

**ISLAND COUNTY PLANNING COMMISSION
SUMMARY MINUTES, COUPEVILLE REC HALL, COUPEVILLE, WA
JUNE 9, 2009**

	Members Present	Members Absent
District 1	Val Hillers	
	Ray Gabelein	
	Mike Joselyn	
District 2		Terry Reynolds
		Rex Porter
	Mahmoud Abdem-Monem	
District 3		Wayne Havens
	William Lippens	
		Scott Yonkman

**Joint meeting
Island County Planning Commission;
Town of Coupeville Planning Commission**

Present: Larry Kwarsick,

Staff Present: Anthony Boscolo,
Jeff Tate, Long Range Planning Consultant

Chair Ray Gabelein called the meeting to order.

ROLL CALL

Val Hillers, Ray Gabelein, Mike Joselyn, Bill Lippens, Mahmoud Abel-Monem

ITEMS FROM THE PUBLIC

None

UNFINISHED BUSINESS

Deliberations on:

**Island County Public Works Amendment to the 2006 Island County Non-Motorized Trails
Plan to include a project representing a high-standard multi-use trail along SR20 and SR525
from Deception Pass to the Clinton Ferry**

Hand-out

Memorandum from Joantha Guthrie, Public Works addressing public comments.

Commissioner Lippens clarified that the amendment before the Commission related only to adding this specific trail to the plan, that it had nothing to do with how the trail is constructed or parameters of the trail other than roughly where it is supposed to go.

Ms. Guthrie stated that was correct.

Commissioner Hillers commented on the section of SR 20 at Grassers Lagoon, there is not much space there and would require it be placed on land that is fairly restricted.

Ms. Guthrie stated in some cases there are areas that will have to go over private land; the second segment of the Rhododendron Trail requires easements over private land as there is no DOT right of way. There will be obstacles along the way which will need to be addressed as these segments come up.

Commissioner Hillers stated she felt this was a great idea, people like to bike they like to walk and it needs to be made more user friendly and safer in the places where it is narrow.

Commissioner Gabelein asked about the funding sources, with funding for the County so tight he wanted to know if this would impact funding dollars for safety projects or other semi joint projects between the State and the County.

Ms. Guthrie replied that funding for Non-Motorized Transportation is a State legislative piece. A specific percentage of transportation dollars must go specifically to these projects. It doesn't pull away from regular road projects. The funds are called enhancement dollars and are not eligible for regular road work; it is for biking safety issues, turning train depots into museums etc. and has nothing to do with transportation.

Commissioner Gabelein stated he felt the amendment was a great idea, but was concerned about building something that can't be maintained in the current economic situation.

Ms. Guthrie stated that was an excellent point, in fact two of the trails just built, the Maxwellton Trail along Maxwellton on the south end and the Coupeville Connecting Trail maintenance that issue was a real question and negotiations resulted in Public Works building the trail, but since each of these two trails are on school grounds, they will be maintaining them.

Commissioner Gabelein stated the community has also been asking about the width and he wanted to know if the width of these trails were mandated.

Ms. Guthrie stated it is, their trail is actually smaller than the standard because the County is rural it has asked for a variance to make it only ten feet wide, in the case of Maxwellton it is only eight feet wide, where the standard is twelve or fourteen feet wide in an urban setting in order to accommodate two way traffic. A rural setting anticipates less traffic.

Mr. Gabelein stated the standard seems to be too much impervious surface.

Commissioner Hillers moved to approve the amendment to the 2006 Island County Non-Motorized Trails Plan to include a project representing a high-standard multi-use trail along SR20 and SR525 from Deception Pass to the Clinton Ferry Dock. Commissioner Joselyn seconded, the motion carried unanimously.

Recess

NEW BUSINESS

Joint Island County, Town of Coupeville Planning Commissions Public Meeting

Ebey's Reserve – Proposed amendments to the standards and procedures that regulate development within Ebey's Landing National Historic Reserve.

Roll Call for the Town of Coupeville Planning Commission
Chair, David Day, Doug McFadyen, Barbara Cope

Roll Call for Island County Planning Commission
Val Hillers, Ray Gabelein, Mike Joselyn, Bill Lippens, Mahmoud Abel-Monem

Staff: Island County – Jeff Tate, Long Range Planning Consultant

Staff: Town of Coupeville – Larry Kwarsick, Nanc Garner

Ebey's Reserve – Mark Preiss

Jeff Tate provided a brief background of the issues and this unique process.

