

**JOINT ISLAND COUNTY PLANNING COMMISSION
TOWN OF COUPEVILLE PLANNING COMMISSION
SUMMARY MINUTES, COUPEVILLE REC HALL, COUPEVILLE, WA
OCTOBER 20, 2009**

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

UNFINISHED BUSINESS – Fourth public hearing

Ebey’s Reserve – Proposed amendments to the standards and procedures that regulate development within Ebey’s Landing National Historic Reserve. These amendments modify permit review procedures, development standards, changes to the Island County Public Benefit Rating System and Comprehensive Plan, and they incorporate references to a companion design manual.

Town Planning Commission Chair David Day opened the joint meeting for Town of Coupeville Planning Commission

Present: Chair, David Day, Commissioners Doug McFadyen, Chet Baker, Molly McPherson, Larry Kwarsick – Town Planner, Nanc Garner – Secretary

Others Present: Mimi Sheridan – Consultant, Mark Preiss - Ebey’s Reserve Manager

Chair Ray Gabelein called the Island County Planning Commission hearing to order.

ROLL CALL

Scott Yonkman, Terry Reynolds, Val Hillers, Mike Joselyn, Ray Gabelein, Mahmoud Abdel-Monem, William Lippens

Staff Present: Bob Pederson – Planning Director, Brandon Sweeza – Long Range Planner

APPROVAL OF MINUTES

August 25, 2009

Commissioner Reynolds moved to approve the minutes as written, Commissioner Hillers seconded, motion carried unanimously.

APPROVAL OF MINUTES

September 15, 2009

Commissioner Hillers moved to approve the minutes as written, Commissioner Joselyn seconded, motion carried unanimously.

Mark Preiss, Ebey's Reserve Manager provided an introduction and explained the uniqueness of the National Reserve, the only one of its kind in the nation. He reminded the audience of the great history of stewardship toward Ebey's National Reserve. The commitment of the partners is necessary to succeed.

Town Planner, Larry Kwarsick provided background of the process and goal of a unified Code for the Town and the County at the recommendation of the Town Council and the Board of Island County Commissioners. He provided information on the next steps:

1. Deliberation of the Planning Commissions with a recommendation to the Board of Island County Commissioners and the Town Council.
2. Joint workshops by these bodies with further public input.

Bob Pederson, Island County Planning Director provided an introduction to the materials provided at this hearing.

1. The staff report, which restates the goals and objectives as well as addressing some of the questions brought up by the public.
2. Draft proposal of the Unified Code, which in its final form would replace CTC 16.12.080, Design Review Board and Community Design Standards and ICC 17.04, Ebey's Landing National Historical Reserve.

ITEMS FROM THE PUBLIC

None

Chair Gabelein opened the public hearing for comment:

Paula Spina – 1025 Crockett Farm Rd, Coupeville

Expressed her appreciation of the American process that allows each person to express their opinion; then stated how special the Reserve is and how essential it was to protect it. Felt regulations would remove a small amount of the property owners' freedom, but would in turn increase property values. She believes the Reserve neighbors should sit on the Reserve Commission and that well defined standards are important.

Alan Whitman – 4234 Indian Point Lane, Langley

Spoke in depth about amateur radios and their necessity during emergencies. He stated he was the radio officer for RACES, which is administered by local county and state emergency management agencies and is a part of the Amateur Radio Service that provides radio communications during emergencies to the Red Cross, Whidbey General, etc.

Amateur Radios need tall towers to be effective, "higher works better". Preventing radio amateurs from erecting reasonable antenna support structures will significantly interfere with their ability to provide a valuable service to the community when it is most needed. He urged the Planning Commission to support the amateur radio operators.

Steve Foster – 547 Scenic Heights Road, Oak Harbor

He referred to page 6, first paragraph on communication towers and said he also agreed with the comments provided by the previous speaker, Alan Whitman on the same subject. He thanked

everyone for their participation in the process but was unhappy with the proposed commission committee makeup.

Ron VanDyke – 307 NE Front St., Coupeville

Provided a verbal history of how the Reserve came into being. He served on various committees and over the years has seen how added or new regulations make for controversy in a community. He appealed to the Planning Commissions to make it more efficient with combined rules, but to make it so everyone could enjoy living here and paint their house the color they want. He thanks everyone for their contribution to the process and hopes there will be a successful outcome.

