

# Island County Planning & Community Development

## Exhibit A Draft Revision to 17.04 ICC

### ICC 17.04 – EBHEY’S LANDING DESIGN REVIEW BOARD AND COMMUNITY DESIGN STANDARDS

#### 17.04.010 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 (N.H.R.) on October 16, 1972. The purpose of this Chapter is to provide for the protection of historic and prehistoric resources within the Ebey’s Landing National Historical Reserve (Reserve) and to encourage the protection, preservation, restoration, and rehabilitation of historic and cultural resources within the Reserve for future generations. In keeping with this purpose, the guiding functions of this chapter are:

- A. To protect, enhance, and preserve Contributing Structures, buildings, and landscape features which represent elements of the Reserve’s cultural, agricultural, historic, social, economic, scenic, natural, and architectural history.
- B. To maintain the Reserve’s viability and property values through managed preservation of historic and scenic landscapes and associated historic structures.
- C. To strengthen the area’s economy by protecting and enhancing the Reserve’s attraction to visitors and supporting agriculture use within the Reserve.
- D. To maintain the economic viability of farms within the Reserve by working with the agricultural community to preserve significant Cultural Landscapes while allowing new economically viable and compatible construction.
- E. To assist the public in making development decisions which are compatible with the Reserve’s character and long term preservation.
- F. 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 Reserve.

- H. Work with the Trust Board to aid in preserving and maintaining Scenic Easements as established under the National Park Service (N.P.S.).
- I. To assist, encourage, and provide incentives to property owners for preservation, restoration, and use of significant buildings, objects, sites, and structures.
- J. To make determinations concerning the eligibility of individual properties for special tax valuation.
- K. Work in collaborative effort with the Ebey's Historic Reserve and the Town of Coupeville to have a unified long range vision and consistent designs within the County and Town.

#### **17.04.020 Applicability**

This Chapter applies the geographic area of the Reserve within unincorporated Island County and to all buildings, sites, structures, and objects which add to the historic architectural qualities, historic associations, or archeological values of the Reserve which were designated as "Contributing" in the Building and Landscape Inventory (1995) prepared for the Ebey's Landing National Historical Reserve; those that are subsequently named to the Ebey's Reserve Register of Historic Places; and those properties containing protected cultural resources.

#### **17.04.030 Design Guidelines Adopted**

The Board adopts by reference *The Ebey's Landing National Historical Reserve Design Guidelines*, approved by the Board, and any subsequent approved amendments thereto. The Guidelines are available to the public at the Island County Planning and Community Development Department. The Guidelines contain standards and technical guidance for complying with this chapter.

#### **17.04.040 Definitions.**

All definitions of Chapter 17.03 ICC 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. Capitalized words and phrases identify a defined term:

**Agricultural Activities:** Uses and practices currently existing or legally allowed including, but not limited to: producing, breeding, or increasing 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.

**Alteration:** Minor modification of structures, buildings, or landscaping without completely changing the original configuration.

**Board:** 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.

**Certificate of Appropriateness (COA):** A document issued administratively or by the Commission that indicates that proposed changes to an historic property have been reviewed and certifies that the changes do not adversely affect the historic characteristics of the property that contribute to its designation.

**Clustering:** Grouping of buildings on a site to perpetuate open space and Scenic Vistas.

**Commission:** The Ebey’s Reserve Historic Preservation Commission (HPC). Members are appointed by the Board and Town Council. Its purpose is to promote historic preservation, conduct design review, and issue recommendations on Certificates of Appropriateness for new construction affecting historic buildings, structures, or sites, alterations to historic properties, demolition or relocation of historic properties, and other projects consistent with this Chapter, any adopted uniform process with the Town of Coupeville, and the Ebey’s Landing National Historical Reserve Design Guidelines.

**Contributing:** A resource determined to be significant in the *Building and Landscape Inventory* (1995) prepared for the Reserve.

**Council:** The Council of the Town of Coupeville.

**Cultural Resources:** Historic or prehistoric archaeological sites and standing structures, cemeteries, burial grounds, funerary objects, and distributions of cultural remains and artifacts.

**Director:** Island County Planning and Community Development Director.

**Demolition:** The destruction or removal of an 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 express purpose of restoration of a structure to its historic appearance, form, or function provided demolition is reviewed through the COA process.

**Design Review:** The process of applying specific design standards and Guidelines to proposed projects that may potentially affect a cultural resource within the Reserve.

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

**Development:** 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.

**Emergency Repair:** Necessary work to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake, windstorms, or other disaster.

**Farm Cluster:** 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:** The Ebey's Landing National Historical Reserve Design Guidelines, approved by the Board, and any subsequent approved amendments thereto.

**Historic Resources:** Those properties designated as "contributing" in the *Building and Landscape Inventory* (1995) prepared for the Reserve; properties that are subsequently added to the *Ebey's Reserve 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 A.

**Land Development Application:** Applications for Type I, Type II, Type III, and Type IV land development, as defined by Chapter 16.19 ICC, within the Reserve.

**National Register of Historic Places:** The 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 archeological resources.

**Ordinary Repair and Maintenance:** Work for which a permit issued by Island County is not required by law, and where the purpose and effect of such work is 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.

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

**Qualified Archaeologist:** 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).

**Replacement In Kind:** New features (e.g., siding, roofing, windows, or trim) which have the same material, appearance, and color as the original

feature. For siding and windows, the new material must reasonably match the design, profile, material, and general appearance of the original.

**Reserve or Ebey's Landing National Historical Reserve:** The 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, 17 working farms, more than 400 historical structures, native prairies, two state parks, miles of shoreline, a network of trails, and the second oldest town in Washington. The geographic boundaries regulated under this chapter are attached hereto as Exhibit B.

**Reserve Committee:** A committee composed of the County Planning Director, the Town Planner, and the Reserve Manager or their respective designees.

**Review Area:** The geographic area or areas within which a any proposed development may directly or indirectly cause changes in the character or use of historic properties. The Review Area is divided into two areas; Review Area 1 and Review Area 2, as defined below. The geographic boundaries areas of Review Areas 1 and 2 are delineated on the map of the Reserve, attached hereto as Exhibit B.

**Review Area 1:** Those portions of the Reserve with a concentration of buildings and associated landscape features that retain a high degree of historic character. This area includes all buildings in the Reserve visible across a prairie or water body or from a public road, 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. This area includes:

1. All properties within unincorporated Island County within Review Area 1, as indicated on the attached map contained in Exhibit B;
2. All historic resources within the Reserve, as indicated in Exhibit A, and the associated area measured within a 100 foot radius from the historic building or structure. These resources have the highest design review standards in order to preserve their character and integrity;
3. All properties in the Coupeville Historic Overlay Zone;
4. Properties that are visible from major public roads and Penn Cove; and
5. All properties within the MOA zone designation of the Town of Coupeville.

**Review Area 2:** Areas within the Reserve requiring limited review for regulated actions. Area 2 includes:

1. All properties within unincorporated Island County within Review Area 2, Appendix B;
2. All property within unincorporated Island County that contains vegetation of sufficient lot width and density and for which covenants have been established which restrict the removal of screening that effectively conceals from public view new construction, additions, alterations, and accessory structures; and
3. All property within the Town that is not located in Review Area 1.

**Scenic Easement:** Easements within the Reserve purchased and administered by the National Parks Services and Trust Board.

**Sensitive Areas:** Areas where scenic, natural, or cultural or historic features are prominent.

**Significant Trees:** Existing trees with a caliper of 24 inches or greater, or that are at least 100 years old, or provide significant habitat value. These trees are given high priority for retention per this chapter.

**Special Purpose District:** 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.

**Town:** Town of Coupeville.

**Trust Board:** The appointed nine (9) member body representing a partnership of local, state, and federal governments working collaboratively to ensure the historic and natural resources of the Reserve are protected for future generations.

#### **17.04.050 Ebey's Landing Historic Preservation Commission**

##### **A. Creation and Size**

The Town and County establish an Ebey's Reserve Historic Preservation Commission (the Commission or HPC), consisting of nine (9) members. Members of the Commission shall be appointed by the Town and Board of Island County Commissioners as described below and shall be residents of the Reserve, except as provided for herein.

Before the initial appointments, and when vacancies occur, applications should be invited through notices to local media and to historical and development organizations, including the Island County Historical Society.

##### **B. Commission Appointments**

1. Four (4) members are appointed by the Board of Island County Commissioners; one of these four appointments would be based on the recommendation of the Trust Board;
2. Four (4) members are appointed by the Coupeville Town Council; one of these four would be based on the recommendation of the Trust Board; and
3. One (1) member is appointed jointly by the Board of Island County Commissioners and the Town Council, upon recommendation of the Trust Board.

#### C. Composition of Commission Members

1. All members of the Commission should have a demonstrated interest, experience, or knowledge in history, historic preservation, architecture, design, landscape architecture, cultural landscapes, or related disciplines.
2. Two (2) members shall be agricultural representatives (working farmer, retired farmer or farm owner, or with an interest or background in agriculture) in the Reserve.
3. Two (2) members shall own an historic building or structure within the Reserve.
4. One (1) member shall own and operate a commercial business in the Reserve.
5. At least two (2) members should be professionals who have experience in identifying, evaluating, and protecting historic and cultural resources. These members should be selected from among the disciplines of history, public history, architecture, architectural history, historic preservation, planning, cultural landscapes, archaeology, cultural geography, American studies, or the practice of historic rehabilitation or restoration. If necessary, one (1) of these professional representatives may live outside of Island County.
6. Ideally, the remaining members should reside in or own property within the Reserve and have a demonstrated interest in historic preservation.
7. Exceptions to qualifications and residency requirements for Commission members may be granted by the Partners in order to obtain representatives who reside in the Reserve or have the desired professional experience.

#### D. Terms

1. The initial appointments to the Commission shall be staggered.
  - a) Two (2) members shall be appointed for one (1) year.
  - b) Two (2) members shall be appointed for two (2) years.
  - c) Two (2) members shall be appointed for three (3) years.
  - d) Two (2) members shall be appointed for four (4) years.

- e) One (1) member, (i.e., the jointly appointed member) shall be appointed for five (5) years. Thereafter, the terms shall be for three (3) years. The Town and County shall each appoint a representative member during each period.
  2. Following the initial appointment of members, membership on the Commission shall be limited to two (2) full consecutive three (3) year terms. Reappointment after two (2) full consecutive terms maybe made after at least a one (1) year absence.
  3. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms. Members may be removed by their respective governmental appointer for inefficiency, neglect of duty, or malfeasance in office. The members shall be selected without respect to political affiliations.
- E. Powers and Duties. The major responsibilities of the Commission 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 make recommendation on the issuance of Certificates of Appropriateness by the Planning Director, as described below. In carrying out these responsibilities, the Commission shall engage in the following:
1. Conduct design review and issue recommendations on Certificates of Appropriateness for alterations to historic structures and sites, demolitions or relocations of historic properties, and other actions as required herein;
  2. Work with the Trust Board and the National Park Service as partners, to maintain and periodically update a comprehensive inventory of historic resources within the boundaries of the Reserve;
  3. Maintain the Ebey's Landing Register of Historic Places, including nominating 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 incentive 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; and
  6. Provide comments to staff should a compliance issue be observed regarding the Reserve's historical regulations, to enable appropriate monitoring and enforcement.
- F. Compensation. All members shall serve without compensation.
- G. Rules and Officers.

