Date:
b. If applicable, master planned resorts are consistent with comprehensive plan policies, RCW 36.70A.360 , RCW 36.70A.362 and WAC 365-196-460	No	No	Not applicable; no master planned resorts nor plans for one.	Completed: <input type="checkbox"/> Date:
c. If applicable, major industrial developments and master planned locations outside of UGAs are consistent with comprehensive plan policies, RCW 36.70A.365 , RCW 36.70A.367 and WAC 365-196-465	No	No	Not applicable.	Completed: <input type="checkbox"/> Date:
d. Regulations include procedures to identify, preserve, and/or monitor historical or	Yes Chapter 16.30.230,	Yes	The SMP and Ebey's Design Code contain regulations on cultural and historical preservation. The broader development	Completed: <input type="checkbox"/> Date:

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<p>archaeological resources. RCW 36.70A.020(13), WAC 365-196-450</p>	<p>16.30.340 - Historic and cultural preservation (within Shoreline Master Program). CTC 16.13.080 - procedural, substantive, and appeal requirements within Ebey's Landing National Historical Reserve. SEPA code – CTC 16.36.070.</p>		<p>code should be revised to include this as well.</p>	
	<p>In Current Regs? Yes/No If yes, cite section</p>	<p>Changes needed to meet current statute? Yes/No</p>	<p>Notes</p>	
<p>e. Other development regulations needed to implement comprehensive plan policies such as energy, sustainability or design are adopted. WAC 365-196-445</p>	<p>Yes Ebey's Landing National Historical Reserve Design Review and Community Design Standards (CTC 16.13) CTC 16.12.075 - EV charging stations</p>	<p>No</p>	<p>The Town could consider additional regulations or codes to implement the solar energy policies contained in the 2023 Comprehensive Plan. Currently, the only codes to that effect are in the different levels of review under the Ebey's Landing National Historical Reserve code and electric vehicle charging stations standards in CTC 16.12.075.</p>	<p>Completed: <input type="checkbox"/> Date:</p>
<p>f. Design guidelines for new development are clear and easy to understand; administration procedures are clear and defensible</p>	<p>Yes CTC 16.13</p>	<p>No</p>	<p>Historical Reserve design review and community design standards are comprehensive and detailed. Note that the design guidelines, currently adopted in 2011, are undergoing an update with public meetings scheduled in summer 2024.</p>	<p>Completed: <input type="checkbox"/> Date:</p>

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<p>g. Local design review includes one or more ascertainable guideline, standard or criterion by which an applicant can determine whether a given building design is permissible under that development regulation.</p> <p>May not result in a reduction in density, height, bulk or scale below the generally applicable development regulations for a development proposal in the applicable zone.</p> <p>RCW 36.70A.630 new in 2023 by HB 1293</p>	<p>Yes</p> <p>Ebey's Landing National Historical Reserve Design Guidelines</p>	<p>Yes</p>	<p>The design guidelines, currently adopted in 2011, are undergoing an update with public meetings scheduled in summer 2024. The Town, Island County, and the Department of Interior will need to determine how HB 1293 is implemented in the Reserve.</p>	<p>Completed: <input type="checkbox"/></p> <p>Date:</p>
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Project Review Procedures
 In 2023, [SB 5290](#) substantially amended local permit review processes. Codification and additional resources from Commerce are forthcoming.

<p>Project review processes integrate permit and environmental review. RCW 36.70A.470, RCW 36.70B and RCW 43.21C.</p> <p>Also: WAC 365-196-845, WAC 197-11(SEPA Rules), WAC 365-197 (Project Consistency Rule, Commerce, 2001) and Ecology SEPA Handbook.</p> <p>Integrated permit and environmental review procedures for:</p> <ul style="list-style-type: none"> • Notice of application • Notice of complete application • One open-record public hearing • Combining public hearings & decisions for multiple permits • Notice of decision • One closed-record appeal 	<p>Yes</p> <p>CTC 16.06.030(H) and (I) CTC 16.06.050(D)</p>	<p>No</p>		<p>Completed: <input type="checkbox"/></p> <p>Date:</p>
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Plan & Regulation Amendments
 If procedures governing comprehensive plan amendments are part of the code, then assure the following are true:

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
a. Regulations limit amendments to the comprehensive plan to once a year (with statutory	<p>No</p>	<p>Yes</p>	<p>CTC does not currently contain any regulations limiting amendments to the Comprehensive Plan to once a year with statutory exceptions.</p>	<p>Completed: <input type="checkbox"/></p> <p>Date:</p>