Leigh McWilliams – 935 West View Ridge Dr., Oak Harbor

He requested a response to the statement “ideally property owners would be on the commission” and what that actually meant. He would also like to see a fee schedule related to this (application and building fees). He thinks it should be mandatory that people with significant property should be on the commission.

Claire Pickard – 1095 Burchell Rd. Coupeville

Thanked all involved for their hard work. Addressed the color palette and feels many who have expressed concern have done so out of fear and not knowing how it would be. Those who want to paint their house green, get to paint their house green. The Design Review Board only helps direct someone to the right shade of green. How a place looks will affect the economy.

Rufus Rose – 6529 Four Sisters Lane, South Whidbey

Wanted to know what economic impact these proposed regulations would have. He said the methods and procedures used to determine the economic impact should be clearly laid out. They should include an imputation of the value of the time people spend.

He felt there were issues that needed to be documented, such as how long the process should take and who should decide. He felt the documentation should include the disclosure requirements in buying and selling these properties. He wanted to know what appeal process there would be and felt they should only be made to elected officials. He also encouraged consideration of creating a special taxing district with elected official answerable to those in the district. He hoped there was consideration for municipal buildings to be included in this review.

Mel Vance POB 2882, Oak Harbor

Touched on the history of amateur radio antennas and expressed concerns of amateur radio antennas being classified as Type III or Type C decision. Other Type III decisions are major projects or demolitions and amateur radio antennas do not fit in that classification. He recommended they be a Type II or Type B decision. He then provided a visual example of the type of telescoping antenna most amateur radio operators would want to be placing on their roof, but according to these regulations would not be allowed. With those concerns stated he said he did in general agree with accepting the staff’s recommendation.

Tom Tack – 710 N. Main, Coupeville

Stated he is a member of the HRC and owns a historic home in town. He liked what this process does, streamlining small projects. He further stated having a unified process between the Town and the County clarifies and makes things easier than they currently are.

Gretchen Luxenberg – 123 N. 82nd, Seattle

Stated she is a member of the HRC which is there to protect Ebey's National Historic Reserve. The town and surrounding area has national significance and it is not about preserving individual interests but preserving the area for the nation. The new ordinance will manage the change that is coming and protect it for future generations and supports the process. She commented on radio antennas and their visual impact, stating that they are massive. She urged the Planning Commission not to throw out the proposed color palette as part of the process, as it is an important tool to mitigate visual impacts of construction. She also wanted them to pay attention to major land use actions, stating they should not be advisory.

Wilbur Bishop 1520 Hill Rd., Coupeville

Expressed concerns on the goal of supporting agricultural use in the Reserve, he does not see how this ordinance is doing anything to preserve agriculture. He does not want to see more regulations and he thinks he will need to have more approval to do anything on his property with the proposed process. He would like exemptions be more clearly defined as it relates to mechanical farm equipment, radio towers, etc. He appreciates how far the Reserve has come but thinks that there are too many regulations that hamper farming, if they want to support Commercial Ag, exempt Commercial Ag from things such as fencing.

Kelly Keilwitz – 986 Wannamaker Road, Coupeville

Expressed his support for sustainability, he referred to page 63 and wanted to know more about the reference to photo voltaic panels and their placement. He commented on windmills for consideration on a case by case basis and who will make the decision, stating there is a lot of objectivity in the language. He is the owner of Whidbey Sun and Wind and stated that a wind turbine needs to be at a certain height in order to work properly. Regarding the overall proposed guidelines, he is concerned that the Reserve is not just about history and scenic views but also for supporting a sustainable way of life. He does not want the Reserve to be turned into a museum or giant homeowners association.

Robert Warder – 209 NE Ninth Street, Coupeville

Wanted to know what the term enforceable action meant and wants to see information on fines and penalties. Expressed concerns about the DRB instituting action without any explanation of fines and penalties. He believes the National Parks Service has a new agenda and that historic homeowners need consulting. Historic homeowners need technical help fixing their homes as well as financial assistance.

