

Chapter 17.04

Ebey's Landing National Historical Reserve

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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.

As a matter of public policy Island County and the Island County Historical Review Committee (H.R.C.) is committed to protect Ebey’s Landing National Historical Reserve as established, for the preservation of Island County’s regional history, architecture, Scenic Vistas and cultural heritage. The H.R.C. seeks to ensure the longevity of the unique landscape for generations to come by implementing standards for development within the Reserve while fostering civic awareness and pride to maintain this treasure for the enjoyment, education and welfare of the local community and our Nation. The H.R.C.’s goals and responsibilities are as follows:

- A. To protect, enhance and preserve Contributing Structures, buildings and landscape features which represent elements of the Reserve’s cultural, agricultural, historic, social, economic, scenic, natural and architectural history.
- B. To maintain the Reserve’s viability and property values through managed preservation of historic and scenic landscapes and associated historic structures.
- C. To strengthen the area’s economy by protecting and enhancing the Reserve’s attraction to visitors and supporting agriculture use within the Reserve.
- D. To maintain the economic viability of farms within the Reserve by working with the agricultural community to preserve significant Cultural Landscapes while allowing new economically viable and compatible construction.
- E. To assist the public in making development decisions which are compatible with the Reserve’s character and long term preservation.
- F. To educate and provide outreach and awareness to the property owners of the Reserve.
- G. Work with the Trust Board to aid in preserving and maintaining Scenic Easements as established under the National Park Service (N.P.S.).
- H. To make determinations concerning the eligibility of individual properties for special tax valuation.

(Ord. C-84-05 [PLG-017-04], July 25, 2005, vol. 2005, p. 236)

17.04.020 Applicability

This Chapter shall apply to applicants seeking a development permit to: divide, clear, or develop land, build, remodel, or demolish property within Ebey’s Landing N.H.R. as defined herein.

(Ord. C-84-05 [PLG-017-04], July 25, 2005, vol. 2005, p. 236)

17.04.030 Definitions

All definitions of Chapter 17.03 ICC are incorporated into this Chapter unless modified below. Where terms are not defined in this code such terms shall have their ordinary accepted meanings within the context with which they are used. Capitalized words and phrases identify a defined term.

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

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

Contributing Area: Area within the Reserve that is designated as having high scenic, historic value and rural character and thus requires review of land development permits and sensitive siting of new improvements.

Contributing Structure: A building, structure, site or landscape that is listed on the National Register of Historic Places.

Cultural Landscape: A geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.

Director: Island County Planning & Community Development Director.

Earth Tones: Colors that are of shades that blend with natural surroundings, such as darker greens, browns, grays, and reds.

Façade: The architectural term for the face of a building or structure.

Fenestration: The arrangement, proportion and design of windows and doors in a building.

Historic Character: The physical qualities of a building, structure, site or landscape that reflect history/past events.

Land Development Application: Applications for land development such as site plan review, variances, clearing and grading permits on a lot within the Historical Reserve.

Limited Review Area: Area within the Reserve requiring limited review for development permits due to location and extensive development.

Massing: The relationship of building proportions such as: height, width, and bulk.

National Register of Historic Places: Nation's official list of historic properties (districts, buildings, structures, sites, objects) which have been designated as such by the United States Secretary of the Interior and determined worthy of preservation.

Reserve: Ebey's Landing National Historical Reserve.

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Scenic Easement: Easements within the Reserve purchased and administered by the N.P.S. and Trust Board.

Scenic Vista: A picturesque, pastoral scene of rural land and/or open space with little or no modern intrusions.

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

Trust Board: Trust Board of Ebey's Landing N.H.R.