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exceptions). RCW 36.70A.130(2) and WAC 365-196-640(3)				
b. Regulations define <i>emergency</i> for an emergency plan amendment. RCW 36.70A.130(2)(b) and WAC 365-196-640(4)	No	Yes	CTC currently does not define anything related to Comprehensive Plan amendments.	Completed: <input type="checkbox"/> Date:
c. Regulations include a docketing process for requesting and considering plan amendments. RCW 36.70A.130(2) , RCW 36.70A.470 , and WAC 365-196-640(6)	No	Yes	CTC does not currently have regulations that detail a docketing process for requesting and considering plan amendments.	Completed: <input type="checkbox"/> Date:
d. A process has been established for early and continuous public notification and participation in the planning process. RCW 36.70A.020(11) , RCW 36.70A.035 and RCW 36.70A.140 . See WAC 365-196-600 regarding public participation and WAC 365-196-610(2) listing recommendations for meeting requirements.	Yes CTC 16.06.040 - public notification CTC 16.13.120 - Public notification requirements for Ebey's Reserve Historic Preservation Commission	Yes	A process is established in code for public notification and participation for impending actions generally, but nothing is specifically established for amendments to the Comprehensive Plan. Note that the current Plan update, as well as the previous one, required an engagement plan to ensure early and continuous public involvement.	Completed: <input type="checkbox"/> Date:
e. A process exists to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property RCW 36.70A.370 . See the 2018 Advisory Memo on the Unconstitutional Taking of Private Property	Yes CTC 5.16.080, 16.30.400, 16.30.190, 16.30.720, 16.34.010, 16.34.260, 16.30.160, 16.24.030, 16.30.340, 16.30.380	No		Completed: <input type="checkbox"/> Date:
f. Provisions ensure adequate enforcement of regulations, such as zoning and critical area ordinances (civil or criminal penalties). See implementation strategy in WAC 365-196-650(1) .	Yes CTC 16.06.080 (development regulations enforcement), 16.34.260 (critical areas ordinance)	No		Completed: <input type="checkbox"/> Date:

	unauthorized critical area alterations and enforcement)		
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Appendix A: Housing unit minimums per population

See Commerce’s [Middle Housing webpage](#) for more information and the [Middle Housing Fact Sheet](#) for the list of cities that must comply with the following requirements.

Cities with a population less than 25,000 but within the Contiguous UGA with the largest city in a county with a population greater than 275,000				
	In Current zoning? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
Zoning and development regulations allow at least two residential units per lot on all lots zoned predominantly for residential use, unless the lot is smaller than 1,000 square feet. RCW 36.70A.635 (1) and (6) HB 1110	N/A	N/A	Coupeville has a population of less than 25,000 but is not within the contiguous UGA with the largest city in a county with a population greater than 275,000.	Completed: <input type="checkbox"/> Date:

Cities with a population between 25,000 and 75,000				
	In Current zoning? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
a. Zoning and development regulations allow at least: <ul style="list-style-type: none"> • two residential units on each lot, • four residential units on each lot if at least one unit is affordable, unless the lot is smaller than 1,000 square feet. 	N/A	N/A	Coupeville has a population of less than 25,000 but is not within the contiguous UGA with the largest city in a county with a population greater than 275,000.	Completed: <input type="checkbox"/> Date:

Cities with a population between 25,000 and 75,000				
b. Zoning and development regulations allow at least four residential units on each lot, within ¼ mile walking distance of a major transit stop.	N/A	N/A	Coupeville has a population of less than 25,000 but is not within the contiguous UGA with the largest city in a county with a population greater than 275,000.	Completed: <input type="checkbox"/> Date:

Cities with a population greater than 75,000				
	In Current zoning? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes	
a. Zoning and development regulations allow at least: <ul style="list-style-type: none"> • four residential units on each lot, • six residential units on each lot if at least two units are affordable, unless the lot is smaller than 1,000 square feet. 	N/A	N/A	Coupeville’s population is under 75,000.	Completed: <input type="checkbox"/> Date:
b. Zoning and development regulations allow at least six residential units on each lot, within ¼ mile walking distance of a major transit stop.	N/A	N/A	Coupeville’s population is under 75,000.	Completed: <input type="checkbox"/> Date:

