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DATE: August 18, 2009  
TO: Members of the Town and County Planning Commissions  
FROM: Larry Kwarsick, Town Planner and Jeff Tate, County Planning Consultant  
SUBJECT: Ebey's Reserve Design Guidelines and Process

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In response to public input received at the first public hearing and/or written comments received to date, staff has collaborated on some important amendments to both the Design Manual and Unified Code. No changes have been made to the PBRs Program. All changes are tracked in the Unified Code that we have enclosed. The Design Manual includes the changes but as an accepted part of the document.

The primary changes are:

**1. FARM CLUSTER PRESERVATION PLANS**

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 working farms to continue operating as profitable businesses is also a high priority. Because agriculture and economics are constantly changing, farms need flexibility in how they use and maintain their buildings. As needs change, preservation of some structures may become financially difficult.

The Reserve Partners want to be proactive in assisting farmers and preventing the demolition of these farm buildings. Working farm owners are encouraged to prepare a plan evaluating the condition of their farm properties. This plan will outline strategies for ensuring that historic buildings and structures are protected by stabilizing them and encouraging different uses, rather than demolition. No building or structure in a farm cluster will receive approval for demolition without an approved preservation plan.

Because of the importance of these resources to the Reserve, the Trust Board Partners will provide technical assistance to eligible property owners in preparing these plans. (See page 67 in the Design Manual and page 17 in the Unified Code)

**2. REVIEW AREA DESCRIPTIONS AND BOUNDARIES**

Because of the varying characters of buildings in the Reserve, there are two Review Areas.

Area 1 is the majority of the land within the Reserve whether it is prairie, woodland, coastal area, or within the Town.

Area 1 includes:

- All historic (contributing) buildings and sites within the Reserve. These have the highest design review standards, to preserve their character and integrity;
- All properties in the Coupeville Historic Overlay Zone and including properties that are visible from major roads or water bodies;
- Other historic buildings in Coupeville, including their property and an area 100 feet around the historic building;

- Properties that are visible from major public roads and/or Penn Cove; and,
- All properties within unincorporated Island County that are not located in Zone 2.

Area 2 includes buildings that are not visible from major roadways or historic areas.

Area 2 includes:

- Within unincorporated Island County those portions of the Sierra subdivision not adjacent to West Beach Road, those portions of the Penn Cove Park subdivision not adjacent to Monroe Landing Road, and those portions of the Rolling Hills subdivision east of the ridgeline. Also included in this category are new construction, additions, alterations and accessory structures on properties in woodlands that are entirely screened from public view by heavy vegetation. In each case, either the staff or the applicant may refer the project to the HPC for review.
- All properties located within the Town that are not located in Area 1.

Penn Cove Park, except that portion adjacent to the shoreline and Monroe Landing Road, has been added to Area 2 within unincorporated Island County. The map has been amended accordingly.

Properties within the Town of Coupeville that area within the jurisdiction of the Shoreline Management Act and therefore visible from Penn Cove as well as property along Parker Road and SR 20 which were included by description are now shown on the map. (See pages 4 and 5 in Unified Code)

### **3. PAINTING**

While most historic districts do require a formal permit to paint historic buildings/structure, staff is recommending an across the board voluntary program but requires conformity to the adopted color palette. Painting does not necessitate a permit application or approval; however, in order for painting to remain a Type I Decision, color choices must be consistent with the approved color palette which is available at the County, Town and Trust Board offices and on their websites. Upon request of the landowner, a color approval authorization can be obtained prior to painting a structure or building. The Town Planner or the Trust Board staff is authorized to provide these approvals within the Town. The County Planning Director or the Trust Board Staff is authorized to provide these approvals within the County. Landowners may choose to secure this approval prior to investing in the purchase of paint and/or contractor services as an added measure of assurance that their activity is consistent with the Chapter. Failure to paint a structure or building consistent with the approved color palette is an enforceable action. Where a landowner desires to paint a structure or building a color that is not consistent with the approved color palette, a permit is required and shall be reviewed by the Commission. (See Page 8 in the Unified Code)

### **4. EFFECT of COMMISSION DECISION**

Staff has prepared the Unified code to give Commission action substantial authority and only under specific and limited circumstances would the issued certificate of appropriateness or a portion thereof not be carried over in the terms and conditions of approval for a project. The following language was added to the unified code:

*Following issuance of a Certificate of Appropriateness by the Commission, the responsible Planning Official shall evaluate the findings of fact, conclusions of law, and reasons relied upon in reaching the decision. Unless the responsible Planning Official*

*determines (1) that the decision is an erroneous interpretation of the law after affording substantial deference to the Commission with local expertise, or (2) is a clearly erroneous application of the law to the facts, the responsible Planning Official shall affirm the Certificate of Appropriateness and attach the findings of fact, conclusions of law, and reasons relied upon in reaching the decision to the final application decision. The responsible Planning Official shall then approve, approve with conditions, or deny the application.*

(See Page 13 in Unified Code)

## **5. PUBLIC HEARING PROCESS**

The Ebey's Initiative and the associated documents before the Planning Commission constitute a major and unique endeavor for the County, Town, Trust Board the National Park Service, and the property owners within the Reserve. The Partners' staff supports continuation of the Public Hearing process until all involved have had ample opportunity to review the documents and provide input. Comments received can then be evaluated by the Planning Commissions and be used to formulate recommendations to the Town Council and Board of County Commissioners. Staff suggests that at the conclusion of the August 25<sup>th</sup> hearing that the two Planning Commissions jointly agree to continue the public hearing process to September 15<sup>th</sup>, a date which had been reserved for Planning Commission deliberations.