1. The Commission shall establish and adopt its rules and procedures not inconsistent with this section.
  2. The Commission shall select from among its membership a chairperson and vice-chair to conduct the Commission's business. The chairperson shall not vote except in the case of a tie vote.
  3. A quorum of the Commission must be present to conduct business.
- H. Commission 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 Commission in carrying out its duties and responsibilities under this section.
- I. Recommend amendments to the Guidelines to the Planning Directors of the Town and County.
- J. Interlocal Agreement Required. Prior to review by the Commission of nominations or Certificates of Appropriateness for properties within the Reserve, an interlocal agreement between the Partners shall be established.

**17.04.060 Procedural, Substantive, and Appeal Requirements within Ebey's Landing National Historic Reserve**

**A. Review Required**

1. No person shall make exterior alterations to a historic resource, demolish, partially demolish, or relocate a Historic Resource; construct any new building or structure, or reconstruct, alter, restore, remodel, repair, or make any material changes to the landscape (clearing, grading, etc.) which affects a Historic Resource within the boundaries of the Reserve without receipt of a Certificate of Appropriateness (COA), as required herein. The CAO 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.
2. All decisions involving applications for Certificate of Appropriateness shall be in writing and shall state the findings of fact and reasons relied upon in reaching the decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the subsequent building or land use permit(s) granted.

**B. Exempt Activities**

1. The following activities do not require a Certificate of Appropriateness:
  - a) Repairs of existing buildings and structures using the same materials, color, and design as the existing.
  - b) Re-roofing using the same type and color of material as existing.

- c) Replacement of sidewalks and driveways using the same type of materials.
- d) Emergency Repairs.
- e) Alteration of interior features.
- f) Painting.
- g) Agricultural activities as defined herein on lands within the Reserve, which includes the construction of necessary outbuildings, equipment sheds, and other support structures necessary in order to reasonably operate and maintain all or part of the farm; provided that these structures are located in proximity to other similar structures and are of similar design and scale.

C. 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 Reserve to the Commission. If the activity is not exempt from review, the Planner shall notify the applicant of the review and application requirements.
2. Three decision-making levels are established for reviewing applications and issuance, conditional issuance, or denial of a Certificate of Appropriateness, as set forth below. The processing time periods for all permits, including COA's, shall not be greater than those established by state law, as specified in RCW 36.70B, for administrative decisions.
  - a) Level A Certificate of Appropriateness applications are reviewed and processed under the requirements for a Type I ministerial land use permit application, as established in ICC 16.19.040.A (Table A).
  - b) Level B Certificates of Appropriateness are reviewed and processed under the requirements for a Type II administrative land use permit application, as established in ICC 16.19.040.A (Table A).
  - c) Level C Certificates of Appropriateness are reviewed and processed under the requirements for a Type II administrative land use permit application, as established in ICC 16.19.040.A (Table A).

D. Unclassified Applications

1. In the event an application is unclassified, the Planning Director is authorized to assign the decision making level for processing the application.

E. Appeal Process

1. The Director's decision regarding a Certificate of Appropriateness may be appealed in conformance with the administrative appeal procedures set forth in Island County Code 16.19.190. Specifically, the following appeal procedures apply:

- a. Level A Certificates may be appealed consistent with Type I decisions pursuant to Section 16.19.190A. ICC.
- b. Level B Certificates may be appealed consistent with Type II decisions pursuant to Section 16.19.190B. ICC.
- c. Level B Certificates may be appealed consistent with Type II decisions pursuant to Section 16.19.190B. ICC.

**17.04.070 Level A Certificate of Appropriateness Decisions – Ministerial – Type I Decision Process**

A. A Level A Certificate of Appropriateness is a ministerial decision issued by the Planning Director for the development activities listed below:

- 1. Replacement of foundations or major portions thereof, using the same type of materials (if the existing materials conform to current design standards).
- 2. Replacement or the addition of utility systems that do not alter the building exterior.
- 3. Structural or seismic upgrades that do not alter the building exterior.
- 4. Accessibility alterations that do not permanently alter the exterior of a historic building or structure.
- 5. Commercial, institutional, public, and residential signs that meet requirements in the design standards.
- 6. Decks and porches that meet requirements in the design standards.
- 7. Retaining walls and fences less than 6 feet in height (based on pre-development grade) that meet requirements in the standards.

**17.04.080 Level B Certificate of Appropriateness Decisions – Administrative – Type II Decision Process**

A. A Level B Certificate of Appropriateness is an administrative decision issued by the Planning Director, following review by the Reserve Committee, for the development activities listed below:

- 1. Demolition or relocation of non-contributing buildings.
- 2. Design of short plats.
- 3. Accessory structures that meet the requirements in the Guidelines.
- 4. New construction in Area 2 or new construction that is totally screened (permanently from view from adjacent property, streets, and water bodies).
- 5. Clearing and grading activities including the removal of significant trees in Area 2.
- 6. Energy conservation or renewable energy measures that affect the exterior of a building or a structure in Area 2.

7. Farm Cluster Preservation Plans.
  8. Replacements in-kind on Historic Resources consistent with the requirements of the Guidelines.
- B. Recommendations of the Reserve Committee on the COA and conditions associated with the COA should, ideally, be unanimous. The Planning Director may refer an application to the Reserve Commission for further review and comment when:
1. There is substantial disagreement amongst the Reserve Committee on the application or on the conditions of the Certificate of Appropriateness; or
  2. Upon the request of the applicant.

**17.04.090 Level C Certificate of Appropriateness Decisions – Commission Recommendation**

- A. A Level C Certificate of Appropriateness is an administrative decision issued by the Planning Director, following review of the project by the Commission in a public meeting, for the development activities listed below:
1. Alterations of a historic building, structure, or other historic resource.
  2. Additions to historic buildings or structures.
  3. New residential construction within Area 1.
  4. Removal of a noncontributing addition to a Historic building or structure.
  5. Retaining walls and fences in excess of 6 feet in height, above existing grade.
  6. Public park improvements visible from public rights-of-way.
  7. Energy conservation or renewable energy measures that affect the exterior of a building or a structure in Area 1.
  8. Subdivision plats, planned residential development, over-water shoreline development, clearing and grading activities, conditional use permits, highway and street improvements involving the addition of lanes or the addition of right-of-way, and above-ground power transmission lines. The recommendations of the Commission on these land use decisions are restricted to design considerations and 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 ICC 16.19.040.A (Table A) as TYPE III permits], Commission recommendations on the COA will be incorporated into the staff report and recommendation to the Island County Hearing Examiner.
  9. Demolition (partial or complete) or relocation of historic buildings (The standards for demolition are specified below).
  10. New nonresidential (commercial, public, or institutional) buildings and structures within Areas 1 and 2.

11. New multi-family structures to include apartments, cottage housing, and modular home parks.

**17.04.100 Level A and B Certificate 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:
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 historic 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.
  8. The County may waive standard applications requirements if not necessary to the decision making process due to the simplicity of the application.
  9. A Planning Director decision to refer a Level B application to the Reserve Commission, pursuant to 17.04.080.B, shall be made within fifteen (15) days from the date on which a fully complete application is received.

**17.04.110 Level C Certificate of Appropriateness Application Requirements, Public Meetings, and Commission 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 encouraged to avail themselves of the pre-application process as established in ICC 16.19.070. An applicant must include within a request for a Certificate of Appropriateness any information, as set out by administrative rule. 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 Commission. A copy of the standards is available at the County and Town Planning offices.

2. The Commission shall meet with the applicant and review the proposed work according to their established rules during a public meeting. Notice of the Commission meeting shall be published in a newspaper of general circulation and the agenda for a public meeting shall be properly posted.
3. The Commission shall complete its review and make its recommendations within the timelines established in state statutes, unless an extension of time is necessary and agreed to by the applicant.
4. The Commission 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 days of certification, causes notice of application to be provided. After the notice of application has been given the application shall be scheduled before the Commission.
2. The Commission, after reviewing the application and considering the information and comments received at the public meeting, shall make a written recommendation and forward same 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. The Commission shall make its recommendation within thirty (30) days of the receipt of a completed application by the County.
3. The Commission's recommendation on the COA shall be in writing and shall state the reasons relied upon in reaching its recommendation. A 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.
4. The recommendation on the Certificate of Appropriateness shall be transmitted to the Planning Director. The Planning Director shall transmit the COA recommendation to the owner, applicant, and any agents at the addresses provided in the application.

#### C. Notice of Intent

Following receipt of the recommendation on the COA by the Commission, the responsible Planning Official shall notify the applicant and publish a Notice of Intent (NOI) to approve, approve with conditions, or deny the Certificate of Appropriateness. This NOI shall be provided to any person who, prior to the rendering of the decision, made a written request for the NOI, or submitted substantive written comments on the application.

1. The NOI shall indicate if there are any proposed changes to the Commission recommendations with respect to the COA.
2. The NOI shall be issued within 5 days following issuance of the Commission recommendation. Interested parties may comment on the NOI to the responsible Planning Official. The comments period on the NOI shall run for 10 days.
3. Following completion of the comment period on the NOI, the responsible Planning Official shall issue the final decision on the COA.

#### **17.04.120 Demolition or Relocation of Historic Buildings or Structures**

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 prevent the demolition or relocation of historically significant Contributing Structures. A property owner wanting to demolish (in whole or part) or to relocate a historically significant building or structure must receive a Certificate of Appropriateness before the action will be approved by the County. Demolition is subject to review under the State Environmental Policy Act.

- A. The procedures and criteria established in this section may be altered through review and approval of a farm cluster preservation plan under an alternative compliance procedure as set forth in ICC 17.04.060. Demolition is subject to further review under the State Environmental Policy Act.
- B. Application Requirements and Procedures
  1. 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.
  2. Where demolition of a building or structure is sought due to unsafe conditions, the applicant shall supply a report from a State of Washington licensed structural engineer that substantiates that the building or structure is imminently dangerous to the public.
  3. Where demolition of the building or structure is sought for reasons other than unsafe conditions, the applicant shall supply:
    - a) A report from a State of Washington licensed structural engineer; and
    - b) Detailed reports and substantiating information from relevant professionals in support of the reasons for the request.
- C. Decision Criteria
  1. If removal would be detrimental to the historic character of the Reserve, then the application shall be denied unless:
    - a) The denial or partial denial will deprive the owner of reasonable economic use of the property.

- 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.
  - c) There is no viable or reasonable alternative which would have less impact.
  - d) The structure is so deteriorated, and there is so little historical fabric, that it would be an inordinate burden to retain the historic, cultural, and architectural significance of the structure though 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) Adequate evidence of financial ability to complete the replacement project.
  - c) A requirement that the building be thoroughly documented through photographs or other methods for permanent retention in local, regional or national archives.
- D. 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.
- E. Waivers
1. The Commission may issue a Certificate of Appropriateness with a waiver from some or all of the above requirements in cases where it has been demonstrated that:
- a) Relocation can occur while retaining the same historical context and without damaging the building;
  - b) Demolition of a portion of the building would not reduce the building's historic significance and integrity; or
  - c) Reports from qualified structural engineers and historic preservation experts indicate that the building is so deteriorated and there is so little historic fabric left that its significance cannot be retained.
- F. Penalties
1. If someone demolishes (in whole or in part) or relocates an historically significant building or structure without first receiving the required Certificate of Appropriateness they may be denied approval of any building or development permit on the subject parcel for a period of five years from the date of demolition. The owner may also be subject to a civil penalty of up to 30 percent of the assessed value of the entire property before demolition. The property owner may also be subject to special valuation disqualification as stated in WAC 458-15-070.