● Appendix B: Element updates per HB 1181

GMA Periodic Update Due Dates	Required Updates to GMA Elements per HB 1181						
	Greenhouse Gas Reduction Sub-element	Climate Resilience Sub-element	Transportation Element	Land Use Element	Capital Facilities Element*	Utilities Element*	Parks & Recreation Element*
For jurisdictions with a 2024 deadline and subject to GHG Emissions Reduction [Sec. 15 (10)]	Due 2029	Due 2029	Due 2029	Due in 2034			
For jurisdictions with a 2025 & 2026 deadline and subject to GHG Emissions Reduction [Sec. 4 (1) and (2)]	X	X	X	X	X*	X*	X*
Jurisdictions <u>not</u> subject to GHG Emissions Reduction (all years) [Sec. 4 (3) and 9(e)(i)]	Optional	X See RCW 36.70A.070(9)(e)	**	Only counties over 20k pop.	X*	X*	X*

Table notes: "X" indicates a GMA update requirement. One asterisk (*) indicates jurisdictions should make a good faith effort to update their elements to be consistent; refer to HB 1181 (Chapter 228, Laws of 2023) for specifics. Two asterisks (**) indicates 22 cities that need to update their transportation element based on population, not whether or not their county is among those that must develop a GHG emissions element.



ATTACHMENT 3

Coupeville Town Code Title 16 Critical Areas Checklist

Critical Areas Checklist

A Technical Assistance Tool from Growth Management Services – updated March 2024

Name of city or county: Town of Coupeville	
Staff contact, phone, and e-mail address: Joshua Engelbrecht, Community Planning Director, (360) 678-4461, planner@townofcoupeville.org	
<p>INSTRUCTIONS</p> <p>This checklist is intended to help local governments update their development regulations, pursuant to the schedule in RCW 36.70A.130(5). We strongly encourage but do not require jurisdictions to complete the checklist and return it to Growth Management Services (GMS), along with their updates. This checklist may be used by all jurisdictions, including those local governments planning for resource lands and critical areas only. For general information on update requirements, refer to A Guide to the Periodic Update Process Under the Growth Management Act – Fully Planning Counties & Cities, 2022 and WAC 365-196-610.</p> <p>Bold items are a GMA requirement or may be related requirements of other state or federal laws. <u>Underlined</u> items are links to Internet sites and may include best practices or other ideas to consider.</p> <p>Commerce WAC provisions are advisory under Commerce’s statutory mandate to provide technical assistance, RCW 43.330.120 which states that the Department of Commerce “.shall help local officials interpret and implement the different requirements of the act through workshops, model ordinances, and information materials.” If you have questions, call GMS at (360) 725-3066.</p> <p>How to fill out the checklist</p> <p>Using the current version of your critical areas regulations, fill out each item in the checklist. Select the check box or type in text fields, answering the following question:</p> <p>Is this item addressed in your current Critical Areas Ordinance (CAO)? If YES, fill in the form with citation(s) to where in the plan or code the item is addressed. We recommend using citations rather than page numbers because they stay the same regardless of how the document is printed. If you have questions about the requirement, follow the hyperlinks to the relevant statutory provision or rules. If you still have questions, visit the Commerce Growth Management Services Web page or contact one of the Commerce planners assigned to your region.</p>	<p>Contents</p> <p>Instructions.....1</p> <p>Overall Requirements.....2</p> <p>Wetlands.....3</p> <p>Critical Aquifer Recharge Areas.....4</p> <p>Frequently Flooded Areas.....4</p> <p>Geologically Hazardous Areas.....6</p> <p>Fish and Wildlife Habitat Conservation Areas.....7</p> <p>Designating and Protecting Waters of the State.....8</p> <p>Anadromous Fisheries.....9</p> <p>Reasonable Use Exceptions.....9</p> <p>Agricultural Activities.....9</p> <p>Forest Practices Regulations.....10</p> <p>Good Ideas.....10</p>