Approximately eighteen months ago a joint collaboration began to discuss the issues faced in the Reserve and attempt to get an educational emphasis started. Through Mayor Conard's leadership and the suggestion of elevating the collaboration to include The Town Council and The Board of Island County Commissioner to discuss ideas on strengthening partnerships began.

From a County perspective some issues were causing frustration with the permit process, expectations from the public of what the rules say and what they are intended to do, and the discussion turned to enhancing the different ordinances to try to put pictures to words for clarification.

The joint meeting between the Town Council and the Board of Island County Commissioners was a positive step; both bodies agreed it was a worthwhile effort to try to align strategies and resources. Joint meetings between the Town's Design Review Board (DRB) and the County's Historic Review Committee began to gather ideas to make a more efficient process and create more predictable and better understood standards and procedures.

The goals:

1. Unified decision making body, rather than the HRC & DRB.
2. Tiered review processes.
3. Adding an illustrative component (design manual) to the regulations.

Larry Kwarsick, Coupeville Town Planner provided background from the Town's perspective. One of the reasons the Town wanted to launch into this process is that not all historic structures within the Town are currently protected under the current community design standards. Not all areas are subject to design review and there are a lot of activities that come before the Design Review Board that could be more efficiently or more effectively managed through an administrative process with a better work product in the form of an illustrative design manual.

The Board of Commissioner and the Town Council have officially entered into a Memorandum of Understanding along with the Ebey's Trust Board, which gives direction to both Planning Commissions and staff in terms of what they want to see on the table. Both jurisdictions have common work products and some different work products.

The common work product is the unified Code as described by Mr. Tate. Part of what the Code will do is to adopt by reference the Illustrative Design Manual, which is still a work in progress and will be available to the Commissions by the next hearing.

There has also been collaboration on amendments to the Public Benefit Rating System to try to provide greater financial incentive to property owners who have historic structures to rehabilitate those structures and then maintain those structures.

Jointly there has been a commitment made to the Trust Board to provide training of all of the individuals involved in the process.

Unique to the Town are amendments to the existing Historic Preservation Element of the Comprehensive Plan. There are proposed amendments to:

1. Allowed uses within the Commercial zones in the Town.
2. To what constitutes an Overlay District, in County terms, referred to as a Historic Restoration Overlay District in the Town.
3. Height standards
4. Setback standards
5. Parking standards
6. The definition of a historic structure
7. Extraction of the DRB from many of the procedural aspects of the Town Code
8. Repeal of the entire body of the existing community design standards, which will be replaced by the new design manual
9. Land Use Map
10. Zoning Map

The proposed unified code sets up a 3 tiered review structure. The first two are administrative and the last is a quasi judicial process.

The first tier involves decisions that are made by the Town Planner or the Planning Director of the County. These include minor activities that with a clear application of the standards can be dealt with administrative by the respective Town and County staff.

The next tier is a new entity which will be called a Reserve Committee. This committee consists of the Town Planner, The County Planning Director and the Reserve Manager. The Reserve Committee would have certain authority over a higher level type of application. It would require agreement of all three members of this committee to move forward at that level. If agreement cannot be reached the project would go up to the next level. The applicant also has the right under this process to request it go up to the next level.

The third tier is a new process which will involve a group that will be called the Ebey's Reserve Historic Preservation Commission. The Commission would take the place of the current DRB and HRC and empowers the Commission with decision making authority over certain types of

action. The Commission would consist of nine members; four members appointed by the Town, four members appointed by the County (one of those four members being recommended by the Trust Board) and the 9th member would be a jointly appointed member that is recommended by the Trust Board.

The Commission would also hear any appeals of a decision made. There would also be an appeal process for appeals of the Commissions' decision, which may ultimately go the Hearing Examiner, but is currently still under review.

Town Commissioner Doug McFadyen thought the design manual was an excellent idea.

Commissioner Lippens asked about the appeal process and what would be the basis needing to be presented for an appeal.

Mr. Tate explained the standard of being an aggrieved party must be met, language which is straight out of State Law, Torte Law. Anyone can pay to appeal, but to go forward with an appeal you must meet the standard of being an aggrieved party.

Mr. Kwarsick added that in Town Code and County Code there is a standard on the appeal itself, you must show justification for the appeal, what has occurred procedurally or in terms of interpretation or in the application of these design guideline that causes the person to appeal.

Chair Gabelein asked if sufficient notice has been provided to the public on this issue, stating he felt this would be important, possibly a press release to educate the public that this is occurring with the demolition requirements etc. he felt people needed to be involved.

Mr. Tate stated that between now and the first Public Hearing there will be some significant public outreach. There was a significant article in the Whidbey Examiner on June 3rd.