#### **17.04.130 Alternative Compliance – Heritage Farm Plan**

Many of the farms within the Reserve contain clusters of historically significant buildings that have been constructed over a period of time. These clusters are an important part of the Reserve's heritage and preserving them is a high priority held by all the Partners. Because these Farm Clusters provide such a significant benefit to the historic and cultural.

1. Purpose – The purpose and intent of the Heritage Farm Plan concept is to preserve the rural and scenic nature and the historic character of the historic resources and cultural landscape as it now exists without adversely affecting the use of the land for farming purposes consistent with farm practices, customs and characteristics local to the area which now exist or may hereafter develop and without adversely affecting the expansion, division, diversification, and economic viability of the farms that now exist or may hereafter be developed on the land.
2. Applicability - Many of the farms within the Reserve contain clusters of historically significant buildings--a house, a barn and various sheds and other outbuildings constructed over a period of time. These farm clusters are an important part of the Reserve's heritage and preserving them is a high priority. The ability of farmers to continue operating as profitable businesses is one of the Reserve's highest priorities. Because agriculture and economics are constantly changing, farms need great flexibility in how they use and maintain their buildings. As needs change, preservation of some structures becomes increasingly challenging. The Reserve Partners want to be proactive in assisting farmers in protecting these farm clusters. The Trust Board and will work with the farm owners, providing technical assistance to assess each of their buildings.
  - a) These plans may only be initiated by the property owner and will be developed in partnership with the Trust Board staff and other support staff.
  - b) Once completed, each plan will be reviewed and confirmed by a mutual written agreement among the property owner and the Trust Board. And will be adopted by the Trust Board.
  - c) Once this agreement is reached, the plan would be used by the property owner, the Partners and the Commission as guidance for future repairs and improvements and for design review decisions, including demolition.
3. Conditions of Assessment
  - a) This cooperative assessment program will take place in the first three years after the effective date of this section, although the time will be extended if more time is needed to do a good job. It will focus on working farms enrolled in the agricultural tax program established under Chapter 84.34 RCW. However, other farm building clusters would also be eligible if they have at least three contributing structures

(excluding the house), preferably including a barn or an unusual structure such as a water tower.

- b) Demolition - Demolitions of farm buildings and structures will be delayed for each farm until its assessment is completed. However, during this delay, demolitions will be permitted in case of emergency or a threat to public safety by the appropriate authority. Once the assessment of a farm cluster is completed, the Trust Board will work with the property owner to help implement the recommendations outlined in the plan, including developing a long-term plan to stabilize existing conditions and prevent continued deterioration of the high priority structures. Also during this period, the Trust Board partners will work with local, state and national entities to identify incentives and financial support for preservation of these important resources. One part of this effort will be the establishment of the Ebey's Forever Fund, to support property owners' preservation efforts. This new program will have with a particular focus on helping farmers address their farm clusters.
- c) Once a Heritage Farm Plan is completed and adopted by the Trust Board, design review and permitting will be streamlined for proposed actions such as building modifications, adaptive uses, new farm building construction or demolition.

#### **17.04.140 Procedures for Changes to the Guidelines**

- A. Upon recommendation from the Commission, the Director is authorized to make minor, non-substantive changes to the administrative processes and Guidelines without further Town Council or Board of County Commissioner approval or adoption, as follows:
- B. The authority to initiate minor changes to the Guidelines granted is in addition to the Planning Director's authority to interpret land development codes. Such changes shall be forwarded to the Legislative bodies and the Town Mayor.
- C. Significant or substantive changes to the Guidelines manual shall require approval by the Town Council and the Board of County Commissioner. Such changes are only effective upon approval of both legislative bodies, consistent with the terms and conditions of the Interlocal Agreement.

#### **17.04.150 Political Subdivisions, Special Purpose District 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 90 days before the application is submitted and accepted by the Town or County or Service Provider. This 90 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.
- C. The Service Providers should have a valid adopted comprehensive plan which fulfills the requirements of WAC 365-195-315(1) (a), (b), (c), and (d) and which is consistent with the Town's and County's Comprehensive Plan and the Reserve Management Plan.

**17.04.160 Designated Landmark Buildings and Sites - National Register Of Historic Places**

- A. Exhibit A is a list by parcel number of properties within the Reserve that are locally designated as landmarks. This list includes properties designated as "contributing" in the Building and Landscape Inventory (1995) prepared for the Reserve and "contributing" to the Central Whidbey Historic District. Additional landmarks 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.

**17.04.170 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 Commission 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 Commission, 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 meeting of the Commission.
  - 3. Applications shall be reviewed by the Commission before December 31st of the calendar year in which the application is made.
  - 4. Commission recommendations 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<sup>st</sup>, preceding the tax assessment

- year in which they wish to apply. A fee is required as established in the fee schedule and is payable to the County.
2. The assessor forwards the application to the Commission within ten (10) days of receipt of the completed application.
  3. The Commission 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) and listed in Section 16.12.080(I)(3).
  4. If the Commission finds the property meets all the criteria, then it may be approved. If the Commission determines the property does not meet all the criteria, then it shall deny the application.
  5. The Commission certifies its decisions in writing and states the facts upon which the approvals or denial are based and files copies of the certifications with the assessor.
  6. For approved applications:
    - a) The Director forwards copies of the agreements, applications, and supporting documentation (as required by WAC 254-20-090(4) and identified in Sections 16.12.080(I)(3) and 16.12.080(I) (4)) to the County Assessor;
    - b) The Director forwards the signed agreement and application documents to the County Auditor for recording. The applicant shall be assessed fees for recording as prescribed by the County Auditor and other applicable County Code sections; and
    - c) Monitors the property for continued compliance with the agreements throughout the ten (10) year special valuation period.
  7. The Commission 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 Commission 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 property certified as contributing to local or National Register Historic Districts which have been substantially

rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

2. Application Criteria. Complete applications shall consist of the following documentation:
  - a) A legal description of the historic property;
  - b) A copy of the nomination inventory form for the subject property;
  - c) Comprehensive exterior and interior photographs of the historic property 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, with negatives 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 (24) month period of time prior to application for special valuation. Documentation of both must be made available to the Commission;
  - f) Samples of utilized materials may be required by the Commission; and
  - g) Other information as required by staff or the Commission at a pre-application meeting.
3. Property Review Criteria. In its review the Commission shall determine if the property meets all of the following criteria:
  - a) The property is a historic property which is designated to local or national registers;
  - b) The property has been rehabilitated at a cost which 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 Commission 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 Commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).
- F. Appeals. Any decision of the Commission 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.

**17.04.180 Interlocal Agreements**

Interlocal agreements may be established in accordance with Chapter 39.34 RCW between Town, the County, and the Trust Board for historic preservation services.

**17.04.190 Disclosure Statement**

- A. 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.

**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, 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 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 working 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 historic buildings, the landscape, views, and vistas. Each new house, each demolition, each new roadway diminishes the historic character.

**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: \_\_\_\_\_

**17.04.200 Penalties and Enforcement**

Island County has established enforcement procedures in Island County Code 16.06.080. 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.

**17.04.210 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.

**APPENDIX A  
ISLAND COUNTY  
Historic Sites**

<b>STRUCTURE NAME/SITE</b>	<b>ADDRESS</b>	<b>PARCEL NO</b>
Zylstra/Sherod House	1173 Zylstra Rd	R13219-478-3400
Hordyk/Vander Voet Farm	1212 Monroe Landing	R13215-043-0900
Ft Ebey		
Frank Pratt House	164 Cemetery Rd	R13105-282-4130
Reuble Farm	556 Ft Casey Rd	R13110-316-2921
Robart Cottage & Bungalow	1508 Penn Cove Rd	R13221-050-1250
Steadman House	13254 SR 20	S6370-00-61005-0
San De Fuca School	650 Zylstra	S8060-00-14001-0
Arnold Farm	1948 Arnold Rd	S8060-00-66000-0
Jacob Ebey House/Sheepbarn	Cemetery Rd	R13105-270-3320
Sherman Hog Barn/Engle Squash Barn	1509 Hill Rd	R13109-147-2530
Charlie Mitchell Place	839 West Beach	R03224-040-3200
Vande Werfhorst	895 Monroe Landing	R13221-145-4621
Still Log Cabin	1973 Penn Cove Rd	S8060-00-0E012-0
San De Fuca Sunday School	734 Wall	S8060-00-09032-0

Armstrong/Scoby House	2029 Armstrong	S8060-00-17002-0
Captain R.B. Holbrook House	683 Power Rd	S8060-00-19004-1
Lesourd/Sherman Farm	225 Ebey Rd	R13104-118-2490
Penn Cove Pottery/Hingston Store/Trumbell Store	26184 SR 20	S8060-00-10001-0
Lupien House	1084 Monroe Landing	R13222-386-0380
Van Dam Place	2421 Van Dam Rd	R03224-494-5000
Art Holmburg/Darst Rental House	2491 Libbey	R03225-234-4480
Libbey Ranch	2648 El Sol Pl	R03225-355-2100
John Kineth Farmhouse	19162 SR 20	R13101-287-1000
Sam Keith House	338 Ft Casey Rd	R13103-078-2490
Wiley Place	280 Ft Casey Rd	R13103-157-2690
Engle Farm (Crockett)	1167 Terry Rd	R13103-361-0370
Engle Farm (Rockwell)	144 Ft Casey Rd	R13103-093-0460
Frank Pratt House	164 Cemetery Rd	R13105-282-4130
Sunnyside Cemetery/Davis Blockhouse	90 Cemetery Rd	R13105-355-4490
Hancock Granary/Chinese Tenant House	1520 Hill Rd	R13109-240-1420
Ed Jenne House	538 Engle	R13109-330-4242
Old Anderson Place	710 Ft Casey Rd	R13110-085-1980
Grove Terry Place		R13234-035-3350
Ft Casey Pump House	434 Wannamaker Rd	R13114-250-4610
<b>STRUCTURE NAME/SITE</b>	<b>ADDRESS</b>	<b>PARCEL NO</b>
Ft Casey Storage Buildings	1044 Ft Casey Rd	R13115-243-1470
Charles Grimes House	1273 Monroe Landing	R13216-093-5110
J. Neinhuis Place	1025 Zylstra Rd	R13219-286-3570
McWilliams BUNGALOW	935 View Ridge	R13222-114-3380
Libbey House	2181 Madrona Way	R13230-154-2610
Old County Courthouse/Grennan & Cranney Store	25248 SR 20	R13230-167-2640
Melvin Grasser House	Madrona Way	R13230-215-2340
Pratt Boathouses	1966 Madrona Way	R13232-131-0520