<p>CRITICAL AREAS</p> <p>Regulations protecting critical areas are required by RCW 36.70A.060(2) and RCW 36.70A.172(1). WAC 365-195-900 through 925 provide guidelines. Guidance can also be found in Commerce’s Critical Areas Handbook (2022); the Minimum Guidelines WAC 365-190-080 through 130; Best Available Science WAC 365-195; and Procedural Criteria, WAC 365-196-485 and WAC 365-196-830, and on Growth Management’s Critical Areas webpage.</p>	
<p>Regulations required to protect critical areas</p>	<p>Addressed in current plan or regulations? If yes, note where</p>
<p>OVERALL REQUIREMENTS</p> <p>The CAO includes best available science to clearly designate and protect all critical areas that might be found within the jurisdiction.</p> <p>1. Designation of Critical Areas</p> <p>RCW 36.70A.170(1)(d) requires all counties and cities to designate critical areas. RCW 36.70A.170(2) requires that counties and cities consider the Commerce Minimum Guidelines pursuant to RCW 36.70A.050.</p> <p>RCW 36.70A.050 directs Commerce to adopt the Minimum Guidelines to classify critical areas. WAC 365-190-080 through 130 provide guidance on defining or “designating” each of the five critical areas.</p> <p>WAC 365-190-040 outlines the process to classify and designate natural resource lands and critical areas.</p> <p>2. Definition of Critical Areas</p> <p>RCW 36.70A.030(11) provides definitions for critical areas. Sections (20) regarding geologically hazardous areas; and (48) regarding wetlands were updated in 2010.</p> <p>WAC 365-190-030 provides definitions in the Minimum Guidelines.</p> <p>3. Protection of Critical Areas</p> <p>RCW 36.70A.060(2) requires counties and cities to adopt development regulations that protect the critical areas required to be designated under RCW 36.70A.170.</p> <p>RCW 36.70A.172(1) requires the inclusion of best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.</p> <p>WAC 365-196-830 provides guidance on protection of critical areas.</p>	
<p>Was BAS documented in the record for the review and updates to the critical areas regulations?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Location in Text: See CTC 16.34.100 - BAS. BAS definition included. Also referenced throughout CAO, according to WAC 365-195-900 through 365-195-925.</p> <p>Do your regulations address no net loss and require compensatory mitigation?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Location in Text: See 16.34.140-Exception-Reasonable Use, 16.34.200 Mitigation Requirements and 16.34.230-Review</p>	

<p>4. Inclusion of Best Available Science</p> <p><u>RCW 36.70A.172(1)</u> requires inclusion of the best available science (BAS).</p> <p><u>WAC 365-195-900 through 925</u> outlines recommended criteria for determining which information is the BAS, for obtaining the BAS, for including BAS in policies and regulations, for addressing inadequate scientific information, and for demonstrating “special consideration” to conservation or protection measures necessary to preserve or enhance anadromous fisheries.</p> <p><u>WAC 365-195-915</u> provides criteria for including BAS in the record.</p> <p>5. No net loss of critical area functions and values is a requirement for development regulations in <u>WAC 365-196-830(4)</u>. If development regulations allow harm to critical areas, they must require compensatory mitigation of the harm.</p>	<p>Criteria. Section 16.34.370 provides for Performance Standards-Compensatory mitigation requirements.</p>
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<p>WETLANDS DEFINITION</p> <p>The definition of wetlands is consistent with <u>RCW 36.70A.030(48)</u>.</p>	<p>Is the wetland definition consistent with RCW 36.70A.030(48)?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: CTC 16.34.580-Definitions</p>
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<p>WETLANDS DELINEATION</p> <p>Wetlands are delineated using the approved federal wetland delineation manual and applicable regional supplements in accordance with <u>WAC 173-22-035</u>.</p> <p>See Ecology’s <u>Wetland Delineation</u> page and <u>WAC 365-190-090</u> for additional assistance.</p>	<p>Are wetlands delineated using the approved Federal Wetland Delineation Manual and Regional Supplements?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: CTC 16.34.330 -Designation, rating, and mapping of wetlands.</p>
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<p>WETLANDS PROTECTION</p> <p>Policies and regulations protect the functions and values of wetlands. <u>RCW 36.70A.172(1)</u>.</p> <p>Counties and cities are encouraged to make their actions consistent with the intent and goals of “protection of wetlands”, <u>Executive Order 89-10</u> as it existed on September 1, 1990.</p> <p><u>WAC 365-190-090(3)</u> recommends using a wetlands rating system that evaluates the existing wetland functions and values to determine what functions must be protected. Ecology updated its recommended wetlands rating systems effective January 2015. For information on the rating system, including the July 2018 adjustments to ranges for habitat scores, see:</p> <ul style="list-style-type: none"> • 2014 Updates to the Washington State Wetland Rating Systems • Washington State Wetland Rating System for Western Washington • Washington State Wetland Rating System for Eastern Washington <p>For other resources and guidance on protecting wetlands, go to Ecology’s Local Wetland Regulations: Growth Management Act technical assistance and see:</p> <ul style="list-style-type: none"> • Wetland Guidance for Critical Areas Ordinance (CAO) Updates: Western and Eastern Washington (2022) 	<p>Do the regulations use a rating system to determine wetlands protection?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: CTC 16.34.330 – Designation, rating and mapping of wetlands.</p>