(Ord. C-84-05 [PLG-017-04], July 25, 2005, vol. 2005, p. 236)

17.04.040 Appointment of Members

- A. The Board of Island County Commissioners shall make all appointments to the H.R.C. utilizing the following guidelines:
1. A representative of a local patriotic, preservation, or historical society or organization;
 2. An architect, if available, or a landscape architect or planner;
 3. Two (2) representatives of the community who reside within the geographic area of the Reserve;
 4. A member of the Island County Planning Commission;
 5. One (1) representative of the community at large with knowledge or expertise in historic preservation, if available; and
 6. The Island County Building Official or designee as a non-voting ex-officio member.
- B. Special Membership: Central Whidbey Historic Preservation District. In addition to those members stated above, two (2) representatives of the Ebey's Landing National Historical Reserve Trust Board shall be appointed upon recommendation of the Trust Board.
- C. The initial appointments shall be for staggered terms, providing that two terms shall expire in one (1) year, one in two (2) years, one in three (3) years, and one in four (4) years. Thereafter, all such appointments shall be for a term of four (4) years.
- D. All members shall serve without compensation.
- E. The Committee shall adopt Rules of Procedure.
- F. The Island County Planning and Community Development Department shall provide assistance in the form of staff time and operating supplies as deemed advisable by the Island County Planning and Community Development Director.
- G. Appointments will be made by the Board of Island County Commissioners immediately upon the departure of any representative.

(Ord. C-84-05 [PLG-017-04], July 25, 2005, vol. 2005, vol. 236)

17.04.050 Responsibilities of Historical Review Committee for Special Tax Valuation

A. The committee shall have the responsibility to:

1. Make determinations concerning the eligibility of individual properties for special tax valuation;
2. Verify the improvements are consistent with the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;
3. Enter into agreements as required under WAC 254-20-070(2);
4. Approve or deny applications for special valuation; and
5. Monitor property for continuous compliance with the agreement and statutory eligibility requirements.

B. The class of historic property that is eligible for Special Tax Valuation is properties listed on the National Register of Historic Places.

(Ord. C-84-05 [PLG-017-04], July 25, 2005, vol. 2005, p. 236)

17.04.060 Map of Contributing and Limited Review Areas in Ebey’s Landing National Historical Reserve¹

(Ord. C-84-05 [PLG-017-04], July 25, 2005, vol. 2005, p. 236)

17.04.070 Process

Upon submittal of a building permit to Island County Planning and Community Development the Historical Review Committee shall review and comment on the application at the next scheduled Historical Review Committee meeting. The H.R.C. shall be responsible for reviewing the applications, transmitting comments, which shall include the basis of the findings, and recommendations at the meeting for all building permit applications and forwarded to the Director.

All land divisions and Land Development Applications are subject to the prescribed timelines of Chapter 16.19 ICC. All comments and recommendations from the H.R.C. must be received by the Director within 14 days upon request from the County. It is highly recommended that Applicants meet with the H.R.C. early in the review process.

(Ord. C-84-05 [PLG-017-04], July 25, 2005, vol. 2005, p. 236)

17.04.080 Standards

Due to the Reserve's diversity, each site is considered individually with regard to its significance and surroundings. When evaluating proposals for projects adjacent to existing buildings and developments that do not conform to the integrity of the Reserve, the H.R.C. will consider the overall desired intent for the Reserve as a basis for its review. Development Proposals and land divisions, including public construction projects, affecting scenic views, buildings and/or sites of significant historic and/or archaeological value, as identified upon the official map establishing

¹ **Reviser’s Note:** The “Map of Contributing and Limited Review Areas in Ebey’s Landing National Historical Reserve” may be obtained from the Island County Planning and Community Development Department.

the district, shall be referred by the Director to the Historical Review Committee for review and comment.

Pursuant to the Map in 17.04.060, the Reserve is broken into two categories, areas requiring extensive H.R.C. review of structures and Development Proposals and those areas that require limited H.R.C. review. The H.R.C. will use the “Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” as the basis for decisions on applications within the Reserve.