C. Wanamaker House	635 Wanamaker Rd	R13114-333-2200
Neinhuis/Leach Place	26860 SR 20	R13220-188-3000
J. Gould House/Miller House	433 Wannamaker Rd	R13114-120-5030
Abbott House	1456 Black Rd	R13233-096-1940
Col. W. Crockett Farmhouse	1056 Crockett Farm	R13115-220-2200
Morris Place	2494 Libbey Rd	R03225-297-4170
Thomas/Sullivan House	171 Ft Casey Rd	R13103-332-1790
Strong House	25 Quail Trail Ln	R13102-500-0500
Tuft House	46 Terry Rd	R13104-464-2270
Jacob Ebey House/ Blockhouse	Cemetery Rd	R13105-270-3320
R.C. Hill House	1453 Hill Rd	R13109-149-1990
Gilbert Place/Eggerman House	757 Eggerman Rd	R13111-060-0100
Power Place	865 Zylstra Rd	R13219-100-1950
Weidenbach House	1044 Monroe Landing	R13222-320-0550
Arnold/Grasser Place	1764 Penn Cove Rd	R13220-030-2950
John Gould House/Smith Farm	399 S Ebey Rd	R13104-145-0170
Cook House/Sherman Place	44 S Sherman Rd	R13105-478-4660
Old Hunting Lodge	1608 Hill Rd	R13109-278-0040
Monroe House	1293 Penn Cove Rd	R13221-061-3980
Gallager Place/Al Sherman Farm	302 Engle Rd	R13104-098-3880
Lesourd/Sherman Farm	209 S Ebey Rd	R13104-246-2030
Harmon/Pearson/Engle House	89 S Ebey Rd	R13104-399-2580
Ferry House	455 S Ebey	R13108-364-4680
Ralph Engle Farm		R13109-425-1470
Gillespie Farm	593 FT Casey Rd	R13110-338-3570
Sam Crockett House	825 Wannamaker Rd	R13115-345-4930
Samuel Hancock House	395 Engle Rd	R13109-465-4760
Terry House/Lee James Property	1595 SR 20	R13233-054-1920
H.H. Rhodes Place	2090 Arnold Rd	R13219-061-4150
Glazier-Herrett House	82 S Ebey Rd	R13104-419-2260
Old Al Comstock Place -Barn	Engle Rd	R13109-157-4650

Old Al Comstock Place - Outbuildings	Engle Rd	R13109-157-4650
<b>STRUCTURE NAME/SITE</b>	<b>ADDRESS</b>	<b>PARCEL NO</b>
Ft Casey – Observation Bunker		
Ft Casey – Searchlight Platform		
Ft Casey – Searchlight Generator Bldg		
Ft Casey – Searchlight Platform		
Ft Casey – Rifle Range		
Ft Casey - Inn		
Fisher/Messmer House	2185 Madrona Way	R13230-099-2780

**TOWN OF COUPEVILLE**  
**Historic Sites**

<b>STRUCTURE NAME/SITE</b>	<b>ADDRESS</b>	<b>PARCEL NO</b>
A.B.Coates House	608 S Main St	R13104-335-3820
Sergeant Clark House	301 S Main St	R13104-493-4210
Reverend Lindsey House	206 N Main St	R13233-180-3950
Congregational Church	207 N Main St	R13233-184-4240
Joseph Libbey House	308 N Main St	R13233-214-3740
Jacob Jenne House	602 N Main St	R13233-277-3850
Dr. White's Office	602 N Main St	R13233-277-3850
Highwarden House	604 N Main St	R13233-282-3880
Methodist Church	608 N Main St	R13233-308-3740
John and Jane Kineth, Sr. House	702 N Main St	R13233-308-3870
James Gillespie House	704 N Main St	R13233-308-3870
Dr. White House	605 NW Madrona Way	R13233-322-1850

Ernest Watson House	5 NW Eighth St	R13233-323-3730
Alvah D. Blowers House	710 N Main St	R13233-326-3900
Masonic Lodge No. 15	804 N Main St	R13233-344-3870
Horace Holbrook House	805 NW Alexander St	R13233-352-3600
Island County Bank	5 NE Front St	R13233-375-4150
Col. Granville Haller House	1 NE Front St	R13233-379-4060
John Robertson House	5 NW Front St	R13233-380-3880
Tom Howell's Barbershop	7 NW Front St	R13233-385-3830
Alexander Block House	906 NW Alexander St	R13233-397-3390
Samsel/Zylstra Law Office	6 NE Front St	R13233-397-4150
"Fairhaven"	911 NW Colburn St	R13233-398-3140
Puget Race Drug Store	2 NW Front St	R13233-400-4030
Sedge Building	4 NW Front St	R13233-405-3990
Whidbey Mercantile Company	8 NW Front St	R13233-408-3870
John Robertson's Store	10 NW Front St	R13233-409-3800
Coupeville Cash Store	12 NW Front St	R13233-410-3750
Benson Confectionery	16 NW Front St	R13233-411-3690
Wharf Warehouse and Dock	NW Front St and NW Alexander St	R13233-413-3650
Gillespie Meat Market	24 NW Front St	R13233-414-3550
Terry's Dryer/Gillespie Livery	22 NW Front St	R13233-414-3580
Thomas Coupe House	504 NE Ninth St	R13234-370-0150
Fred Nuttall House	801 NE Ninth St	S6005-00-06005-0
Island County Abstract Office	21 NW Front St	S6025-00-07003-0
Island County Times Building	19 NW Front St	S6025-00-07004-0
Judge Still Law Office	17 NW Front St	S6025-00-07005-0
Elkhorn Saloon	15 NW Front St	S6025-00-07006-0
Glenwood Hotel	1 NW Front St	S6025-00-18001-0
E.O. Lovejoy House	1209 NE Leisure St	S6310-00-00011-0
Captain Clapp House	307 NE Front St	S6415-00-07004-0
<b>STRUCTURE NAME/SITE</b>	<b>ADDRESS</b>	<b>PARCEL NO</b>
Capt. Thos. Kinney House	207 NE Front St	S6415-00-08004-0

Jacob Straub House	202 NE Ninth St	S6415-00-08008-0
First Methodist Parsonage	104 NE Ninth St	S6415-00-09005-0
Albert Kineth House	703 NE Haller St	S6415-00-19000-0
James Zylstra House	101 NE Seventh St	S6415-00-22001-0
Todd-Lovejoy House	105 NE Seventh St	S6415-00-22007-0
John Gould House	501 NE Ninth St	S6425-00-02001-0
Charles Angel House	605 NE Gould St	S6425-00-04001-0
Fullington House	502 NW Coveland	S7070-00-11000-0
Will Jenne House	508 S Main St.	S7246-00-00012-0
Bearss House	707 S Main St	R13104-280-4190
James Wanamaker House	607 S Main St	R13104-331-4200
Frain House/Burton Engle House	197 SW Terry Rd	R13104-373-3330
Reuble Squash Barn	123 SE Terry Rd	R13104-419-4450
Pat's Place/Tyee	403 S Main St	R13104-427-3800
Dixon/Partridge House	404 S Main St.	R13104-428-3940
Chapman Rental House	402 S Main St	R13104-436-3940
Frank Newberry House	305 S Main St	R13104-471-4210
Nichols House	208 S Main St	R13104-490-3930
Clark House	105 NE Third St	R13233-169-4470
Higgins House	506 N Main St	R13233-264-3900
Carl Gillespie House	606 N Main St	R13233-286-3810
Black House	701 NW Madrona Way	R13233-313-1720
Heckenbury House	803 NW Grace St	R13233-344-3760
"The Bungalow"/Flora A.P. Engle House	808 N Main St	R13233-358-3900
Cushen House	15 NW Coveland St	R13233-363-3550
Duvall House	302 NW Front St	R13233-409-2860
Chris Solid House	603 NE Ninth St	R13234-340-0440
Newcomb Property	East of 1104 NE Leach	R13234-434-1330
Bergman House	1306 NE Parker Rd	R13234-479-3170
Chromy House	707 NE Ninth St	S6005-00-04002-0

Howard House/Lindsey House	902 NE Ninth St	S6005-00-05002-0
Pontiac Dealership	105 NW Coveland St	S6025-00-06001-3
Post Office	11 NW Front St	S6025-00-07008-0
Old Fire Hall	903 NW Alexander St	S6025-00-07009-0
Telephone Exchange Building	902 N Main St	S6025-00-18001-0
Coupeville Courier Printing Office	306 NE Ninth St	S6415-00-07006-0
Conard House	902 NE Kinney St	S6415-00-08005-0
Leach House	801 N Main St	S6415-00-11003-0
Methodist Parsonage	5 NE Ninth St	S6415-00-11007-0
Thomas Griffith House	101 NE Ninth St	S6415-00-12001-0
Starks House	203 NE Ninth St	S6415-00-13003-0
Hesselgrave Rental House	205 NE Ninth St	S6415-00-13003-0
Ives House	803 NE Haller St	S6415-00-13007-1
Stark House	801 NE Haller St	S6415-00-13008-1
Clapp House	305 NE Ninth St	S6415-00-14002-0
<b>STRUCTURE NAME/SITE</b>	<b>ADDRESS</b>	<b>PARCEL NO</b>
Ervin Rental House	401 NE Ninth St	S6415-00-15001-0
Coupeville Town Hall	4 NE Seventh St	S6415-00-22001-0
Courthouse Vault	Behind 202/204 NE 6 <sup>th</sup> St	S6415-00-23006-0
Morris House	405 NE Center St	S6415-00-32002-0
Ed Clark House	403 NE Center St	S6415-00-32003-0
Polly Harpole's Maternity Home	404 NE Haller St	S6415-00-32006-0
Tom Howell House	401 NE Center St	S6415-00-39004-0
Williams House	1 NE Fourth St	S6415-00-40001-0
Strong House	707 NE Lindsay St	S6420-00-00005-2
King House	706 NE Lindsay St	S6420-00-00006-1
Benson House/Bunting House	805 NE Leach St	S7215-00-01001-0
Mock House	801 NE Leach St	S7215-00-01004-0
Johnson Rental House/Howe	701 NE Leach St	S7215-00-02005-0

Franzen House	704 S Main St	R13104-310-3980
A.S.Coates House	702 S Main St	R13104-323-3820
Prairie Center Mercantile	408 S Main St	R13104-409-3940
Pickard House	401 S Main St	R13104-460-4100
Babcock House	106 S Main St	R13233-008-3820
Barrett House	107 S Main St	R13233-020-4350
Coupe-Slaughter House	301 NE Third St	R13233-183-5050
Libbey House	302 N Main St	R13233-193-3970
Schroeder Rental House	709 NW Madrona Way	R13233-305-1520
Sill House/Alexander House	180 NW Coveland St	R13233-380-3350
Bob Black House	903 NE Seventh St	R13234-310-1560
Solid Grainery	704 NE Otis St	R13234-322-0440
Benson House	1008 NE Leach St	R13234-413-1300
Newcomb House	1104 NE Leach St	R13234-434-1330
Hughes House	1304 NE Parker Rd	R13234-456-3010
Bradt House	1302 NE Parker Rd	R13234-486-2900
Susie & Aleck House	407 NW Coveland St	S6025-00-02001-0
Johnson Rental House	403 NW Coveland St	S6025-00-02003-0
Cushen Ford Garage	23 NW Front St	S6025-00-07001-0
Wangness House	901 NE Center St	S6415-00-09003-0
Wanamaker House	801 NE Center St	S6415-00-12003-0
Hesselgrave House	808 NE KinneySt	S6415-00-13004-0
Edwards House	301 NE Ninth St.	S6415-00-14001-0
Dominick House	401 NE Eighth St	S6415-00-16001-0
A. Bowers House	307 NE Eighth St	S6415-00-17003-0
Bob Cushen House	205 NE Eighth St	S6415-00-18003-0
Ceci House	705 NE Haller St	S6415-00-18007-1
McCutcheon Honeymoon Cottage	302 NE Sixth St	S6415-00-24007-0
Meadors/Peralta House	401 NE Sixth St	S6415-00-26001-0
Hanks House	101 NE Fourth St	S6415-00-39001-0
Clark House	505 NE Ninth St	S6425-00-02003-0