Mr. Kwarsick agreed outreach was needed. Regarding the demolition requirement he stated the Town has a demolition requirement currently and it is fairly onerous, but it is not as clear as it could be in terms of the obligation and responsibility of all involved. The proposed amendments would make it Reserve wide. It is not the intention of either of the local governments to allow demolition of a historic structure. The burden of proof is now being put back on the property owner to prove it needs to occur.

Mr. Kwarsick further stated there will be a mailing to the Town to make sure people are involved. There will be community workshops. There will also be a disclosure statement dealing with the sale and lease of a property to make sure when people acquire an ownership interest within the Reserve that it is clear they will be subject to these standards. Not only does the buyer have to sign it but the seller and the agents involved so that everyone is communicating at that point of sale or exchange of real property within the Reserve.

Commissioner Hillers asked if the standards on page nine would apply to any property in the Reserve, stating it was not clear to her if it meant any structure or just historic structures and felt it needed to be tightened up to make it clearer.

Mr. Tate replied it would be anything within the Reserve.

Chair Gabelein stated he felt the final say in an appeal should be with a legislative body above the Reserve Commission.

Mr. Kwarsick outlined the changes in the ordinance package of the Town.

1. The residential use of an historic home would be a Permitted Use and would not require a Conditional Use Permit.
2. The height and setback standards of an expansion of a historic structure will have some flexibility. As long as it is consistent with the design standards a variance will not be needed. The overriding accomplishment will be to make sure the structure's historic integrity is protected through the design review.
3. Adaptive reuse of historic homes; a historic home with a historic residential looking lot zoned commercial currently requires a parking standard. The proposed amendments would have the parking requirement not be mandatory and would provide some options for how parking could be provided onsite.
4. Currently there are 137 contributing structures within the Town of Coupeville that appear on the inventory of historic sites and qualify as contributing properties and should be protected. In the Town only 52 of those structures are actually protected, the proposed amendments would include all 137 of those structures for protection by this design review change.

Mr. Tate addressed amendments to the PBR system, which applies to tax incentives, rooted in State Law and allows historic structures as resources identified within the PBR system. It is a countywide tax program that applies within the cities and the town as well as the unincorporated area of Island County. The principle of the program addresses the fact that there are a finite number of "resources" identified within the PBRS, such as wetlands, streams or historic structures. In the historic structure section of the PBRS there are financial incentives or help for landowners who own these structures.

They can then accrue points by doing specific things on a property to get a tax benefit. A landowner who has a historic structure that requires rehabilitation would be eligible for a cost offset by reducing the assessed value of the structure to \$1,000 for the next ten years and the land assessment would be reduced by 70% for the same time for the purposes of taxes and it would then increase over time, but it would never get back to 100%. There is also a maintenance requirement if a landowner is enrolled in the program as well as stiff penalties if you fail to comply with the agreed requirements.

Mr. Preiss stated Ebey's Trust is hoping with community support and partner support to have a trust fund established in the next year or two for a grant program to help support these activities. Ebey's Forever, recognizes it needs to be a balanced approach.

Chair Gabelein stated there were some generational problems with who are the future farmers in Western Washington and Island County. He's concerned the next generation will determine it is too much hassle to continue to farm their property as it has been done in the past and will get discouraged. The economic of farming also needs to be looked at; working farms need to also be preserved.

Chair Gabelein announced the upcoming public hearings on this issue will be held on July 28th and August 25th where public comment will be accepted.

The Town of Coupeville Planning Commission adjourned their meeting.

Recess

ZAA 338/08 Request for Rezone

To change the current zoning classification of 13.5 acres from Rural to Oak Harbor – Planned Industrial Park, located at the intersection Old Goldie Road and Ault Field Road affecting six different parcels.

Hand-outs,

Transmittal and Report Memorandum, dated May 1, 2009

Exhibit A:

A-1: Updated Island County Zoning Atlas Map #219

A-2: Updated Oak Harbor Interlocal Agreement Exhibit B

A-3: Updated Island County Future Land Use Map

Exhibit B:

B-1: Original Island County Zoning Atlas Map #219

B-2: Current Oak Harbor Interlocal Agreement Exhibit B

B-3: Current Island County Future Land Use Map

B-4: Current Oak Harbor Future Land Use Map

B-5: Current Island County Zoning Atlas Map #219

Comment letter from the City of Oak Harbor, Steve Powers

Anthony Boscolo provided a briefing on the issue. Staff's review of the application including contacting neighboring landowners, offering their properties to be included in the rezone as it made logical sense to include surrounding properties of similar use.