A. Land Division

Applications for land division within the Reserve are subject to the following standards:

1. Follow existing implied land divisions such as: tree lines, hedgerows, and roadways, when possible and practical. Driveways and roads should preserve existing native vegetation, coincide with natural contours, respect historical patterns of development and maintain a rural character in their width and materials;
2. Building envelopes shall be established through the subdivision process in order to preserve open space and protect critical areas pursuant to ICC 17.03. When a building envelope has been proposed, reviewed and approved under this Section, subsequent review of the building envelope will not be required unless project has changed significantly;
3. Divide property in such a manner that home sites can be established which preserve historic land use and prime agricultural soils;
4. Maintain Scenic Vistas and views of historic structures listed on the National Register of Historic Places as seen from public right-of-way;
5. Maintain vegetative buffers to enhance wildlife corridors and to screen new development;
6. Maintain historical landscape patterns by siting or Clustering utilities and buildings together and along edges of fields and woodlands to preserve open space; and
7. Electrical, telephone, cable and miscellaneous utility lines shall be installed underground in Contributing Area and when feasible elsewhere.

B. Land Development Applications

When reviewing Land Development Applications, the following shall be considered:

1. Preservation of landscape features that are characteristic of the rural setting (such as hedgerows, wooded lots, open fields, etc.) and consideration of historical patterns of development;

2. Maintain Scenic Vistas and views of historic structures listed on the National Register of Historic Places as seen from public roadways;
3. Maintain historical landscape patterns by siting or Clustering utilities, buildings and parking near edges of fields, woodlands or other natural features to preserve open space;
4. Placement of electrical, telephone, cable and miscellaneous utility lines shall be installed underground in Contributing Areas and when feasible elsewhere;
5. Parking areas for any home occupation or home industry in the Contributing Area shall be fully screened with vegetation characteristic of the Reserve and shall not be visible from any public right-of-way when possible; and
6. New development shall be designed to preserve Sensitive Areas, Rural and Historic Character and Cultural Landscapes of the Reserve.

C. Sewage Disposal Permits

Prior to obtaining a sewage disposal permit applicants should consult the H.R.C. with regard to the location of the systems on the property in an attempt to ensure placement will preserve open space and Rural Character.

Chapter I:

D. New Construction and Alterations to Existing Buildings/Structures

The following standards shall apply to structures proposed in areas requiring H.R.C. review pursuant to 17.04.060:

1. New construction should be sited on property in such a way so as to minimize their visual obtrusiveness, maintain open space, and be designed to fit with the environment, especially in Contributing Areas;
2. New design shall acknowledge a property's specific site characteristics. For example, structures in open fields should reflect the rural farmhouse style of architecture;
3. Building Massing and scale should be consistent with adjacent conforming structures and landforms. Buildings or structures that are not of usual form or shape historically found in the Reserve are not permitted in Contributing Areas;
4. Building materials including windows, siding and building colors should not "stand out" but rather be of Earth Tone shades that blend with the natural and cultural surroundings if located in a Contributing Area. Dark roofing shall be required throughout the Reserve. Reflective and glare producing finishes are not permitted;

5. The design of building features such as Fenestration, trim, decks, awnings, roof lines and Façade treatment may be required to break up building Massing and appearance;
 6. Applicants should design projects to minimize the removal of native trees and hedgerows. The H.R.C. may require landscaping to mitigate for harsh building lines. Native and drought tolerant plant materials should be used when possible;
 7. Buildings should be clustered to maintain Scenic Vistas and Rural Character. This may require the use of multiple smaller buildings versus one large building or the use of sensitive design that incorporates this concept;
 8. Appurtenances to structures such as mechanical equipment, satellite dishes, radio antennas and microwave towers shall be placed and designed so as to minimize their visual impact from public right-of-ways and Scenic Vistas;
 9. Placement of electrical, telephone, cable and miscellaneous utility lines shall be installed underground in Contributing Areas and when feasible elsewhere;
 10. Locate parking, temporary structures, boat and recreational vehicle storage so as to screen them from Scenic Vistas and the public right-of-way;
 11. Walls and fences shall be in keeping with the historical patterns and materials used in the Reserve;
 12. New driveways and roads will conform to existing contours and land features to the extent practicable. Roadways and drives should be kept to a minimum with regard to length and width and sited so as to retain open space;
 13. Additions to extend buildings and structures shall respect the existing roofline, materials, textures, scale, design and mass of the building/structure;
 14. New construction should be sited on property in such a way so as to minimize their visual obtrusiveness, maintain open space, and be designed to fit with the environment, especially in Sensitive Areas; and
 15. Structures or buildings not entirely built on site in the Contributing Area of the Reserve shall include elements such as siding pattern, skirting if required, window treatments, decks and a minimum roof pitch of 4:12 to help achieve conformance with the Reserve's character.
- E. **Existing Historical Structures.** "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" should be used as review guidelines.