Pinkston House	502 NW Broadway St	S7070-00-03007-0
Powell House	708 NW Broadway St	S7070-00-07001-2
Deasy House	305 NW Coveland St	S7070-00-10004-0
Dean House	502 NW Madrona Way	S7070-00-10005-0
<b>STRUCTURE NAME/SITE</b>	<b>ADDRESS</b>	<b>PARCEL NO</b>
Abbott House	901 NE Eighth St	S7215-00-02001-0
Pennington Farm House	501 NE Otis St.	S8270-00-0E011-0

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## **EXHIBIT B**

### **Draft Revision to 3.40 ICC**

#### **Chapter 3.40** Island County Public Benefit Open Space Rating System

Sections:

- 3.40.010 Summary**
- 3.40.020 Purpose and Intent**
- 3.40.030 Operation of the County Public Benefit Rating System for Open Space Lands**
- 3.40.040 Assessed Valuation Schedule – Public Benefit Rating System for Open Space Land**
- 3.40.050 Basis of Assessment**
- 3.40.060 Ineligible Lands**
- 3.40.070 Application to the County Under the Public Benefit Rating System**
- 3.40.080 Application Fee**
- 3.40.090 Time to File**
- 3.40.100 Application Review**
- 3.40.110 Board Decision**
- 3.40.120 Unincorporated Lands**
- 3.40.130 Incorporated Lands**
- 3.40.140 Length of Time in Classification**
- 3.40.150 Monitoring for Compliance**
- 3.40.160 Removal of Land Classification by County Assessor**

- 3.40.170 When Removal of Land not Subject to Additional Tax, Interest, and Penalties**
- 3.40.180 Transfer of Lands Between Certain Current Use Taxation Classifications**
- 3.40.190 Owner May Request Withdrawal From Classification**
- 3.40.200 Action on Withdrawal From Classification**
- 3.40.210 Owner to Notify Assessor of Change in Use in Classification**
- 3.40.220 Sale of Open Space Classified Land**
- 3.40.230 Review of Previously Approved Open Space Applications**
- 3.40.240 Planning Commission's Duties**
- 3.40.250 High Priority Open Space Resources**
- 3.40.260 Medium Priority Open Space Resources**
- 3.40.270 Low Priority Open Space Resources**
- 3.40.280 Bonus System**
- 3.40.290 Super Bonus Category – Current Use Value of Ten Percent (10%) of Market Value**
- 3.40.300 Severability**
- 3.40.310 Effective Date**
  
- 3.40.010 Summary**

The State Open Space Tax Act, RCW 84.34, provides an opportunity for landowners to apply for a reduction in property taxes for certain categories of open space, agricultural, and timber lands. This tax reduction is based upon a Current Use Assessment (CUA) of the land rather than on the traditional fair market value system of "highest and best use".

- A. The program will cause a modest tax shift from properties in the program to all other properties in the County. When a property enters the program and benefits from a reduced tax rate, the differential is shifted across all other properties in the County. County landowners effectively support the retention of the benefits recognized in the County's Public Benefit Rating System.
- B. The Open Space Act authorizes counties to set open space priorities and adopt, after a public hearing, an open space plan and Public Benefit Rating System (PBRs)(RCW 84.34.055). The open space plan must contain criteria for determining the eligibility of lands, the process for establishing a PBRs, and an assessed valuation schedule. A PBRs is required to contain a rating of parcel(s) of land classified as open space for the purpose of determining its CUA.

- C. Island County's proposed PBRS establishes a priority ranking system for various open space resources, classifies them into high, medium, or low priority open space resource categories, and assigns a point value for each category and for any additional public benefit features. The PBRS's assessed valuation schedule determines the percentage of tax reduction based upon the total number of points accumulated under its rating. The valuation schedule should work to reduce a property's tax assessment in direct relation to its merit for open space priorities. Applications for CUA open space would, after its adoption by the County, be rated and assessed according to the PBRS.

#### **3.40.020 Purpose and Intent**

- A. It is in the best interest of the County to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the County and its citizens. Additionally, it is in the County's interest to provide incentives that encourage the retention of open space in compliance with Growth Management Act principles.
- B. It is the intent of this chapter to implement RCW Chapter 84.34, as amended, by establishing procedures, rules, and fees for the consideration of applications for Public Benefit Rating System assessed valuation on "open space land" as defined in RCW 84.34.020. The provisions of RCW Chapter 84.34, and the regulations adopted thereunder shall govern the matters not expressly covered in this chapter.

#### **3.40.030 Operation of the County Public Benefit Rating System for Open Space Lands Rating system. To be eligible for open space classification under the County's Public Benefit Rating System, property must contain one or more open space resource listed below. These resources are defined in this chapter and ranked as high, medium or low priority open space resources. High priority open space resources receive five (5) points each, medium priority open space resources receive three (3) points each, and low priority open space resources receive one (1) point each. Properties can receive a maximum of thirty (30) points from no more than six (6) open space priority resources. In addition, bonus points and super bonus points may be awarded pursuant to this chapter and a property can achieve a maximum of fifty-seven (57) points through the rating system and the bonus system. Portions of property may also qualify for open space designation.**

- A. **High priority open space resources** – five (5) points each:
1. Resource and Rural Agricultural Lands

2. Rural Forest Lands/Woodlots
3. Privately Owned Trails and Corridors
4. Natural Shoreline Environments
5. Significant Fish & Wildlife Habitat Conservation Areas, Special Plant Sites, and Category "A" or "B" Wetlands
6. Historic Landmarks/Archeological Sites – Designated Site
7. Private Lands Within Designated National Reserves
8. Active or Passive Recreation Area

**B. Medium priority open space resources** - three (3) points each;

1. Conservancy Shoreline Environments
2. Flood Hazard Buffer Areas
3. Geologic Hazard Buffer Areas
4. Scenic Natural Resources, Viewpoints, and View Corridors
5. Urban Growth Area Open Space
6. Public Lands Buffer
7. Category "C" or "D" Wetlands
8. Historic Landmarks/Archeological Sites – Eligible Site

**C. Low priority open space resources** - one (1) point each;

Artificial or Category "E" Wetlands

**D. Bonus system.** Properties qualifying in the specific high, medium, or low priority open space resource categories may receive up to twenty-seven (27) bonus points if the following additional qualifications are met:

1. Public priority - five (5) points.
2. Voluntary Resource or Critical Area restoration - five (5) points.
3. Bonus surface water quality buffer – one (1), three (3), or five (5) points.
4. Contiguous parcels under separate ownership – three (3) points per contiguous parcel.
5. Conservation/historic/trail easement in perpetuity – twenty (20) points.
6. Properties with an approved Rural Stewardship Plan – five (5) points.

**E. Bonus public access points**

1. Unlimited public access – five (5) points.
2. Limited public access -sensitive area – five (5) points.

3. Privately owned tidelands access - five (5) points.
4. Limited public access - three (3) points.

F. **Super bonus system.** Properties with at least one (1) high priority open space resource and which allow unlimited public access, or limited public access if due to resource sensitivity, and which convey a conservation, historic, or trail easement in perpetuity, in a form approved by the County, shall be automatically eligible for current use value at ten percent (10%) of market value.

**3.40.040 Assessed Valuation Schedule - Public Benefit Rating System for Open Space Land**

The Public Benefit Rating System for open space land bases the level of assessed fair market value reduction on the total number of awarded points. The market value reduction establishes the current use value. This current use value will be expressed as a percentage of market value based on the public benefit rating of the property and the valuation schedule below:

<b>PUBLIC BENEFIT RATING POINTS</b>	<b>CURRENT USE VALUE</b>
• (0-4 points)	100% of assessed value
• (5-9 points)	80% of assessed value
• (10-14 points)	70% of assessed value
• (15-19 points)	60% of assessed value
• (20-24 points)	50% of assessed value
• (25-29 points)	40% of assessed value
• (30-34 points)	30% of assessed value
• (35-39 points)	20% of assessed value
• (40-52 points)	10% of assessed value

**3.40.050 Basis of Assessment**

In determining the market value reduction of a tax lot comprised of property qualifying for a current use assessment as an open space priority resource with non-open space land areas, the open space current use value is applicable to only that portion of the lot containing one (1) or more of the priority open space resources defined in this chapter, except in the case of public access and parcels with an approved Rural Stewardship Plan. For each priority resource, the County will determine the appropriate land area that receives credit for a particular priority resource and accompanying tax reduction. Those portions of a tax lot qualifying for a current use tax assessment shall be assigned separate Assessor tax lot numbers for tax purposes only and shall not be construed to be a division of land.

**3.40.060 Ineligible Lands**

The following properties shall not be eligible for open space classification:

- A. Properties less than five (5) acres in size unless otherwise specified herein.
- B. Properties that do not contain an open space resource identified as either high, medium, or low priority.
- C. Open space areas required by zoning or other land use regulation, unless the owner provides additional public benefit, such as additional public access, resource restoration, or a native growth protection easement. Ineligible lands include open space areas dedicated under zoning or subdivision conditions or which are used to achieve maximum development potential under zoning.
- D. Buffer areas required as part of a development, subdivision, zoning, or other regulatory requirement are not eligible as a surface water quality buffer area priority open space resource, unless other conditions beyond those required by regulation are imposed.

#### **3.40.070 Application to the County Under the Public Benefit Rating System**

An owner of open space land desiring assessed valuation under the Public Benefit Rating System shall make application to the Board of County Commissioners by filing an application with the County Planning Department. The application shall be upon forms supplied by the County and shall include such information deemed reasonably necessary to properly classify an area of land under RCW Chapter 84.34 with a notarized verification of the truth thereof.

#### **3.40.080 Application Fee**

Each application for current use open space taxation as defined in RCW 84.34.020, must include an application fee, as established in the most current Island County Permit Fee Schedule. .

#### **3.40.090 Time to File**

Applications shall be made by December 31st of the calendar year preceding the year in which such classification is to begin. Actual tax reduction will not be recognized until one year after the classification of the property has been made.

#### **3.40.100 Application Review**

- A. Applications under the Public Benefit Rating System shall be reviewed by the County and approved directly by the Board of Island County Commissioners. By RCW 84.34 such applications are exempt from the Comprehensive Plan Annual Review Amendment cycle and are SEPA exempt.
- B. In determining whether an application made for open space current use taxation status should be approved or disapproved, pursuant to RCW

84.34.020 and this chapter, the County shall consider whether or not preservation of the current use of the land, when balanced against the resulting revenue loss or tax shift from granting the application under the provisions of this chapter will:

1. Conserve or enhance natural, cultural or scenic resources,
2. Protect streams, stream corridors, wetlands, natural shorelines, and aquifers,
3. Protect soil resources and unique or critical wildlife and native plant habitat,
4. Promote conservation principles by example or by offering educational opportunities,
5. Enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries or other open spaces,
6. Enhance recreation opportunities,
7. Preserve historic and archeological sites, or
8. Affect any other factors relevant in weighing benefits to the general welfare or preserving the current use of the property as delineated in this chapter.

#### **3.40.110 Board Decision**

The Board of County Commissioners shall consider an application to the Public Benefit Rating System as defined by RCW 84.34.037. They shall approve the application, with or without terms and/or conditions, and set the public benefit rating for assessment abatement, or deny the application. In so doing the following provisions will apply:

- A. They shall rate the land applying for classification according to the Public Benefit Rating System;
- B. They may approve the application with respect to only part of the land that is the subject of the application;
- C. If any part of the application is denied or conditions attached the applicant may withdraw the entire application.

#### **3.40.120 Unincorporated Lands**

In all unincorporated areas, the Board of County Commissioners shall act as the granting authority for applications for classification as open space land.

