

Island County Planning & Community Development

Exhibit A Draft Revision to 17.04 ICC

ICC 17.04 – EBEBY'S LANDING DESIGN REVIEW 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 incorporated and unincorporated area of 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 Historic Resources, 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 Resources and Contributing structures, 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. Review properties and structures for possible listing or designation for inclusion as “Contributing” in the Building and Landscape Inventory for the Reserve; properties that are proposed to be added to the *Ebey’s Reserve Register of Historic Places*; or designation as protected cultural resources.

17.04.020 Applicability

This Chapter applies to 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, prepared for the Ebey’s Landing National Historical Reserve; those that are subsequently listed on the Ebey’s Reserve Register of Historic Places; and those properties containing protected cultural resources. This Chapter also applies to new construction within the geographic area of the Reserve.

This Chapter is designed as a companion to the Town of Coupeville Code (CTC 16.12.080), which applies to the geographic area of the Reserve within the Town of Coupeville. This Chapter contains references to requirements within the Town of Coupeville that are unique to the Town and differ from the requirements in unincorporated Island County. These references are included for information purposes and intended to preserve the structure of a unified code for actions within Ebey’s Landing.

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 Town of Coupeville, and the Ebey’s Landing Trust Board office. The Guidelines are also available on the websites of the Town, County, and Trust Board. The Guidelines contain standards and technical guidance for complying with this chapter.

17.04.040 Permit Coordination

Development activities within the geographic boundaries of Ebey’s Landing require review and issuance of Certificates of Appropriateness, as established by

this Chapter. Such development activities are also required to comply with all other applicable permitting requirements established in Island County Code. Other Island County permit requirements include, but are not limited to land use permits, building permits, clearing and grading permits, work within public rights-of-way, on-site sewage disposal systems, well site approvals, road access, permits, etc.

Any conditions or approval attached to a Certificate of Appropriateness will become conditions of approval for the underlying or companion land use or building permits, as established in Section 17.04.080.3.C.

In order to ensure coordination of these permitting requirements, the requirements to obtain a Certificate of Appropriateness must be completed prior to issuance of any underlying or companion land use or building permit.

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

17.04.050 Definitions.

All definitions of Chapters 16.06, 17.02, and 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:

Accessory Use or Building: A Use, Structure or Building customarily considered to be incidental to or secondary to a Permitted Use or an approved Conditional Use on the property, or on adjacent property(ies) under the same Ownership. Examples of accessory Buildings or Structures include, but are not limited to, sheds, shops, garages, greenhouses, barns, Guest Cottages, etc. ~~Examples of Accessory Uses include Home Occupations and Bed and Breakfast Room in the Rural Zone.~~

Actual Cost of Rehabilitation: The costs incurred within twenty-four months prior to the date of application and directly resulting from one or more of the following:

- a) improvements to an existing building located on or within the perimeters of the original structure;
- b) improvements outside of but directly attached to the original structure, which are necessary to make the building fully useable, but shall not include rentable or habitable floor-space attributable to new construction;
- c) architectural and engineering services attributable to the design of the improvements; or
- d) all costs defined as Qualified rehabilitation Expenditures for purposes of the federal historic preservation investment tax credit.

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

agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment and facilities; and maintaining agricultural lands under production or cultivation. Agricultural Activities include post and wire fencing and Temporary Seasonal Structures.

Agricultural Structure: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure may not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor may it be a place used by the public.

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

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

Board: Shall refer to the Island County Board of Commissioners, except where reference is made to the "Local Review Board" for purposes of the special valuation tax incentive program.

Building Permit: An official document issued by Island County that authorizes performance of construction related activities in accordance with Titles 14, 16, and 17 of the Island County Code.

Certificate of Appropriateness (COA): A document issued by the Planning Director or the HPC certifying that all new construction or proposed changes to a Historic Resource, Contributing Structure, or other property within the geographic boundaries of the Reserve have been reviewed, comply with the standards established by the Guidelines, and that the changes do not adversely affect the historic characteristics of the Reserve or properties that contribute to the Reserve's designation as a National Historic Reserve. Development activities that are not required to receive a COA are defined as Exempt Activities.