The property is jointly managed by the County and the City of Oak Harbor because of its location. There are a number of documents that governs this area. The Island County Comprehensive Plan addresses it as does the City of Oak Harbor's Comprehensive Plan. The County's Zoning Code applies to it because it is within rural Island County. There is also an Interlocal Agreement between the City of Oak Harbor and Island County that governs it as well.

A number of these documents are conflicting which has been a burden on the property owners. With this process staff is hoping to clarify those conflicts.

The Oak Harbor Future Land Use Map shows the property as being a Planned Industrial Park designation.

The Current Island County Zoning Map shows it as being zoned Rural and within the Urban Growth boundary.

The Current Interlocal Agreement between the City and the County adopted in 2001 shows it as being within the UGA but zoned Oak Harbor Residential.

The Island County Future Land Use Map doesn't show it within the Urban Growth boundary, but does show the designation as Light Manufacturing, which is different than what the zoning information has.

The neighboring uses are all manufacturing types, there are no residential uses. To the north and to the east the property is bordered by Naval Air Station Whidbey Island and to the west and south is industrial and major highway uses.

Through the process the other four landowners were notified and that would bring the total area to about 20 acres for all six pieces of property.

Commissioner Abel-Monem asked what the other property owners' responses had been.

Mr. Boscolo stated he had spoken with two of the four landowners and they supported the action. They have also indicated all the landowners have discussed this amongst themselves and indicate they are no objections.

Chair Gabelein asked if it was possible to get something in writing from the landowners showing whether or not they support this action.

Mr. Boscolo stated there had already been three different mailings and numerous phone calls, but agreed it would be best to have their feedback.

Mr. Boscolo stated the materials provided at this hearing included comments from the City of Oak Harbor, who do not support the action; they would prefer to see the entire UGA expansion be dealt with at one time.

Mr. Boscolo stated there is an argument that these properties are already within the UGA.

Chair Gabelein opened the floor for public comment.

Jason Hicks 3300 Old Goldie Road

Stated he has owned the property since 1996 saying he had background information and supports the rezone. He feels it is the right use for this property. Those property owners that are not present or have not communicated with the Planning Commission were given ample time. He said he himself got three letters, email, numerous phone calls. They have made their decision not to oppose this by being mute. The City of Oak Harbor had City water put in back in 1995 due to contamination by the Navy. The City has an interest in having that somehow within their control and there is also a planned sewer line that they want to terminate on Old Goldie Road at the end of his property.

When he bought the property in 2000 it was represented to him as already being in the UGA and within the Joint Planning Area. When he applied for a building application, not only did he have to consult with County, but with the City also and now they want to change the rules. He would like to know what the zoning of his property is. He said he is not taxed as if he is Rural, the tax statement taxes him as Industrial, Light Manufacturing. What the regulations are as far as what the actual zoning is and what they want the zoning to be and what he taxed at are all different.

The surrounding area is all industrial and manufacturing, with the exception of a few residential units. The City has had their Comprehensive Plan for eleven years. He asked the Planning Commission to make a decision, not put it off as suggested by the City of Oak Harbor's letter.

Commissioner Hillers asked if there was any other zoning related to Light Industrial that is not related to the City of Oak Harbor.

Mr. Tate stated there is Light Manufacturing and Airport zoning which is an industrial zone, but those zoning designations are for unincorporated non UGA areas. Within the UGA there are different names.

Commissioner Lippens stated it sounds as if they need to make sure this is in the UGA, getting a definitive answer. If it is not in the UGA it would have to be zoned with the County's designation.

Commissioner Hillers asked who determines if it's in the UGA.

The County makes the determination of whether it is located within the UGA. The Island County Prosecuting Attorney's Office will need to determine which of the four documents overrides the others. Some of the maps show it within the UGA and some show it outside the UGA. There are portions of the City of Oak Harbor's Comprehensive Plan that show it within the UGA and other parts say it isn't.

Commissioners Hillers and Gabelein both stated they felt that needed to be done. Based on this letter from the City it appears they would not recognize it as Oak Harbor Planned Industrial Park.

Discussion as to whether a County zoning designation could be assigned if the property is found not to be in the UGA. It is within the Planning Commissions' options. The applicant will need to be consulted to determine if it meets the needs prior to the next meeting.

The Planning Commission set June 30th as the end of the public comment period on this issue.

Commissioner Joselyn moved to adjourn Commissioner Hillers seconded, motion carried unanimously.

Chairman Gabelein adjourned the meeting at 7:45 p.m.

Respectfully submitted,

By Paula Bradshaw
Administrative Assistant