#### **3.40.130 Incorporated Lands**

Applications for open space classification of land in an incorporated area shall be acted upon by a determining authority composed of the three (3) members of the Board of County Commissioners and three (3) members of the city legislative

body in which the land is located (RCW 84.34.037). Where the County legislative body concurs with a recommendation of the city council to accept or reject an application for open space classification, such council's recommendation will be adopted as the decision of the determining authority.

#### **3.40.140 Length of Time in Classification**

Once land has been classified as an open space resource land under the Public Benefit Rating System, it shall not be applied to any other use for a period of not less than ten (10) years. The land shall continue in classification after the ten (10) year period until the owner makes a request for withdrawal or until the use of the land has changed or it has been sold and the new owner has not signed a notice of continuance.

#### **3.40.150 Monitoring for Compliance**

- A. Monitoring of lands for continuing eligibility for current use assessment as open space lands shall include an affidavit, to be submitted annually by the landowner, of continuing compliance with the terms and conditions under which open space classification was granted and the current uses of the property. The requisite form and contents of the affidavit required for monitoring shall be described more fully in the County guidelines implementing this chapter. The failure of the owner to submit the affidavit of compliance shall be grounds for the County to reevaluate the property under the PBRS.
- B. The Planning and Community Development Department shall monitor the property to determine the continuing compliance with all of the conditions under which open space classification was granted and the current uses of the property. Where the Planning and Community Development Department determines that the land is no longer being used for the purpose for which the classification was granted or there has been a change in use, it will report its findings within thirty (30) days to the County Assessor.

#### **3.40.160 Removal of Land Classification by County Assessor**

- A. Classified land may be removed from the Public Benefit Rating System classification if it is no longer used for the purpose for which classification was granted or for any other classified use within the current use program. The Assessor may determine, after giving the owner written notice and an opportunity to respond, that the land classified as open space is no longer primarily devoted to and used for the purposes for which it was granted classification.
- B. When land is removed from classification an additional tax, applicable interest, and penalties are due unless the removal meets one of the

exceptions listed in this chapter. The owner may appeal the removal of classification to the Board of Equalization.

**3.40.170 When Removal of Land not Subject to Additional Tax, Interest, and Penalties**

Removal of land is not subject to additional tax, interest, and penalties in the following instances:

- A. Land is transferred to a government entity in exchange for other land located in the state of Washington;
- B. Land is taken by power of eminent domain or transferred in anticipation of the exercise of such power;
- C. Land is sold or transferred within two (2) years of the death of the owner of at least fifty-percent (50%) interest in the land;
- D. A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of an act of the landowner which changes the use of such property;
- E. Official action by the state, County or city disallows the present use of such land;
- F. The land is transferred to a church, such that the land would qualify for a property tax exemption;
- G. Acquisition of property interests by state agencies or agencies or organizations qualified under chapters 84.34.210 and 64.04.130 RCW for the purpose of protecting, preserving, maintaining, improving, restoring, limiting the future use of, or otherwise conserving, selected open space land as defined in chapter 84.34 RCW for public use and enjoyment.

**3.40.180 Transfer of Lands between Certain Current Use Taxation Classifications**

Land reclassified between the following current use assessment resource categories pursuant to RCW 84.34.070 are not considered withdrawals and are not subject to the additional tax interest and penalties:

- A. Reclassification between farm and agricultural lands and timber lands;
- B. Reclassification of farm and agricultural lands or timber lands to open space lands;
- C. Reclassification of farm and agricultural lands or timber lands to forest land classified under RCW 84.33; and
- D. Reclassification from open space designated farm and agricultural conservation land under RCW 84.34.020(1)(c) to farm and agricultural land under RCW 84.34.020(2) if the land was previously classified as farm and agricultural land.

An application fee must be paid at the time the application is submitted, as established by the Island County Permit Fee Schedule for Reclassification. If the type of transfer is not listed above it is considered to be a new application for which the applicable fees will be applied.

#### **3.40.190 Owner May Request Withdrawal From Classification**

- A. After eight (8) years of the initial ten (10) year period has passed, the landowner may request that all or part of his/her land be withdrawn from the classification. The landowner must submit the request to withdraw classification to the Assessor at least two (2) years prior to the date upon which it is to be removed from the Current Use Assessment classification. The request to withdraw classification may be revoked at any time until the land is withdrawn from classification.
- B. If a portion of a parcel is removed from classification the remaining portion must meet the same requirements, as did the entire parcel when the land was originally granted classification. Following withdrawal from classification, future valuation of such land as open space resource property under the Public Benefit Rating System is contingent upon reapplication and approval under this chapter.

#### **3.40.200 Action on Withdrawal From Classification**

Upon receipt of a request for withdrawal, the Assessor shall notify the legislative authority that originally approved the classification, and when two (2) years have elapsed the Assessor shall withdraw the land from classification. The land which is removed shall be subject to a tax equal to the difference between the amount of tax paid under the open space classification and the tax at true and fair value for seven (7) years last past, plus the statutory interest rate charged on delinquent property taxes.

#### **3.40.210 Owner to Notify Assessor of Change in Use in Classification**

If an owner changes the use of the classified land, the owner must notify the County Assessor of the change within sixty (60) days. The Assessor shall then impose an additional tax equal to the difference between the tax paid on current use value and the tax that would have been paid on that land had it not been so classified, payable for the seven (7) years last past, plus interest on this additional tax at the same rate as charged on delinquent property taxes, plus a penalty of twenty percent (20%) of the total amount.

#### **3.40.220 Sale of Open Space Classified Land**

When classified open space land is sold, the seller or transferor becomes liable at the time of sale for the additional tax, interest, and penalty of all or a portion of classified lands, unless the new owner signs the notice of continuance which is attached to or shown on the excise tax affidavit. The County Auditor shall not accept an instrument of conveyance on any classified land unless the notice of continuance has been signed or the additional tax has been paid.

### **3.40.230 Review of Previously Approved Open Space Applications**

- A. Upon adoption of a Public Benefit Rating System, the Planning Department shall re-rate the existing open space land current use assessment program participants according to the Public Benefit Rating System in determining whether an application. Re-rating of all existing program participants shall be performed in conjunction with the physical inspection cycle as funds become available or when the property is sold, whichever comes first.
- B. The process for re-rating existing open space land current use assessment program participants under the Public Benefit Rating System shall be conducted in accordance with the provisions for processing a new application for open space land current use assessment, except filing fees shall be waived.
- C. Properties which do not qualify under Public Benefit Rating System and whose owners choose not to be removed shall not be removed from the open space land current use assessment program, but shall be rated according to the public benefit rating system land current use assessment valuation schedule.
- D. Owners of properties classified under the existing open space land current use assessment program shall be notified of their new assessed value in the same manner as provided in RCW 84.40.045. These lands may be removed from classification under the existing open space land current uses assessment program without payment of penalties, back taxes, and interest upon request of the owner, within 30 days of notification of value under the public benefit rating system.

### **3.40.240 Planning Commission's Duties**

The Planning Commission shall review the Open Space Program at the inclusion of the first additional one thousand (1,000) acres approved for open space classification under the County's current use assessment program or, after the first three (3) years after adoption of this chapter, whichever occurs sooner, and thereafter once every three (3) years. The Planning Commission shall make written recommendation to the Board of County Commissioners on the following matters:

- A. The fundamental elements of the Public Benefit Rating System, including such as the assessed valuation schedule and the other PBRs procedures defined in this chapter, open space resource definitions, etc.; and
- B. The overall administrative process, including such issues as staffing, outreach to prospective applicants, application form and application processing, monitoring, etc.; and
- C. The public benefit of the open space designated properties, the magnitude of the tax shift resulting from the designated properties and recommendations for expanding or restricting the program.

### **3.40.250 High Priority Open Space Resources**

A. **Resource and Rural Agricultural Lands**

1. **Definition.** Land primarily devoted to the current production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and which has significance for agricultural production. Or, land that has been traditionally in or is still capable of production for the above and which could be returned to productive commercial agriculture.
2. **Source.** Island County Commercial Agriculture Land Study, Planning and Community Development Department, February 1998.
3. **Eligibility.** Eligible sites are those that are currently not enrolled in existing current use assessment programs and meet any of the following criteria:
  - a) Lands of at least five (5) acres which are on prime or unique soils as identified in the data source; or
  - b) Lands of at least five (5) acres which meet the definition of resource and rural agricultural lands above; or
  - c) Lands that have been traditionally in or is still capable of production of the above as demonstrated by sales receipts, income tax statements, or other materials which the County accepts as proof that farming once occurred on the property and that the property could be returned to productive commercial agriculture.

B. **Rural Forest Lands/Woodlots**

1. **Definition.** Rural forest lands/woodlots shall mean any parcel of land that is greater than two (2) acres but less than five (5) acres which is devoted primarily to the growth and harvest of forest crops for commercial purposes. A timber management plan shall be filed with the County legislative authority at the time application is made for classification as timber land pursuant to this chapter.
2. **Source.** Island County Commercial Forest Land Study, Crescent Springs Management, January, 1998.
3. **Eligibility.** Eligible sites are those that are currently not enrolled in existing current use assessment programs and meet the definition for forestlands/woodlots, above.

C. **Privately Owned Trails and Corridors**

1. **Definition.** Privately owned trails and corridors that are publicly accessible and used for hiking, biking, walking, horseback riding, and jogging. The trails may vary in scale and surfacing and may also be used as a means of non-motorized transportation connecting one

destination point to another. Streets, roads, and highways with widened shoulders or bike lanes are not included in this category.

2. **Source.** County Non-Motorized Trail Plan.
3. **Eligibility.** Eligible lands must be used as a public trail or corridor that remains in private ownership. Public access on the trail from a public road or public trail is required.

D. **“Natural” Shoreline Environment**

1. **Definition.** A marine, lake, or river shoreline and its "associated wetlands" designated “natural” in the Shoreline Management Master Program for the County.
2. **Source.** Shoreline Management Master Program.
3. **Eligibility.** Eligible lands are those identified as natural shoreline environments and their associated wetlands in the adopted Shoreline Master Plan governing the area in which the shoreline is located. Eligible land must be adjacent to the water. To qualify there must be no structures or buildings within 200 feet upland from the ordinary high water mark (OHWM); this area is within the Shoreline jurisdiction, and is based on the Shoreline Master Program; and there must be no structures within 200 feet from the edge of an associated wetland boundary. If there is a bluff, any buildings must be at least 200 feet back from the edge of the bluff in a “Natural” Shoreline Environment. Eligibility for this resource category cannot overlap with the “Conservancy Shoreline Environment” category or other wetland categories of the Public Benefit Rating System.

E. **Significant Fish and Wildlife Habitat Conservation Areas, Species and Habitats of Local Importance, Category A and B Wetlands and Special Plant Sites**

1. **Definitions**

- a) **Significant Fish and Wildlife Habitat Conservation Areas.** Those areas identified as being of critical importance to the maintenance of fish and wildlife species including areas with which endangered, threatened, and sensitive species have a primary association; habitats and species of local importance; streams; commercial and recreational shellfish areas; kelp and eelgrass beds; herring and smelt spawning areas; state natural area preserves, and state natural resource conservation; or
- b) **Species and Habitats of Local Importance**
  - i. Those areas containing vascular plant species as identified and listed in the Natural Heritage Program as being either endangered, threatened, or sensitive and areas identified in the Natural Heritage Program as high quality ecosystems.
  - ii. Those areas or species designated as Species or Habitats of Local Importance set forth in Chapter 17.02 ICC.