1. Alterations for historic structures will be considered carefully with emphasis placed on the preservation of the exteriors of Contributing Structures. Work should maintain historic character.
 2. Adaptive reuse of structures is encouraged when historic integrity of structure is maintained.
 3. New materials and finishes shall match or complement those historical features of the existing structure.
 4. Refer to 17.04.080.D New Construction and Alterations to Existing Buildings/Structures for specific requirements relating to construction and landscaping within the Reserve.
- F. **Accessory Structures.** Accessory structures will conform to the following standards.
1. **Agricultural Buildings.** Structures used for agricultural purposes within the Reserve shall meet the following standards:
 - a) Agricultural buildings should be scaled to the proposed or existing agricultural use while remaining compatible with existing agricultural buildings located in the Reserve;
 - b) Dark shades such as red, brown, gray and green that blend with the natural and cultural surroundings are required;
 - c) Reflective and glare producing finishes are not permitted. Dark metal pre-fabricated materials are not considered reflective; and
 - d) Agricultural buildings should be clustered to maintain agricultural lands, Scenic Vistas, and rural character.
 2. **Signs.** All signage within the Reserve shall meet both Island County Code 17.03.180.R and the following H.R.C. standards:
 - a) Signs attached to residential historic structures shall not be approved by the H.R.C, unless the sign is distinguishing the structure as a landmark. Use of small monuments is encouraged;
 - b) Signs along roads, in front of buildings and in Scenic Vistas should be unobtrusive and in keeping with the rural, pastoral character of the Reserve;
 - c) Neon signs and back-lit signs are not permitted;
 - d) All sign lighting shall be indirect downward. Full cut-off shields are required on all lamps;

- e) Signs in commercial areas shall be pedestrian-oriented in size and shape. Lettering and symbols should be simple and bold and in keeping with Reserve character;
 - f) Signs should be non-obtrusive and flush with the buildings to which they are attached;
 - g) Signs shall not project above building cornices;
 - h) Signs adjacent to historical structures shall be architecturally sensitive and designed to fit the setting;
 - i) Interpretive signs identifying historic sites and signs for disability assistance shall be reviewed for consistency and sensitive placement;
 - j) Wooden signs are recommended to maintain the character of the Reserve; and
 - k) Signage attached to vehicles and objects advertising a business, sale or lease opportunity are not permitted within the Reserve. Sale of agricultural products is exempt.
3. **Communication Towers.** Communication Towers are under strict review by the Island County Planning and Community Development Department ICC 17.03. To help protect the Reserve the following standards shall be applied in addition to those listed in 17.03 ICC:
- a) Communication Towers shall not be placed in historic or Scenic Vistas or Scenic Easements;
 - b) Communication Tower configuration, material and color must be designed to blend with natural features and shall have minimal visual impact on the Reserve;
 - c) Power pole swap outs are preferable as an alternative to Communication Towers;
 - d) Communication Towers that are required to have warning lights are prohibited in the Reserve; and
 - e) Associated utilities must be screened with natural wood fencing and planting of native vegetation may also be required to minimize impact.

4. **Utilities, Transformers, Sub Stations and Mechanical Equipment.** These structures shall be located in Limited Review Areas of the Reserve with the following standards:
 - a) With the exception of residential transformers solid wood fencing is required to screen equipment;
 - b) Planting around enclosed utility areas with native vegetation is required to soften the appearance; and
 - c) Enclosures shall meet all applicable code requirements regarding fire protection.
5. **Miscellaneous Structures.** Structures requiring a building permit, not specifically listed herein will be reviewed under the H.R.C. standards, which most appropriately address their impact on the Reserve. In general, these should not detract from the rural, pastoral and scenic character of the Reserve and should be similar in nature to design onsite if visible from a public road.