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

Contributing or Contributing Building or Structure: An ~~HH~~ historic Resource Buildings and Structures and other features determined to be

significant in the *Building and Landscape Inventory* (1995) prepared for the Reserve.

Cost: The actual cost of rehabilitation, which cost shall be at least twenty-five percent (25%) of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

Council: The Council of the Town of Coupeville.

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

Demolition: The destruction or removal of a Historic Resource or Contributing Structure, 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.

Demolition by Neglect: The destruction or removal of a structure over time due to a lack of use, little or inadequate maintenance and repairs, deterioration from exposure to the elements, or damage which is not repaired.

Design Review: The process of applying the adopted Design Guidelines to proposed projects that may potentially affect Cultural or Historic Resources 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.

Director: Island County Planning and Community Development Director.

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

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

Exempt Activities: Certain development activities are exempt from the requirements to obtain a Certificate of Appropriateness. These Exempt Activities are further defined as Categorical Exemptions or Contingent Exemptions, as set forth below:

Categorical Exemptions: Exempt Activities which are: i) not required to comply with the Design Guidelines; and ii) not required to obtain a Certificate of Appropriateness.

Contingent Exemptions: Exempt Activities which are: i) required to comply with the Design Guidelines; and ii) not required to obtain a Certificate of Appropriateness.

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

Historic Building: See definition for Contributing or Contributing Building or Structure.

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

Historic Overlay Zone: That geographic area of the Town of Coupeville which includes the highest concentration of contributing historic structures as delineated on the official Town of Coupeville Zoning Map (This definition applies within the Town of Coupeville only).

Historic Resource: 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.

Historic Structure: See definition for Contributing or Contributing Building or Structure.

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.

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

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.

Noncontributing Building or Structure: ~~Any building or structure that has features that deviate from the character of the Reserve and may impede one's ability to interpret the history of the Reserve. These are typically newer structures that introduce stylistic elements foreign to early years in the Reserve. Some of these buildings or structures may be fine examples of individual building design, if considered outside the context of the Reserve, but do not contribute to the historic interpretation of the Reserve or to its visual character. does not meet the definition of a Contributing Structure (which includes Historic Buildings and Historic Structures).~~

~~**Nonhistoric Building:** A building or structure that has not been determined to be of historic significance either in the Building and Landscape Inventory (1995) prepared for the Reserve or through addition to the Ebey's Reserve Register of Historic Places.~~

Ordinary Repair and Maintenance: Work for which a permit issued by Island County or the Town 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. Ordinary Repair and Maintenance does not include those activities defined as Replacement in Kind.

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

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.

Planning Official: The Island County Planning and Community Development Director or the Town Planner within the Town of Coupeville.

Replacement In Kind: New features (e.g., siding, roofing, windows, or trim) which have the same material, appearance, and color as the original feature and meet the Design Guidelines. For siding and windows, the new material must reasonably match the design, profile, material, and general appearance of the original and meet the Design Guidelines.

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.

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

Review Area: The geographic area or areas within which any proposed development may directly or indirectly cause changes in the character or use of historic properties. The Review Area is divided into two 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. Whenever there is a conflict between the descriptions of Review Areas 1 or 2 and the boundaries of the review areas as shown on Exhibit B, the boundaries shown on Exhibit B shall control.

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 (Note: This provision applies within the Town of Coupeville only);
4. Properties that are visible from major public roads and Penn Cove; and
5. All properties within the Memorandum of Agreement (MOA) zone. MOA designations area established by the Town of Coupeville (Note: This provision applies within the Town of Coupeville only).

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.

Secretary of the Interior's Standards for Rehabilitation: Standards established by the National Park Service to aid review boards and property owners in their decision making process regarding the retention of character defining features of Contributing and significant buildings, compatible additions, and limited maintenance advice. They establish a standard for the treatment of historic properties.