<p>CRITICAL AQUIFER RECHARGE AREAS</p> <p>Policies and regulations protect the functions and values of critical aquifer recharge areas. <u>RCW 36.70A.172(1)</u>.</p> <p>Policies and regulations protect the quality and quantity of groundwater used for public water supplies. <u>RCW 36.70A.070(1)</u> and <u>WAC 365-196-485(1)(d)</u>.</p> <p>The following references also relate to protection of groundwater resources:</p> <ul style="list-style-type: none"> • <u>RCW 90.44</u> – Regulation of Public Groundwaters • <u>RCW 90.48</u> – Water Pollution Control • <u>RCW 90.54</u> – Water Resources Act of 1971 • <u>RCW 36.36.020</u> - Creation of aquifer protection area (1985) • <u>WAC 365-190-100</u> Critical Aquifer Recharge Areas 2023 • <u>WAC 173-100</u> Groundwater Management Areas and Programs (1988) 	<p>If groundwater is used for potable water, do regulations protect the quality and quantity of ground water?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in text: CTC 16.34.390 refers to CARA’s as defined by WAC 365-190-030(2)</p> <p>CTC 16.34.400 and 410 address mapping and activities allowed in CARA’s.</p>
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<p>CRITICAL AQUIFER RECHARGE AREAS</p> <ul style="list-style-type: none"> • WAC 173-200 Water Quality Standards for Groundwaters of the State of Washington (1990) • WAC 365-196-735 Consideration of state and regional planning provisions (list) (2010) <p>The Critical Aquifer Recharge Areas Guidance Document (2021) provides information on protecting functions and values of critical aquifer recharge areas, best available science, how to work with state and local regulations and adaptive management.</p> <p>Also, consider the following:</p> <ul style="list-style-type: none"> • Prohibiting or strictly regulating hazardous uses in critical aquifer recharge areas (CARAs) and designating and protecting wellhead areas. See Ecology’s guidance on Critical Aquifer Recharge Areas. • Limiting impervious surfaces to reduce stormwater runoff, as required under Phase I and II municipal stormwater permits. Ecology’s Stormwater Manual for Western Washington (2012) includes low impact development (LID) related definitions, requirements, and an LID performance standard. See Stormwater Management and Design Manuals on Ecology’s web page. • For additional guidance on LID resources, see Commerce’s Incentivizing low-impact development guidebook. 	<p>Are the critical aquifer recharge regulations consistent with current mapping of these critical areas?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in text: The current CAO does contain maps. The Town relies on the County’s mapping layers for CARA’s.</p> <p>Coupeville is mapped as medium to low susceptibility https://icgeomap.islandcountywa.gov</p> <p>Recommend developing Coupeville specific critical area maps</p>
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<p>FREQUENTLY FLOODED AREAS</p> <p>Regulations protect the functions and values of frequently flooded areas and safeguard the public from hazards to health and safety. RCW 36.70A.172(1). WAC 365-196-830 provides: "Protection‘ in this context means preservation of the functions and values of the natural environment, or to safeguard the public from hazards to health and safety."</p> <p>WAC 365-190-110 directs counties and cities to consider the following when designating and classifying frequently flooded areas:</p> <ol style="list-style-type: none"> Effects of flooding on human health and safety, and to public facilities and services; Available documentation including federal, state, and local laws, regulations, and programs, local studies and maps, and federal flood insurance programs, including the provisions for urban growth areas in RCW 36.70A.110; The future flow flood plain, defined as the channel of the stream and that portion of the adjoining flood plain that is necessary to contain and discharge the base flood flow at build out; 	<p>Are frequently flooded areas designated and regulated using FEMA and Ecology guidance?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: CTC 16.34.450 – Reference to 16.40 Flood Damage Prevention, updated in 2023.</p>
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<p>FREQUENTLY FLOODED AREAS</p> <p>(d) The potential effects of tsunami, high tides with strong winds, sea level rise, and extreme weather events, including those potentially resulting from global climate change;</p> <p>(e) Greater surface runoff caused by increasing impervious surfaces.</p> <p>Classification of and regulations for frequently flooded areas should not conflict with the FEMA requirements for the National Flood Insurance Program (NFIP). See Ecology's Frequently Flooded areas: Critical Areas Ordinance webpage and 44 CFR 60.</p> <p>Communities that are located on Puget Sound or the Strait of Juan de Fuca, or have lakes, rivers or streams that directly or indirectly drain to those water bodies, are subject to the NFIP Biological Opinion (BiOp) for Puget Sound. The biological opinion required changes to the implementation of the NFIP in order to meet the requirements of the Endangered Species Act (ESA) in the Puget Sound watershed. FEMA Region X has developed an implementation plan that allows communities to apply the performance standards contained in the Biological Opinion by implementing:</p> <ol style="list-style-type: none"> 1) a model ordinance; 2) a programmatic Checklist; or 3) on a permit by permit basis as long as it can be demonstrated that there is no adverse effect to listed species. Communities have the <u>option</u> of utilizing their CAOs as part of a programmatic response to address the requirements of the biological opinion. FEMA must approve a community's biological opinion compliance strategy. <p>Additional resources :</p> <p>RCW 86.12 Flood Control by Counties RCW 86.16 Floodplain Management RCW 86.26 State Participation in Flood Control Maintenance RCW 86.16.041 Floodplain Management Ordinance and Amendments WAC 173-158-070 Requirements for construction in Special Flood Hazard Areas</p>	<p>Are you utilizing your CAO as part of a programmatic response to the BiOp?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text:</p>
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<p>DEFINITION OF GEOLOGICALLY HAZARDOUS AREAS</p> <p>The definition of geologically hazardous areas is consistent with RCW 36.70A.030(20) and WAC 365-190-120(1).</p> <p>"Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.</p>	<p>Is the geologically hazardous areas definition consistent with RCW 36.70A.030(20)?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: CTC 16.34.580 – Definition is similar but is not consistent.</p>
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	Recommend updating.
<p>PROTECTION OF GEOLOGICALLY HAZARDOUS AREAS</p> <p>Regulations protect the functions and values of geologically hazardous areas and safeguard the public from hazards to health and safety. RCW 36.70A.172(1). WAC 365-196-830 provides: “Protection” in this context means preservation of the functions and values of the natural environment, or to safeguard the public from hazards to health and safety.”</p> <p>Geologically hazardous areas are designated, and their use is regulated or limited consistent with public health and safety concerns. RCW 36.70A.030(20) WAC 365-190-120 describes the different types of hazardous areas:</p> <ul style="list-style-type: none"> • Geologically hazardous areas include: <ul style="list-style-type: none"> • Erosion hazards • Landslide hazards • seismic hazards • tsunami hazards • volcanic hazards • channel migration zones • areas subject to other geological events such as coal mine hazards including: mass wasting, debris flows, rock falls, and differential settlement. <p>The Department of Natural Resource’s Washington Geological Survey Geologic Hazards and the Environment website includes information on earthquakes and faults, landslides, volcanoes and lahars, tsunamis, hazardous minerals, emergency preparedness, historic mines and includes geologic hazard maps that can be accessed from the Geologic Information Portal.</p>	<p>Are uses in geologically hazardous areas designated and regulated or limited consistent with public health and safety?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: CTC 16.34.470 – Designation of specific hazard areas. Recommend updating limit or regulate their use consistent with public health and safety.</p>