- c) **Category A and B Wetlands.** Wetlands that are classified Category “A” or “B” by Chapter 17.02A ICC and “A” by Chapter 17.02 ICC.
- d) **Special Plant Sites**
  - i. Those sites where preservation, restoration or enhancement of native plant communities is maintained subject to an approved management plan, or
  - ii. Those areas where Blue Flag Iris (*Iris missouriensis*) can be identified or where the property owner proposes a management plan to introduce and maintain a population of Blue Flag Iris.

2. **Sources**

- a. Those areas containing vascular plant species as identified and listed in Department of Natural Resources (DNR) the Natural Heritage Program as being either an endangered, threatened, or sensitive and areas identified in the Natural Heritage Program as high quality ecosystems.
- b. Those features identified on the Critical Area Maps maintained by Island County.

3. **Eligibility**

- a) Areas which have a primary association with federally- or state-listed endangered, threatened, or sensitive species of fish or wildlife, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. A Habitat Management Plan shall be submitted which identifies the area to be protected and appropriate mitigation, management and/or protection strategies that will be employed.
- b) Habitats and species of local importance are to be based on the following criteria:
  - (i) The species or habitat is native to the County;
  - (ii) Locally declining populations that are in danger of extirpation;
  - (iii) Sensitivity to habitat manipulation; and
  - (iv) Commercial, game, other special value.
  - (v) A Habitat Management Plan shall be submitted which identifies the area to be protected and appropriate mitigation, management and/or protection strategies that will be employed.

- c) Streams, provided that the stream buffer is at least twice the size of that required under Chapter 17.02 ICC. Buffer averaging shall not be utilized;
- d) Commercial and recreational shellfish areas, provided that the fish and wildlife habitat conservation area buffer is at least twice the size of that required under Chapter 17.02 ICC. Buffer averaging shall not be utilized;
- e) Kelp and eelgrass beds; herring and smelt spawning areas, provided that the fish and wildlife habitat conservation area buffer is at least twice the size of that required under Chapter 17.02 ICC. Buffer averaging shall not be utilized;
- f) State natural area preserves and natural resource conservation areas;
- g) Sites listed in the Natural Heritage database as containing endangered, threatened, or sensitive vascular plant species or high quality ecosystems, or which are verified by an expert in the field as containing the same plants or communities and which are acceptable by the state agency for addition to the database. A Habitat Management Plan shall be submitted which identifies the area to be protected and appropriate mitigation, management and/or protection strategies that will be employed.
- h) Eligible sites are those wetlands classified Category "A" or "B" by Chapter 17.02A ICC or Category "A" by Chapter 17.02 ICC.

Items a) through h) listed above require protection through easements, or voluntary buffers in those cases where buffers are not established through Chapter 17.02 or 17.02A ICC and, in certain cases, shall require preparation and submittal of a Biological Site Assessment or Habitat Management Plan. The BSA or HMP shall provide a description of the fish and wildlife habitat conservation area, the location of the protected features, the location of buffers and a description of efforts to protect the fish and wildlife habitat conservation area, or a description of restoration efforts in those instances where the critical area has been damaged.

**F. Historic Landmarks/Archaeological Sites – Designated Site**

1. **Definition.** Historic landmark or archaeological site – designated: land which constitutes or upon which is situated a historic landmark or formally designated landmark. Historic landmarks include buildings, structures, districts, or sites of significance in the County's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. To be eligible as a designated site, a property must be listed on a National Registry or on a County or other certified local

government list or register of historic places or landmarks for which there is local regulatory protection.

2. **Source.** Listing on a National, County, or other local lists or registers of historic places or landmarks, as well as listings on the State inventory of Archaeological Sites (State Office of Archaeology and Historic Preservation) or the County Historical Society.
3. **Eligibility.** Eligible properties must be listed on the County or other local list or register of historic places or landmarks for which there is local regulatory protection. Eligible properties only include contributing properties within designated historic districts or land that has been verified through an archaeological report prepared by a qualified archaeologist that contains archaeological resources. Improvements to the land are not eligible for other federal or state tax credits. Eligibility for this resource category cannot overlap with the "Historic Landmarks/Archaeological Sites – Eligible Site" category. The County will review and make determinations on eligibility.

#### G. **Private Lands Within Designated National Reserves**

1. **Definition.** Officially designated areas under private ownership located within national reserves that remain undeveloped and are maintained to protect the landscape of the reserve.
2. **Source.** National Park Service, the Trust Board of the Ebey's Landing National Historical Reserve.
3. **Eligibility.** Eligible lands are privately owned parcels within the Ebey's Landing National Historical Reserve, five (5) acres or greater in size, that remain undeveloped and are maintained to protect the landscape of the reserve.

#### H. **Active or Passive Recreation Area**

1. **Definition.** Property which is currently devoted to providing active or passive non-motorized recreation use or which complements or substitutes for government facilities. The facility must be open to the public and charging a use fee no higher than the fee charged by a like public facility and the facility must provide recreation or other services to youth, senior citizens, the handicapped, or similar groups.
2. **Source.** Determination by Island County Parks or by appropriate parks department of incorporated cities or towns.
3. **Eligibility.** An eligible site is that identified by an appropriate parks department as meeting the definition of active or passive recreation areas.

Eligible examples include:

- A. Sports fields on private property that are open to the public;

- B. Golf courses open to public with fees comparable to local public golf courses and which adhere to Best Management Practices. Annual monitoring reports are required;
- C. A community garden;
- D. Other recreational uses determined to be consistent with the definition of Active or Passive Recreation as determined by the Island County Parks Department.

Ineligible examples include:

- A. Properties with public trails: These are covered under the Privately Owned Trails resource;
- B. Recreational vehicle park portions of sites and related improvements to the land, including parking;
- C. Golf courses which do not adhere to Best Management Practices or charge a fee not comparable to public golf courses;
- D. Indoor recreation centers, gambling establishments, arcades, fun centers, etc.

### **3.40.260 Medium Priority Open Space Resources**

#### **A. "Conservancy" Shoreline Environment**

1. **Definition.** Marine and Lake Shoreline and associated wetlands designated as "conservancy environment" in an adopted Shoreline Management Master Plan. Conservancy shoreline areas are intended to preserve their existing character. The area must consist of native vegetation.
2. **Sources.** Shoreline Management Master Program.
3. **Eligibility.** Eligible sites must be identified as "conservancy shoreline environment" in an adopted Shoreline Master Plan. The property must not be in another shoreline category of the PBRs. The area to be considered eligible is a maximum of two hundred (200) feet upland from the ordinary high water mark, within the one hundred (100) year floodplain, or the edge of the associated wetland, whichever is greater. To qualify there must be no structures or buildings within 150 feet upland from the ordinary high water mark (OHWM); this area is within the Shoreline jurisdiction, and is based on the Shoreline Master Plan; and there must be no structures within 150 feet from the edge of an associated wetland. If there is a bluff, any buildings must be at least 150 feet back from the edge of the bluff in a "Conservancy" Shoreline Environment. Eligibility under this resource category cannot overlap with the "Natural Shoreline Environment" category or other wetland categories of the PBRs.

#### **B. Flood Hazard Areas Buffers**

1. **Definition.** Land buffering a floodplain within the County subject to a one percent (1%) or greater chance of flooding in any given year. These areas include, but are not limited to, streams, lakes, coastal areas, and wetlands.
2. **Source.** Flood Damage Prevention Ordinance, Chapter 14.02A ICC. One hundred (100) year floodplains as listed and mapped by the Federal Emergency Management Agency and the National Flood Insurance Program.
3. **Eligibility.** Those buffer areas located adjacent to or in the immediate vicinity of and which provide at least two (2) times the additional buffer width beyond that required by regulation for areas located within a hundred (100) year floodplain as identified on the FEMA Flood Insurance Program Maps.

C. **Geologic Hazard Area Buffers**

1. **Definition.** Land buffering areas not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns due to their susceptibility to sliding or other slope failures, erosion, earthquake, or other geologic events.
2. **Sources.** Steep/Unstable Slopes Overlay Zone, ICC 17.03. Areas indicated in the Washington Department of Ecology's Coastal Zone Atlas as being unstable, and areas determined by site-specific geologic reports as being unstable. Areas identified in the USDA Island County Soil Survey as having severe water erosion hazards.
3. **Eligibility.** Those areas of undisturbed vegetation located adjacent to or in the immediate vicinity of geologically hazardous areas and which provide at least two (2) times the additional buffer/setback width beyond that required by regulation for areas indicated in the Washington Department of Ecology's Coastal Zone Atlas; USDA Island County Soil Survey; or areas with slopes forty percent (40%) or greater and with a vertical relief of ten (10) feet or more, except areas of consolidated rock.

D. **Scenic Natural Resources, Viewpoints, and View Corridors**

1. **Definitions**
  - a) **Scenic Natural Resource:** An area of ten (10) or more acres of natural features which is visually significant to the aesthetic character of the County or contains features which otherwise qualifies as a historic landmark or archaeological site; or
  - b) **Viewpoint:** Property that provides a view of an area which is visually significant to the aesthetic character of the County and which provides unlimited public access identified by a permanent sign readily visible from a road or other public right-of-way; or

- c) **View Corridor:** An area of adjoining parcels which individually may be less than one (1) acre but which, when combined, total at least one (1) acre and create a view corridor critical to maintaining a view of a scenic resource area or other visually significant area.
- 2. **Source.** None available.
- 3. **Eligibility**
  - a) No lands that have been subject to commercial logging or mineral extraction within twenty five (25) years of the date of the open space classification application are eligible under the Public Benefit Rating System.
  - b) **Scenic Natural Resource:** Eligible sites must be significant to the identity of the local area and be visible to a significant number of the general public from public rights-of-way. Such lands must be of sufficient size to substantially preserve the scenic resource value and must be at least ten (10) acres in size.
  - c) **Viewpoint:** Eligible sites must provide a view of a scenic natural resource in the County or other visually significant areas and must provide for unlimited public access.
  - d) **View Corridor:** Eligible sites must meet the definition of view corridor above.

**E. Urban Growth Area Open Space**

- 1. **Definition.** Five (5) or more acres of land, open to the public, and located within the boundaries of an Urban Growth Area designated by the County. For purposes of this definition, land shall be considered open to the public if it qualifies for receiving any points for public access under the Public Access section of this Open Space Taxation Program.
- 2. **Sources.** City, Town or County Comprehensive Plan and the Natural Lands Plan.
- 3. **Eligibility.** Eligible lands are those meeting the definition above.

**F. Public Lands Buffer**

- 1. **Definition.** Native growth land lying adjacent to neighborhood parks, forests, wildlife preserves, natural area preserves, or sanctuaries. Eligibility for this exception does not extend to properties where plantings are required under local zoning codes, development mitigation requirements, or other local regulations.
- 2. **Source.** County Comprehensive Plan.
- 3. **Eligibility.** Lands being buffered shall be in public ownership, or private lands shall be enrolled in the open space program.

**G. Category “B,” “C” and “D” Wetland**

1. **Definition.** Wetlands classified Category “C” or “D” by Chapter 17.02A ICC and “B” by Chapter 17.02 ICC.
2. **Sources.** County Wetland Maps, ICC 17.03.030 and 17.03.110.A and Land Use Standards governing wetlands, deepwater habitats, tributary streams and their surrounding buffers, ICC 17.03.150.N. National Wetlands Inventory Mapping System, U.S. Fish and Wildlife Service. Shoreline Management Act, 90.58 RCW and the County Shoreline Management Master Program ICC 16.21.
3. **Eligibility.** Eligible lands are those wetlands designated the Category B rating under the County Wetland Maps classified Category “C” or “D” by Chapter 17.02A ICC and “B” by Chapter 17.02 ICC.