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

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

Significant Trees: A healthy evergreen or deciduous tree, twelve inches (12") in diameter or greater, measured four feet (4') above existing grade.

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.

Temporary Seasonal Structures: A structure ~~attributed associated with to~~ Agricultural Activities that does not have a foundation or footings and is erected for no more than six (6) months.

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.

17.04.060 Ebey's Landing Historic Preservation Commission (HPC)

A. Creation and Size

The Town and County establish an Ebey's Reserve Historic Preservation Commission (HPC), consisting of nine (9) members. Members of the HPC shall be appointed by the Town of Coupeville and Island County 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. All applications must include a letter of interest and a resume or curriculum vitae.

B. HPC Appointments

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

C. Composition of HPC Members

1. All members of the HPC should have a demonstrated interest, experience, or knowledge in history, historic preservation, architecture, design, landscape architecture, cultural landscapes, or related disciplines. All members must have a commitment to continuing education and training.
2. Two (2) members shall be agricultural representatives (working farmer, retired farmer or farm owner, or with an interest, education, or background in agriculture) in the Reserve.

3. Two (2) members shall own a Contributing Resource within the Reserve.
4. One (1) member shall own and operate a commercial business within 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, ~~have a demonstrated interest in historic preservation, and a commitment to continuing education and training.~~
7. Exceptions to qualifications and residency requirements for HPC members may be granted by the Reserve Committee in order to obtain representatives who reside in the Reserve or have the desired professional experience.

D. Terms

1. The initial appointments to the HPC 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 HPC shall be limited to two (2) full consecutive three (3) year terms. Reappointment after two (2) full consecutive terms may be 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 HPC are to identify and actively encourage the conservation of the Reserve's historic and cultural resources by maintaining a register of historic places and to issue or make

recommendations on the issuance of COA decisions, as described below. In carrying out these responsibilities, the HPC shall engage in the following:

1. Conduct design review and issue decisions or make recommendations on COA applications proposing alterations, new construction, demolition, or relocation of Contributing Structures, new development, and construction activities on or near Historic Resources, 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.
7. Recommend amendments to the Guidelines to the Planning Directors of the Town and County.
8. Participate in training opportunities provided to the HPC.

F. Compensation. All members shall serve without compensation.

G. Rules and Officers

1. The HPC shall establish and adopt its rules and procedures ~~not~~ inconsistent with State law ~~or~~ and this section.
2. The HPC shall select from among its membership a chairperson and vice-chair to conduct the HPC meetings.
3. A quorum of the HPC must be present to conduct business.

H. HPC Staff. Staff assistance shall be provided by the Partners, with additional assistance and information to be provided by other county or town departments as may be necessary to aid the HPC in carrying out its duties and responsibilities under this section.

17.04.070 Interlocal Agreement Required

Prior to review by the HPC of nominations or Certificates of Appropriateness for properties within the Reserve, an interlocal agreement between the Partners shall be established. The purpose of the agreement is to facilitate open communication between all parties, as well as facilitate coordinated permit review pursuant to this Chapter.

17.04.080 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 or Contributing Structure; 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 COA review shall apply to all features of the property that contribute to its designation. This requirement shall apply whether or not the proposed action also requires a building or other land use permit. Information required to review the proposed change(s) is established herein.
2. All decisions involving applications for COA shall be in writing and shall state the findings of fact and reasons relied upon in reaching the decision. Any conditions or approval for the COA shall become conditions of approval of the subsequent building or land use permit(s) granted.

B. Review Process. Review and Issuance of Certificates of Appropriateness

1. The County and Town Planning Officials shall report any application for a land use development or building permit within the Reserve to the HPC. If the activity is not exempt from review, the Director shall notify the applicant of the review and application requirements.
2. Three decision-making levels are established for reviewing applications and issuance, conditional issuance, or denial of a COA, 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 or building 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).
3. All conditions of approval associated with a Certificate of Appropriateness shall be attached as conditions of approval to the underlying or companion land use or building permit.