<p>DEFINITION OF FISH AND WILDLIFE HABITAT AND CONSERVATION AREAS</p> <p>The definition of fish and wildlife habitat conservation areas is consistent with WAC 365-190-030(6). The definition of fish and wildlife habitat conservation areas was amended to state that they do not include: “such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company”.</p>	<p>Is the FWHCA definition consistent with WAC 365-190-030(6)?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: CTC 16.34.580 – Does not include stated amendments. Recommend updating.</p>
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<p>PROTECTION OF FISH AND WILDLIFE HABITAT AND CONSERVATION AREAS</p> <p>Policies and regulations protect the functions and values of fish and wildlife habitat conservation areas. RCW 36.70A.172(1) and WAC 365-190-030(6).</p> <p>WAC 365-190-130(4) says local jurisdictions must consult current information on priority habitats and species identified by WDFW. Additional information that must be consulted is available from DNR’s natural heritage program and aquatic resources program. BAS regarding biodiversity areas and corridors has advanced significantly. Recent updates and resources include:</p> <ul style="list-style-type: none"> • Aquatic Habitat Guidelines • Priority Habitat and Species maps • Priority Habitats and Species List (updated June 2023) • Priority Habitats and Species: Management recommendations: <ul style="list-style-type: none"> • Landscape Planning for Washington’s Wildlife (2009) • Land Use Planning for Salmon, Steelhead and Trout (2009) • Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications (2020) • Riparian Ecosystems, Volume 2: Management Recommendations (2020) • Riparian Management Zone Checklist for CAOs (2023) • Shrub-Steppe Management Recommendations (2020) • Oregon White Oak Woodlands Ecosystems Management Recommendations (1998) • Management recommendations for Washington's Priority Species (by taxa) • Puget Sound Kelp Conservation and Recovery Plan (2020) • Stream Habitat Restoration Guidelines (2012) • Water Crossing Design Guidelines (2013) <p>“Areas where endangered, threatened, and sensitive species have a primary association” must be considered per WAC 365-190-130(2)(a). Consult WDFW’s Threatened and Endangered Species list and U.S. Fish and Wildlife Service’s Information for Planning and Consultation resources for up to date information on all state and federal listed species.</p> <p>Also see the Puget Sound Partnership’s Salmon Recovery website for Water Resource Inventory Area (WRIA) Plans in Puget Sound.</p>	<p>Have you reviewed your regulations regarding any applicable changes in management recommendations for priority habitats and species?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text CTC 16.34.540 – Amendment needed to reflect regulatory updates after 2008.</p> <p>Have you reviewed your regulations regarding any changes in species listings?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: CTC 16.34.540 – Refers to WDFW and USFWS Lists and resources. Recommend updating to include new regulations and WRIA 6.</p>