#### **H. Historic Landmarks/Archaeological Sites – Eligible Site**

1. **Definition.** For the purposes of this category, "historic landmark or archaeological site: eligible site" means land that constitutes or upon which is situated a historic property that has the potential of being formally designated by a certified local government jurisdiction, including buildings, structures, districts, or sites of significance in the County's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. An eligible property must be determined by the County, or other certified local government program in the jurisdiction in which the property is located, to be eligible for designation and listing on the National, County, or other local register of historic places or landmarks for which there is local regulatory protection.
2. **Source.** Determination by the County or other certified local government program in the jurisdiction in which the property is located to be eligible for listing on the National, State, County, or other local lists or registers of historic places or landmarks, as well as those found to be eligible with the State inventory of Archaeological Sites (State Office of Archaeology and Historic Preservation) and the County Historical Society.
3. **Eligibility.** Eligible properties only include properties that are determined to have the potential of being formally designated by a certified local government jurisdiction for listing on the County or other local register of historic places or landmarks for which there is local regulatory protection. Additionally, lands that has been verified through an archaeological report prepared by a qualified archaeologist that contains archaeological resources but are not formally designated as such are also eligible. Improvements to the land are not eligible for other federal or state tax credits. Eligibility for this resource category cannot overlap with the “Historic Landmarks/Archaeological Sites –

Designated Site” category. The County will review and make determinations on eligibility.

### **3.40.270 Low Priority Open Space Resources**

#### **A. Artificial/Category “C” and “E” Wetlands**

1. **Definition.** Wetlands classified as Category “E” by Chapter 17.02A ICC and “C” by Chapter 17.02 ICC.
2. **Sources.** County Wetland Maps, ICC 17.02 and 17.02A and Land Use Standards governing wetlands, deepwater habitats, tributary streams and their surrounding buffers.
3. **Eligibility.** Eligible lands are those wetlands classified Category “E” by Chapter 17.02A ICC and “C” by Chapter 17.02 ICC.

### **3.40.280 Bonus System**

Additional point values may be applied for the following eligible lands:

#### **A. Public Priority - five (5) points**

1. **Definition.** Land containing one (1) or more of the following community Natural Lands priorities of County residents:
  - a) Critical Aquifer Recharge Areas which materially protect watersheds for drinking water sources and supply;
  - b) Significant undisturbed natural communities and ecosystems; or
  - c) Natural shoreline systems, including lagoons, saltwater tidal flats, marshes and accretion beaches that serve a diversity of ecological functions.
2. **Source.** Periodic surveys or opinion polls conducted by the County to assess the relative priorities of County residents for the conservation/protection of natural lands. DNR, Division of Geology and Earth Resources, surficial geology maps based on USGS Quad maps.
3. **Eligibility.** Eligible sites are those that contain one (1) or more of the defined public priority open space resources.

#### **B. Voluntary Resource or Critical Area Restoration - five (5) points**

1. **Definition.** Restoration of any high, medium or low open space resource defined above. Emphasis shall be placed on restoration of anadromous fish-rearing habitat, wildlife and plant habitat areas, and upland, stream, and wetland habitats.
2. **Source.** No inventory available.
3. **Eligibility.** Eligible sites are those that qualify for any high, medium or low open space resource classification above without this category. Sites are eligible to receive five (5) bonus points for the resource being

restored. The owner must have an implemented restoration plan developed in cooperation with, or approved by appropriate federal, state, County, or local agency.

C. **Surface Water Quality Buffer Areas** – One (1), three (3), or five (5) points

1. **Definition.** An undisturbed zone of native growth vegetation adjacent to a lake, pond, stream, wetland, or marine waters of a sufficient buffer width, but no less than fifty (50) feet, that will contribute to the protection of water quality in a surface water body. Bonus points are awarded for a streamside or wetland buffer width of at least one and a half (1-1/2) that required by the applicable local Critical Areas Ordinance or for a streamside or wetland buffer, of no less than fifty (50) feet, in agricultural lands otherwise exempted from buffering requirements. The buffer width is measured upland from the ordinary high water mark or the outer edge of a regulated wetland. The buffer does not include the body of water waterward of the ordinary high water mark or the wetland itself.
2. **Sources.** Catalog of Washington Streams, Shoreline Master Programs, County or local Sensitive Areas Ordinance streams and wetlands maps as basis for determination.
3. **Eligibility.** Sites qualifying under the "Surface Water Quality Buffer Area" or Shorelines classifications would receive additional points through the provision of additional buffer which is preserved from clearing and from livestock intrusion. All such lands in or adjacent to pasture land must be fenced to prevent intrusion by domesticated animals. Eligibility requires property use and access restriction beyond those specified in the Critical Areas Ordinance or other surface water protection regulations. The bonus points are awarded as follows:
  - a) One and a half (1-1/2) times additional buffer width beyond that required by regulation - one (1) point
  - b) Two (2) times additional buffer width beyond that required by regulation – three (3) points
  - c) Three (3) times additional buffer width beyond that required by regulation - five (5) points
  - d) At least seventy-five (75) feet of buffer width in agricultural lands otherwise exempted from buffering requirements - five (5) points

D. **Contiguous Parcels Under Separate Ownership** - three (3) points

1. **Definition.** Contiguous parcels of land with the same open space resources are eligible for treatment as a single parcel if open space classification is sought under the same application. "Contiguous parcels" are defined as parcels abutting each other or abutting a

publicly owned open space without any significant manmade barrier that materially restricts the free movement of wildlife or interferes with the visual continuity between the two (2) or more properties.

2. **Source.** Not applicable.
3. **Eligibility.** Treatment as contiguous parcels shall include the requirement to pay only a single application fee. The total area of all parcels combined must equal or exceed any required minimum (rather than each parcel being required to meet such minimums). This contiguous parcel bonus must be accepted by all the applicants within the configuration under identical terms and conditions of access, easements, and restrictions. Individual parcels may be withdrawn from open space classification consistent with all applicable rules and regulations without affecting the continued eligibility of all other parcels accepted under the same application, provided that the combined area of the parcels remaining in open space classification must equal or exceed any minimum size requirement established in the PBRS and that access to the remaining parcels is not affected. Contiguous parcels must meet the following conditions:
  - a) The application must include two (2) or more parcels;
  - b) Each parcel included in the application must contain qualifying open space resources as defined by the Public Benefit Rating System;
  - c) The owner(s) of parcels included in the application must agree to such terms and conditions for inclusion in the program that are consistent with the open space resource of the property;

E. **Conservation/Historic Easement in Perpetuity** - twenty (20) points.

1. **Definition.** An easement that restricts in perpetuity, further potential development, or other uses of a property, and which may include a requirement for native growth protection.
2. **Sources.** Available sources include the Conservation Easement Handbook.
3. **Eligibility.** Eligible lands are those that qualify for any high, medium or low open space resource classification. The conservation/historic easement will be in a form, and with such conditions, as are acceptable to the County.

F. **Public Access** - zero (0) to five (5) points.

1. **Definition.** Access to the County's open space lands by the general public should be encouraged for all lands unless it is determined that such access would damage or endanger the resource. Property owners who allow access to the property, beyond that which is

otherwise required by the open space resource category, should be afforded consideration in the level of tax reduction they receive depending on the level of access allowed and the conditions under which access is permitted.

2. **Source.** Not applicable.
3. **Eligibility.** Properties shall be awarded additional points to the extent that such public access is available to the open space site, to a maximum of five (5) points. For open space resource categories which either contain public access requirements in the definition or eligibility criteria, no public access bonus points shall be awarded. The applicant shall specify the type of access that will be available in the application. Access points shall be awarded on the following scale:
  - a) **Unlimited Public Access** – five (5) points  
Year-round access to the general public is allowed without special arrangement with the property owner.
  - b) **Limited Public Access/Sensitive Area** – five (5) points  
Access may be reasonably limited due to the sensitive nature of the resource, with access provided only to appropriate user groups. The access allowed must generally be for an educational, scientific, or research purpose and available through special arrangements with the owner.
  - c) **Privately Owned Tidelands Access** - five (5) points  
Public access to tidelands and such portions of the upland property necessary to provide access to the water line. Eligibility for public access points requires that the property is able to provide public access to the tidelands from a public right-of-way. Entry points and uses may be posted so that it does not detract from the resource.
  - d) **Limited Public Access** - three (3) points
    - (i) Access to the public is allowed, with or without special arrangements with the property owner, for any period of less than the full year.
    - (ii) Access is available to any and all of the general public during any period of the year upon special arrangements with the owner or upon the payment of a use fee that may not exceed twice the cost for members of the organization utilizing the facility.
  - e) **No Public Access** - zero (0) points
    - (i) No public access is allowed.

(ii) Members only access. Access is restricted at all times to members of the organization utilizing the facility.

f) **Signage**

For properties allowing public access and receiving access points under a) and d) above, the County shall furnish and maintain, at its own expense, signage according to County specifications which designates the property as part of the Open Space Taxation Program and states the conditions of access.

g) **Accessibility**

For properties allowing access and being considered for receiving access points under a) through c) above, no points will be allowed if the property is not reasonably accessible. Off-road parking may be required where necessary to provide safe vehicular or pedestrian access. The property owner may, at their own expense and without any deduction in the number of access points awarded, limit access to the property to a reasonable number of locations through the use of fences, berms or other access barriers. Such physical barriers must be approved by the appropriate agency in advance, so as not to defeat the purpose of a resource category - for instance restricting wildlife in a wildlife corridor or construction of a visually incompatible fence near an historic resource.

h) **Limitations on Access and Use**

Reasonable limitations on access and use of properties may be imposed without a deduction in the number of access points a property receives. For example, prohibiting access before a reasonable time in the morning and after a reasonable time in the evening, prohibiting the use of any motorized or wheeled vehicles (except those required by disabled persons), prohibiting the use of the property for any kind of social gathering, prohibiting the consumption of any alcoholic beverages on the property, prohibiting the use of the property for picnics, etc. are all examples of reasonable limitations on the use of the property by the public which would likely not result in a reduction of points received by the property in the public access category. All such restrictions must be included in such documents or easements that establish the property as eligible for current use taxation.

G. **Properties with an approved Rural Stewardship Plan** – five (5) points.

1. **Definition.** A detailed site plan prepared by or for an Owner that establishes the location for authorized Permitted Uses, the location and classification of Critical Areas and Critical Area Buffers and Best Management Practices for the long term use of the property. A Rural

Stewardship Plan is a voluntary option under Chapter 17.02A ICC available to Owners of Lots one (1) acre or larger in size. Properties who receive an approved Rural Stewardship Plan can be eligible for the PBRs benefit with one (1) or more acres of eligible property.

2. **Sources.** A County approved Rural Stewardship Plan.
3. **Eligibility.** A Rural Stewardship Plan approved under Chapter 17.02A ICC.

**3.40.290 Super Bonus Category – Current Use Value of Ten Percent (10%) of Market Value**

Properties with at least one (1) high priority open space resource AND which allow unlimited public access or limited public access for a sensitive area (due to resource sensitivity) AND which convey a conservation, historic, or trail easement in perpetuity, in a form and with such conditions as are acceptable to the County, shall be automatically eligible for current use value at ten percent (10%) of market value.

**3.40.300 Severability**

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

**3.40.310 Effective Date**

This Chapter shall take effect on October 1, 1998 and shall apply to new applications submitted on or after that date. Amendments take effect upon the terms of their adoption.