C. Unclassified Applications

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

D. Appeal Process

1. The Director's or HPC 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.
2. All appeals of the Director's or HPC decision regarding a Certificate of Appropriateness shall be consolidated with any appeal of the underlying or companion land use or building permit application. Such appeals shall be heard at a single simultaneous hearing before the Hearing Examiner or BOCC to consider the Director's or HPC decision or recommendation on the proposal.

E. Review Process. Criteria for Designation, Process for Designation, and Removal of Properties from the *Ebey's Reserve Register of Historic Places*

1. Criteria for Determining Designation in the Register

Any building, structure, site, object, or district may be designated for inclusion in the *Ebey's Reserve Register of Historic Places*, if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; if it has integrity; is at least 50 years old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories.

- a. Is associated with an important event or series of events that have made a significant contribution to the broad patterns of national, state, or local history.
- b. Is associated with an important individual who was significant in our past.
- c. Embodies the distinctive characteristics of an architectural type, period, or method of design or construction. It may represent the work of a master or possess high artistic value.,
- d. That has yielded, or may be likely to yield, information important to prehistory or history.

2. Process for Designating Properties

- a. Any person may nominate a building, structure, site, object, or other Historic Resource for inclusion in the *Ebey's Reserve Register of Historic Places*. The owner must consent to placement of the nominated resource prior to consideration for designation by the commission. Members of the HPC or the HPC as a whole may generate nominations. In proposing nominations, the HPC shall consider the desires of the property owner, the *Ebey's Reserve Register of Historic Places*, and the Town of Coupeville and Island County Comprehensive Plans.
- b. In the case of individual properties, the designation shall include the Universal Transverse Mercator reference and all features that contribute to its designation.
- c. In the case of districts, the designation shall include description of the boundaries of the district; the characteristics of the district which justifies its designation; and a list of all properties including features, structures, sites, and objects which contribute to the designation of the district.
- d. The HPC shall consider the merits of the nomination, according to the criteria herein and according to the nomination review standards established in rules, at a public meeting. Adequate notice will be given to the public, the owner(s), and the authors of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting, according to standards for public meetings established in rules and in compliance with Chapter 42.30 RCW, Open Public Meetings Act. Such notice shall include publication in a newspaper of general circulation in Island County and posting of the property. If the HPC finds that the nominated property is eligible for the *Ebey's Reserve Register of Historic Places*, the HPC shall list the property in the register with owner's consent.
- e. Properties listed on the *Ebey's Reserve Register of Historic Places* shall be recorded on the Official Zoning Atlas with an "HR" (for Historic Register) overlay designation. This overlay designation shall not change or modify the underlying zoning classification.

3. Removal of Properties from the Register

- a. In the event that any property is no longer deemed appropriate for designation to the *Ebey's Reserve Register of Historic Places*, the HPC may initiate removal from such designation by the same procedure as provided for in establishing the designation. A property may not be removed from the *Ebey's Reserve Register of Historic Places* without the owner's consent.

17.04.090 Exempt Activities

Exempt activities are divided into two categories: Categorical Exemptions and Contingent Exemptions. Exempt activities do not require a Certificate of Appropriateness (COA). Only those exempt activities listed as Contingent Exemptions are required to meet the Guidelines established in the *Ebey's Landing National Historical Reserve Design Manual*.

A. Categorical Exemptions. The following activities are Categorical Exemptions. These activities are not required to comply with the Guidelines and, nor these activities are they not required to obtain a Certificate of Appropriateness:

1. Agricultural Activities.
2. Alteration of interior features.
3. Emergency Repairs - Following cessation of an emergency, all Emergency Repairs are required to meet all relevant Guidelines and obtain a COA, if applicable.
4. Residential energy conservation or renewable energy measures that do not affect the site or the exterior of a building or structure.
5. Replacement driveways or sidewalks - Noncontributing Structures.
6. Replacement in Kind - Noncontributing Structures.
7. Replacement or addition of utility systems that do not alter the exterior of the building - Noncontributing Structures.
8. Replacement or repair of foundations - Noncontributing Structures.
9. Seismic or structural upgrades that do no alter the exterior of the building - Noncontributing Structures.