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<p>DESIGNATING AND PROTECTING WATERS OF THE STATE</p> <p><u>RCW 90.48.020</u> defines waters of the state, which include all surface waters, salt waters, groundwater and all other water courses in Washington. <u>WAC 365-190-130(2)(f)</u> recommends designating all waters of the state as fish and wildlife habitat conservation areas (FWHCAs).</p> <p>Stream types are classified in <u>WAC 222-16-030</u> with field verification, or an alternate system that considers factors listed in <u>WAC 365-190-130(4)(f)(iii)</u>. See http://www.dnr.wa.gov/forest-practices-water-typing to use Washington State Department of Natural Resources (DNR)'s stream typing system.</p> <p>Establish riparian management zones to maintain no net loss of riparian ecosystem functions and values.</p> <p>Designate areas that risk contaminating or harming shoreline resources including tidelands and bedland suitable for shellfish harvest, kelp and eelgrass beds and forage fish spawning areas.</p>	<p>Do you designate waters of the state as FWHCAs?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: CTC 16.34.540.A.6 There are no streams</p> <p>Do your regulations protect waters of the state?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: CTC 16.34.540.B</p>
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<p>ANADROMOUS FISHERIES</p> <p>Policies and regulations for protecting critical areas give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. RCW 36.70A.172(1) is the requirement and WAC 365-195-925 lists criteria involved. This requirement applies to all five types of critical areas. WAC 365-190-130(4)(i) recommends sources and methods for protecting fish and wildlife habitat conservation areas, including salmonid habitat. Counties and cities may use information prepared by the United States Department of the Interior Fish and Wildlife Service, National Marine Fisheries Service, the Washington State Department of Fish and Wildlife, the State Recreation and Conservation Office, and the Puget Sound Partnership to designate, protect and restore salmonid habitat. Counties and cities should consider recommendations found in the regional and watershed specific salmon recovery plans (see the Governor's Salmon Recovery Office webpage and the Puget Sound Partnership's Salmon Recovery webpage). Land Use Planning for Salmon, Steelhead and Trout: A land use planner's guide to salmonid habitat protection and recovery (October 2009) is an excellent resource.</p>	<p>Do your regulations give special consideration to anadromous fisheries?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Location in Text: CTC 16.34.100.A, CTC 16.34.570 B.</p>
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<p>REASONABLE USE EXCEPTIONS</p> <p>The Critical Areas Ordinance (CAO) allows for “reasonable use” if the CAO would otherwise deny all reasonable use of property. Reasonable use provisions should limit intrusions into critical areas to the greatest extent possible and apply the mitigation sequence as needed for no net loss of ecosystem functions and values RCW 36.70A.370. Common exemptions include emergencies, remodels that do not further extend into critical areas, surveying, walking, and development that has already been completed with critical areas review under a previous permit. See Critical Areas Handbook, Chapter 3: Structuring Critical Areas Regulations, p.10 (Updated 2022).</p>	<p>Do you have reasonable use provisions?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Location in Text: CTC 16.34.140</p> <p>Recommend updating to reflect updated regulations for mitigation.</p>
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- [transfer of development rights](#)