Gary Ray – 1153 American Lane, Coupeville

Feels everyone should be represented on the commission, not just those whose objective is preserving the Reserve. He feels someone should be on the commission representing the property owners. He felt the language referring to green buildings and the boundaries of the Reserve needs clarifying as well as what (buildings) can be seen from the Reserve. He believes a lot of people who are not at the meeting tonight don't feel represented in the process. Historical homeowners should be provided help to preserve these structures before they are beyond help.

Georgie Smith – 399 S. Ebey Road, Coupeville

Stated she is concerned about orchard removal and the amount of money it will take to maintain trees. She has an issue with the proposed fencing heights and agrees that the Reserve should not

be a museum but a working, cultural landscape. The people must be able to live here to financially not only maintain the working farms, but actually make a living on them.

Rene Smith – 399 Ebey Rd., Coupeville

Expressed concerns about the costs of maintaining these historic structures. Rehabilitating a barn to make it look like it always did and at the same time turning it into a home cost them much more than it would have if they had torn it down and built a new one. She bought the home and building before the Reserve was established and it is difficult to maintain the home due to expenses. She has a tin roof on her historic building and would not be able to replace it with shake wood, as proposed in the new guidelines, due to costs.

Commission Hillers moved to close the public comment portion of this hearing Commissioner Reynolds seconded. Motion carried unanimously by both Planning Commissions.

Recess

Larry Kwarsick addressed some areas of concerns:

- Protecting agricultural activities within the Reserve is a priority.
- Consistency in decision making.
- Fees structures will be uniform between the Town & the County.
- Sustainability is an item that needs more work, it may not be addressed at this level, but it remains a goal.

He stated that the guidelines were developed to preserve the landscape, taking an existing process and trying to make it better. He stated there is still a lot of work and fine tuning to do with the process.

Chair Ray Gabelein addressed the deliberation process. He would first like comments from the two Planning Commission board members expressing their comments of the draft guidelines in order to be able to vote on the issues.

Commissioner McPherson

Concerns:

1. Board make up – doesn't see a business prospective represented.
2. Economic hardship – page 14 # 2b – her concern is who makes the determination of whether it is an economic hardship upon the owner. Doesn't feel it should be specific to a person's finances in order to prove whether it is economically viable to keep a building.
3. 100' buffer seems like a lot, especially in town.
4. Concerned about how to best support farmers and agriculture.

Commissioner William Lippens

Concerns:

1. Financial implications for historic property owners.
2. Sustainability and energy impacts; it appears to be inhibiting positive creativity.
3. Structural reports required for demolition need to be more specific in regard to what the report should be addressing.

4. Board make up – too open ended, needs to be more fixed. Could have a caveat stating it needs to be a specific way unless you are unable to find people willing to serve, then it could have a different make up.

Commissioner Chet Baker

Concerns:

Cost to homeowners – it appears too costly for historic homeowners to upgrade their homes, discussed economic impacts and the need for financial relief.

Commissioner Mahmoud Abel-Monem

Concern:

Applicability on page 7, need to clearly identify which properties will be impacted by these regulations. He supports unified process and tiered evaluation.

Commissioner Doug McFayden

Concerns:

1. 51 properties in the Town are voluntarily designated as historic properties. The list before the Planning Commission has a 131 properties. He doesn't think it is appropriate to designate properties as historic without the property owners' agreement. Feels this is stepping on the property owners' rights. If it hasn't been voluntarily put on the list, the homeowner should have a right to either contest or agree with the designation.
2. Commission make up. There is not a lot of trust in government, if they don't trust who is on the committee, they won't trust the regulations. It needs to be a fair system and reasonably priced.
3. In reference to the October 13th memo, a lot of details are not agreed upon, at some level it needs to be addressed.
4. Concerned about the farmers and how to support agriculture.