10. Temporary accessibility improvements, such as ramps, for handicapped access that are not permanent structures or do not require a Building Permit.

B. Contingent Exemptions. The following activities are Contingent Exemptions. These activities are required to comply with the Guidelines but do not require a Certificate of Appropriateness:

1. Exterior painting.
2. Construction or Demolition consistent with a Heritage Farm Plan.
3. Ordinary Repair and Maintenance.
4. Replacement or the addition of utility systems that do not alter the exterior of the building - ~~Contributing Structure~~Historic sBuildings.
5. Replacement of driveways or sidewalks - ~~Contributing Structure~~Historic sBuildings.
6. Replacement or repair of foundations - ~~Contributing Structure~~Historic sBuildings.
7. Reroofing with the same or substantially similar materials.
8. Residential satellite dishes \leq 24 inches in diameter.
9. Seismic or structural upgrades that do not alter the exterior of the building - ~~Contributing Structure~~Historic sBuildings.
10. Working Farms – Agricultural building construction \leq 10,000 square feet, and which is of similar size, scale, and in proximity to existing agricultural structures.
11. Public Park improvements other than buildings or structures.

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

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

1. Accessibility alterations that ~~do not permanently~~ alter the exterior of the structure - Noncontributing Structure.
2. Administrative site plan approvals with no construction activities.
3. Agricultural building construction \leq 10,000 square feet, and which is of similar size, scale, and in proximity to existing agricultural structures.
4. Commercial, institutional, public, and residential signs.
5. Decks or porches - Noncontributing Structures.
6. Re-Roofing with new or different materials - ~~-~~Noncontributing Structures.

7. Retaining walls and fences ≤ 6 feet in height.

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

- A. ~~A~~ Level B Certificate of Appropriateness** - ~~An is an~~ administrative decision issued by the Planning Director, following review by consultation with the Reserve Committee, for the development activities listed below:
 1. Accessory Structures consistent with the Design Guidelines.
 2. Aircraft hangars in Airport (AP) zone.
 3. Clearing and grading activities.
 4. Decks or porches that conform to the Design Guidelines - ~~Contributing Structure~~Historic sBuildings.
 5. Demolition or relocation - Noncontributing Structures.
 6. Heritage Farm Plans.
 7. New construction in Review Area 2.
 8. Removal of Significant Trees or hedgerows.
 9. Replacement in Kind, consistent with the Design Guidelines - ~~Contributing Structures~~ Historic Structures.
 10. Reroofing with new or different materials - ~~Contributing Structure~~Historic sBuildings.
 11. Residential energy conservation or renewable energy measures that affect the site or the exterior of a building or structure in Review Area 2.
 12. Short plat and short subdivision design.
- B. Recommendations ~~By~~ of the Reserve Committee** - Recommendations on ~~the~~ COA and associated conditions ~~associated with the COA~~ should, ideally, be unanimous. The Planning Director may refer an application to the Reserve HPC for further review and comment when:
 1. At least one other member of the Reserve Committee agrees that the application for the COA or the conditions of approval for the Certificate of Appropriateness should be reviewed by the HPC; or
 2. Upon the request of the applicant.

17.04.120 Level C Certificate of Appropriateness Decisions – HPC Recommendations and Decisions

A. Level C Certificates of Appropriateness – HPC Recommendations to Planning Director

This is an administrative decision on the COA, issued by the Planning Director, following review of the project by the HPC in a public meeting, for the

development activities listed in 17.04.120 C, below, when those activities are proposed on a site that does not contain a Contributing Structure or Historic Resource. In these instances, the HPC recommendations on the COA are forwarded to the Planning Director for action, in conjunction with the underlying or companion land use or building permit.