Monitoring and adaptive management is encouraged in [WAC 365-195-905\(6\)](#) to improve implementation of your regulations. See Commerce’s Monitoring and Adaptive Management chapter in the [Critical Areas Handbook](#), Chapter 7: Monitoring and Adaptive Management of Critical Areas (2022).

Do you have a monitoring and adaptive management program for your CAO?

Yes

No

Location in Text:

Recommend updating to incorporate a monitoring and adaptive management section. Currently, only mentioned in the definitions section.



Town of Coupeville

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STAFF REPORT

DATE: July 15, 2025
TO: Coupeville Planning Commission
FROM: Joshua Engelbrecht, Community Planning Director
RE: Follow-up: Signage + Shoreline Master Program

Planning Commission,

Signage:

Staff brought the discussion related to sign code to the Town Council on July 8, 2025. We had some additional public input from business owners. Ultimately, the Town Council felt comfortable re-opening the sign code to specifically examine the prohibition on temporary A-frame signs and determine what requirements / regulations should exist to strike the balance between support for local businesses and the concerns that were voiced during the meeting.

Staff expects to do additional research on best practices and potential pathways forward before fully introducing this topic back to the Planning Commission for initial comments.

Initial concerns that were raised included:

- Cohesive look from allowed A-frame signs
- Location of A-frame signage:
 - o Placement on Sidewalks / pedestrian facilities
 - o Off-site advertising

Town Council specifically indicated that they only wanted to focus on one aspect of our sign regulations at a time and there was no interest in addressing the prohibition of neon / internally lit signage, nor the prohibition of Murals at this time.

Shoreline Master Program:

In May of 2025, the Town completed our Coastal Adaptation Strategy! This report outlines the expected impacts to Coupeville's Shoreline as a result of Sea Level Rise and what actions should be pursued over the near-, mid-, and long-term to adapt to those changing conditions and build resiliency.

At the June 10, 2025 Town Council meeting, Staff presented a handful of pathways to prioritize our immediate next steps as it relates to the various assets that are vulnerable. Ultimately, the Town Council indicated that a narrow revision to the Town's Shoreline Master Program to reduce barriers for our existing overwater buildings would be the best near-term step to pursue, especially as some of our businesses along NW Front St. have already seen impacts from flooding.

The Town's Shoreline Master program (CTC 16.30) is a subsection of the Town's development regulations that is also reviewed for consistency with state law by the Department of Ecology. Staff expects to begin the "locally initiated amendment" process before bringing specific code revisions back to the Planning Commission.

Timing:

As mentioned in other Staff Reports, Table 1 is our expected schedule of Planning Commission meetings through the end of 2025. Since we last met, Staff has added the Sign and SMP code projects to the schedule and is expecting to bring them back to the Planning Commission in September.

Both the Sign code and Shoreline Master Program projects are locally initiated and do not have external deadlines.

Date (1st Tuesday)	Topic	Date (3rd Tuesday)	Topic
July 1	Street Level Residential / Vacation Rental Comp Plan Draft Overview	July 15	Ebey's Reserve Code #1 Development Regulations #1 Sign Code Update Shoreline Master Program Update
August 5	Comp Plan Topic: Workforce Housing Housing within the MOA	August 19	Comp Plan Topic: Transportation Development Regulations #2
September 2	Comp Plan Topic: Parks + Rec SMP (Tentative)	September 16	Ebey's Reserve Code #2 Sign Code (Tentative)
October 7	Comp Plan Topic:	October 21	Ebey's Reserve Code #3 Development Regulations #3
November 4	Public Hearings for Comp Plan and Development Regulations	November 18	
December 2		December 9	Last Town Council Meeting of 2025

Table 1: Planning Commission Schedule