Chair Ray Gabelein

Concerns:

1. Support of the Ag community is needed and doesn't understand why there aren't some exemptions for agriculture activities.
2. Page 2, sewage permits need to be done prior to going through the review process. What can be built will be greatly affected by where the onsite septic system is going.
3. Demolition by neglect – definition is still in the document and should be stricken.
4. Page 3 – earth movement, needs to be addressed regarding farms.
5. #15 on page 3 "... and further including at a minimum lands within 100 feet ...", but there is no maximum stated – it is way too broad.
6. Page 4, 27c talks about an area 100 ft. around the building and the sites. "Sites' needs to be removed.
7. Letter g under 27 is missing "in the Reserve".
8. Page 5 significant trees – should have a definition. The manual says 12 inches he would like to have background on where that came from. It should be much larger.
9. Page 8 1a - Administrative – "repair of existing structure to original" – if it doesn't meet the design standards. It should be changed to existing, not original.
10. Letter j – retaining walls – shouldn't need to go through a process.
11. Typo on page 11, # 2a needs to include the County Planning Director with Town Planner.

12. Page 12 – needs to have the next step – some type of an appeal process. (cross reference to 16.19.190)

Chair David Day

Concerns:

1. Make up of the commission in terms of their numbers and content and the question of whether they are an advisory board or quasi judicial should be stated. He would like to have 2 farmers on that body even if it means increasing the number to 11. The Reserve belongs to the whole country and the Planning Commissions' charge is to preserve that, but without viable farmers it will only contain farm land with weeds.
2. Ag exemptions.
3. Enforcement - no penalties listed – needs to be specified.
4. Sustainability and renewable energy needs to be looked at closer.
5. Colors – feels there needs to be a color palette.

Commissioner Mike Joselyn

Concerns:

1. Commission make up – needs to have a landscape architect and more farmers on the commission. These peers who will control the future of the Reserve should be made up of 3 farmers (active or not), 3 town members, 2 professionals, 1 person of business perspective and each one should have lived in Island County a minimum of ten years.

Commissioner Val Hillers

Concerns:

1. Page 3 definitions of historic buildings (includes listing section in the back appendix A) historic structures, historic site – must be precise. How does someone know if their property is contributing or non-contributing, it's not intuitive. It may list a property with 5 contributing and 4 non-contributing, but it does not indicate which is which. The list for the County has no order; it needs to be listed by tax parcel or in some manner.
2. Commission makeup – the assumption that the people who are really valuable have historic preservation experience is a concern, diversity brings value as well.
3. Page 6 – power and duties of the commission, 5c and d – updating the inventory designating additional properties – questioned as to whether the property owners are involved in this process.
4. Power of this commission to go onto private property, an important question to answer.
5. Page 8 i, 2c – needs clarity – after reading several times it is not clear what it means.
6. Page 9 1g – energy conservation and sustainability in area 2 – finds nothing on area 1 – who would deal with that?
7. Page 20 4b iii – statement that negatives have to be provided for photos – needs to be updated to say digital images.
8. Page 21 – disclosure statement – for leases if you are going to rent or lease – have to consult with Planning Dept. She asked if they really wanted people having to consult with the Planning Department before renting. Shouldn't it direct people to the web or the design manual? Felt it would be more significant for the disclosure statement to include whether that property is on the list of contributing properties and if it is, consult the manual.

Commissioner Reynolds

Concerns:

1. Farmers – don't need more regulations, concerned for their viability.
2. Energy – windmills can be beautiful on the landscape and have been included in other states in historic landscapes.
3. Towers for amateur radio operators – emergency communication is important.
4. Disclosure statement needs to be given to the Real Estate community.
5. Makeup of commission seems trust board heavy – needs more farmers and businesses represented.

Commissioner Yonkman

Concerns:

1. Economic impact of regulations on property owners especially farmers.
2. Make up of who will sit on commission – supports Commissioner Joselyn's comment.
3. Acceptable appeal process – likes the idea of it going to the Hearing Examiner.
4. Identifying exemptions for Agriculture and business to ensure every opportunity for survival.
5. Deal with ambiguous language and terms in the document.

Chair Ray Gabelein stated he didn't feel the Commissions were ready to vote on based on the comments. He felt a revised draft needs to be done in order to vote. He suggested staff re-work and asked for feedback from the other members of both Commissions.

Commissioner Chet Baker agreed more work needs to be done.

*Commissioner Yonkman moved to close public comment and have staff revise documents
Commissioner Abdel-Monem seconded, motion carried unanimously by both Commissions.*

A date to reconvene will be determined with an earlier start time.

Meeting adjourned at 9:58 p.m.

Respectfully submitted,

By Paula Bradshaw