B. Level C Certificates of Appropriateness – HPC Decision

This is an administrative decision on the COA, issued by the HPC, following a public meeting, for the development activities listed in 17.04.120 C, below, when those activities are proposed on a site containing a Contributing Structure or Historic Resource. In these instances, any conditions of approval attached to the COA by the HPC are forwarded to the Planning Director and become conditions of approval for the underlying or companion land use or building permit.

C. Land Uses and Development Activities Requiring a Level C Certificate of Appropriateness:

1. Above-ground power transmission lines.
2. Accessibility alterations that do not permanently alter the exterior of a ~~Contributing Structure~~ Historic Building.
3. Additions or, alterations to a Contributing Structure; ~~or~~ new construction on a site containing a Historic Resource; and new, ~~Contributing Structure, or construction~~ within Review Area 1.
4. Agricultural Building construction > 10,000 square feet.
5. Communication Towers, radio towers and antenna, and ham radio towers and antenna.
6. Demolition (partial or complete) or relocation of ~~Contributing Structures an~~ Historic Building or Structure (The standards for demolition are specified herein in ICC 17.04.150).
7. Energy conservation or renewable energy measures that affect the site or the exterior of a building or structure in Review Area 1.
8. Greenhouses, hoop houses, high tunnel, hot houses, or other fabric type structures.
9. New multi-family structures or modular or mobile home parks.
10. New construction or alteration of nonresidential (commercial, public, or institutional) buildings, structures, or facilities within Review Areas 1 or 2.
- ~~11. Public Park improvements.~~
11. Retaining walls and fences > 6 feet.

D. Level C Certificates of Appropriateness – HPC Recommendations to Planning Director and Decision Making Body

The recommendations of the HPC on the Certificate of Appropriateness for following Level C land use decisions are restricted to design considerations only. These recommendations are advisory in nature and shall constitute a recommendation to the decision making body. In the case of Planned Residential Developments and Site Plan Review [Defined in ICC 16.19.040.A (Table A) as TYPE III permits], HPC recommendations on the COA will be incorporated into the staff report and recommendation to the Island County Hearing Examiner.

1. Highway, road, and street improvements involving the addition of lanes or right-of-way.
2. Over-water shoreline development.
3. Projects requiring Energy Facility Site Evaluation Council (EFSEC) or Federal Energy Regulatory Commission (FERC) approval.
4. Site Plan Review or Conditional Use Permits.
5. Subdivision plats or Planned Residential Development (PRD).
6. Surface mine permits or expansions.
7. Water reclamation and phytoremediation projects

17.04.130 Level A and B Certificates of Appropriateness - Application Requirements and Planning Department Decisions

- A. Applications for the Level A or B Certificates of Appropriateness shall be submitted to the County on forms provided by the County and in accordance with the following submission requirements:
 1. Clear color photographs of the building, object, site, structure, and adjacent properties.
 2. A complete description of the intended work.
 3. A scaled site plan depicting existing and proposed structures and improvements, including significant trees, tree planting, buffering, and landscaping.
 4. Scaled design elevations of new structures or improvements, alterations, and additions.
 5. Existing or proposed covenants, as applicable.
 6. Samples of construction materials. For Contributing Structures, samples for comparison with the existing or the original building or structure.
 7. Any supplemental information deemed necessary for review of the application by the County.

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 HPC, pursuant to 17.04.090.B, shall be made within fifteen (15) days from the date on which a fully complete application is received.