G. **Lighting.** All lighting within the Reserve shall meet both Island County Code 17.03.180 R and the following H.R.C. standards:

1. Lighting attached to historic buildings should be carefully designed to be in keeping with the Historic Character of the building; and
2. Lighting should be integrated into the context of the structure and the surrounding landscape.

(Ord. C-84-05 [PLG-017-04], July 25, 2005, vol. 2005, p. 236)

17.04.090 Demolition

The demolition of any Contributing Structure in the Reserve is a loss of heritage for future generations and an irreversible impact to the Historical Reserve. Applications for Demolition of structures listed on the National Register of Historic Places Map in 17.04.140 are reviewed by the H.R.C. and subject to the following standards:

- A. The person requesting the demolition permit shall meet with the H.R.C. to review the proposal;
- B. Adaptive reuse of structures is preferred and encouraged over demolition of a Contributing Structure;
- C. If the Structure cannot be retained in its present location, the owner shall make a concerted effort to make the structure available for re-location to an appropriate site before demolition. Documentation of this effort must be provided to the H.R.C.;
- D. Documentation of all historic buildings and landscapes with color slides and black and white photos of all façades and setting/context must be submitted to H.R.C. prior to the issuance of a demolition permit; and

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E. Demolition permits may be delayed to accommodate this process for not more than 60 days.

(Ord. C-84-05 [PLG-017-04], July 25, 2005, vol. 2005, p. 236)

17.04.100 Disclosure Notice

A notice shall be executed for any plat, short plat, PRD, development permit(s) or building permit(s) approved by Island County and upon transfer of title of property located within Ebey's Landing National Historical Reserve in order to give notice to the property owner, prospective buyer or lessee.

The notice shall state:

"The property at _____ is located within Ebey's Landing National Historical Reserve. Island County has placed certain restrictions of construction on parcels within this district. Before purchasing or leasing the above property, you should consult the Island County Ebey's Landing National Historical Reserve Development Regulations contained within ICC 17.04 to review the restrictions which have been placed on the subject property. Consultation with the Island County Planning and Community Development or Central Whidbey Historical Preservation District Advisory Committee is also recommended. "

(Ord. C-84-05 [PLG-017-04], July 25, 2005, vol. 2005, p. 236)

17.04.110 Appeals

Appeals shall follow the provisions of the underlying permit.

(Ord. C-84-05 [PLG-017-04], July 25, 2005, vol. 2005, p. 236)

17.04.120 Violations/ Penalties

Any violation of Chapter 17.04 shall be enforced by the Planning and Community Development Director and shall be subject to the enforcement provisions of Chapter 17.03 ICC. Additionally any demolition of a structure listed on the National Register of Historic Places without the proper permit approval, shall result in an added fine, determined by the Director, of up to the full assessed value of the structure prior to demolition, based on the value assigned by the Island County Assessor's Office for the current tax year.

(Ord. C-84-05 [PLG-017-04], July 25, 2005, vol. 2005, p. 236)

17.04.130 Severability

If any provision or provisions of this Chapter or its/their application to any person or circumstance is held invalid the remainder of this Chapter and the application of such provision or provisions to other persons or circumstances shall not be affected. Where a conflict exists between the ICC and the H.R.C. standards, the more stringent shall apply.

(Ord. C-84-05 [PLG-017-04], July 25, 2005, vol. 2005, p. 236)

17.04.140 Map of Properties Listed on the National Register of Historic Places within Reserve²

(Ord. C-84-05 [PLG-017-04], July 25, 2005, vol. 2005, p. 236)

² **Reviser's Note:** The "Map of Properties Listed on the National Register of Historic Places within Reserve" may be obtained from the Island County Planning and Community Development Department.

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