17.04.140 Level C Certificates of Appropriateness - Application Requirements, Public Meetings, and HPC Decisions

- A. Applications for Level C Certificates of Appropriateness shall be submitted to the County on forms provided by the County and in accordance with the following submission requirements:
 1. The owner or the owner's agent (architect, contractor, lessee, etc.) shall apply to the County for review of a regulated action and request a Certificate of Appropriateness or, in the case of demolition, a waiver. All such applicants are 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 HPC. A copy of the standards is available at the County and Town Planning offices.
 2. The HPC shall meet with the applicant and review the proposed work according to their established rules during a public meeting. Notice of the HPC meeting shall be published in a newspaper of general circulation and the agenda for a public meeting shall be properly posted.
 3. The HPC shall complete its review and make its decisions or recommendations within the timelines established in state statutes, unless an extension of time is necessary and agreed to by the applicant.
 4. The HPC reviews the request for Certificates of Appropriateness under the following procedures:
- B. Public Meeting
 1. The County Planning official reviews each application, certifies it complete and, within seven days of certification, causes notice of application to be provided in accordance with the appropriate decision making level established in ICC 16.19.040.A (Table A). After the notice of application has been given and following the close of the 14 day public comment period, the application shall be heard by the HPC.
 2. The HPC, 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 HPC shall make its decision or recommendation within thirty (30) days of the receipt of a completed application by the County.

3. The HPC's decision or recommendation on the COA shall be in writing and shall state the reasons relied upon in reaching its recommendation. A decision or recommendation to deny a Certificate of Appropriateness shall state the specific reasons for the denial and explain why the proposal is inconsistent with the requirements of this chapter and adopted Guidelines for the Reserve.
4. The decision or recommendation on the Certificate of Appropriateness shall be transmitted to the Planning Director. The Planning Director shall transmit the COA decision or recommendation to the owner, applicant, and any agents at the addresses provided in the application.

17.04.150 Demolition or Relocation of Contributing Buildings or Structures or Historic Resources

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 of Contributing Structures. It is also the intention of the County and Partners to discourage the relocation of Contributing Structures or Historic Resources. A property owner wanting to demolish (in whole or part) or to relocate a Contributing building or structure must receive a Certificate of Appropriateness before the action will be approved by the County. Such demolition is subject to further review under the State Environmental Policy Act.

- A. The procedures and criteria established in this section may be altered through review and approval of a Heritage Farm Plan under the alternative compliance procedure set forth in ICC 17.04.160, however, such demolition is subject to further review under the State Environmental Policy Act. The existing Town or County ordinances governing demolition of agricultural structures will continue to apply unless a Heritage Farm Plan is approved.
- 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 HPC may issue a Certificate of Appropriateness with a waiver from some or all of the above requirements in cases where it has been demonstrated that:
 - a) Relocation can occur while retaining the same historical context and without damaging the building; or
 - 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 a ~~n historically significant~~ Contributing building or structure without first receiving the required Certificate of Appropriateness, the owner may be subject to a civil penalty of up to \$500.00 per day. The property owner may also be subject to special valuation disqualification as stated in WAC 458-15-070.

17.04.160 Alternative Compliance – Heritage Farm Plan

Many of the farms within the Reserve contain clusters of ~~historically significant buildings, constructed over a period of time, that are significant to the Reserve. Many of these structures are Historic Buildings or Contributing Structures. Contributing 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.~~

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~~ Contributing 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 HPC 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.

17.04.170 Procedures for Changes to the Guidelines

- A. Upon recommendation from the HPC, 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. Any such minor changes shall be forwarded to the Trust Board, 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 Commissioners. Such changes are only effective upon approval by both legislative bodies, consistent with the terms and conditions of the Interlocal Agreement.

17.04.180 Political Subdivisions, Special Purpose Districts, and Public and Private Utility Projects

- A. In order to achieve consistency with the Ebey’s Design Guidelines and in order to promote efficient and effective planning for the capital needs of those Political Subdivisions, Special Purpose Districts, and Public or Private Utility Owners, hereinafter referred to as Service Providers; the Service Provider should initiate the Design Development process for new and replacement facilities with the Reserve Committee prior to commencement of formal design development activities and permitting processes, as applicable.
- B. A pre-application meeting with the Reserve Committee shall be held at least 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 both the Town and County Comprehensive Plans and the Reserve Management Plan.

17.04.190 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 Historic Resources. 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 Contributing Structures that meet the National Register criteria may be designated in the future. The Town and County Planners are directed to record this attachment as a matter of public record in the Office of the Island County Auditor.

17.04.200 Review and Monitoring of Property for Special Property Tax Valuation.

- A. This section implements the local option special valuation tax incentive program as established in Chapter 84.26 RCW. “Special valuation tax incentive program” or “special valuation” means the local option program which makes available to property owners a special tax valuation for rehabilitation of historic property under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten (10) years, the actual cost of the rehabilitation.
- B. Timelines.

1. Applications must be filed with the County Assessor's office and shall be forwarded to the HPC by the assessor within ten (10) days of filing.
2. For applications filed at least thirty (30) days prior to the next regularly scheduled meeting of the HPC, the case may be put on the agenda for that meeting. If there are not thirty (30) days, the case will be scheduled for the next regularly scheduled meeting of the HPC.
3. Applications shall be reviewed by the HPC before December 31st of the calendar year in which the application is made.
4. HPC 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 1st, 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 HPC within ten (10) days of receipt of the completed application.
3. The HPC reviews the application, consistent with its rules and procedures, and determines if the application is complete and if the property meets the criteria set forth in WAC 254-20-070(1) and listed in Section 16.12.080(I)(3).
4. If the HPC finds the property meets all the criteria, then it may be approved. If the HPC determines the property does not meet all the criteria, then it shall deny the application.
5. The HPC 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 HPC determines in a manner consistent with its rules of procedure, whether or not property is disqualified from special valuation either because of:
 - a) The owner's failure to comply with the terms of the agreement; or
 - b) Because of a loss of historic value resulting from physical changes to the building or site.
8. For disqualified property, pursuant to RCW 84.26.080, the HPC shall notify the owner and assessor in writing and state the facts supporting its findings.

D. Criteria.

1. Historic Property Criteria. The class of property eligible to apply for special valuation in Island County shall mean all property listed on the National Register of Historic Places or all property containing Contributing Structures in Ebey's Landing National Historical Reserve, ~~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 HPC;

- f) Samples of utilized materials may be required by the HPC; and
 - g) Other information as required by staff or the HPC at a pre-application meeting.
3. Property Review Criteria. In its review the HPC shall determine if the property meets all of the following criteria:
- a) The property is a historic property which is ~~designated to local or~~ listed on the National Register of Historic Places or contains a Contributing Structure within the Reserve;
 - 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 HPC as minimum requirements for determining whether or not a historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.
- E. Agreement. The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the HPC as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).
- F. Appeals. Any decision of the HPC acting on any application for classification as historic property, eligible for special valuation, may be appealed to superior court under RCW 34.04.130 in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization.

17.04.210 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.

17.04.220 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 or the Town of Coupeville Planning Department and research and review *The Ebey's Landing National Historical Reserve Design Guidelines* and associated procedures and regulations, as well as any previously issued permits, to determine restrictions, if any, which have been placed on the subject property.

The owners of property within the Ebey's 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 Contributing 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:_____

17.04.230 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 Contributing 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.

17.04.240 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 & Contributing Structures

STRUCTURE NAME/SITE	ADDRESS	PARCEL NO
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
STRUCTURE NAME/SITE	ADDRESS	PARCEL NO
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
STRUCTURE NAME/SITE	ADDRESS	PARCEL NO
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
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TOWN OF COUPEVILLE
Historic Sites

STRUCTURE NAME/SITE	ADDRESS	PARCEL NO
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
STRUCTURE NAME/SITE	ADDRESS	PARCEL NO
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
STRUCTURE NAME/SITE	ADDRESS	PARCEL NO
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 th 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
STRUCTURE NAME/SITE	ADDRESS	PARCEL NO
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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