

EXHIBIT A

Revision to 17.04 ICC

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.~~

~~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.~~

~~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.

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.

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.~~

~~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.~~

~~17.04.060 — Map of Contributing and Limited Review Areas in Ebey’s Landing National Historical Reserve[†]~~

~~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.~~

~~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 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~~

~~[†] **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.~~

~~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.~~

~~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 sealed 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.~~

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~~

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

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."

~~17.04.110 — Appeals~~

~~Appeals shall follow the provisions of the underlying permit.~~

~~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.~~

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

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.~~

**ICC 17.04 – EBHEY’S LANDING DESIGN REVIEW BOARD and COMMUNITY
DESIGN STANDARDS**

17.04.010 Purpose

The Board of County Commissioners, empowered by Chapter 36.70 RCW, after having been petitioned and holding public hearings, created a “Historic Preservation District” for Island County to protect the Ebey’s Landing National Historical Reserve (N.H.R.) on October 16, 1972. The purpose of this section is to provide for the protection of historic and prehistoric resources within Ebey’s Landing National Historical Reserve (Reserve) and to encourage the protection, preservation, restoration, and rehabilitation of historic or cultural resources within the Reserve for future generations in order to:

- A. To protect, enhance, and preserve Contributing Structures, buildings, and landscape features which represent elements of the Reserve’s cultural, agricultural, historic, social, economic, scenic, natural, and architectural history.
- B. To maintain the Reserve’s viability and property values through managed preservation of historic and scenic landscapes and associated historic structures.
- C. To strengthen the area’s economy by protecting and enhancing the Reserve’s attraction to visitors and supporting agriculture use within the Reserve.
- D. To maintain the economic viability of farms within the Reserve by working with the agricultural community to preserve significant Cultural Landscapes while allowing new economically viable and compatible construction.
- E. To assist the public in making development decisions which are compatible with the Reserve’s character and long term preservation.
- F. Promote and facilitate the early identification and resolution of conflicts between preservation of historic or cultural resources and alternative land uses.
- G. To educate and provide outreach and awareness to the property owners of the Reserve.
- H. Work with the Trust Board to aid in preserving and maintaining Scenic Easements as established under the National Park Service (N.P.S.).
- I. To assist, encourage, and provide incentives to property owners for preservation, restoration, and use of significant buildings, objects, sites, and structures.
- J. To make determinations concerning the eligibility of individual properties for special tax valuation.
- K. Work in collaborative effort with the Ebey’s Historic Reserve and the Town of Coupeville to have a unified long range vision and consistent designs within the County and Town.

17.04.020 Applicability

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

17.04.030 Design Guidelines Adopted

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

17.04.040 Definitions.

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

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

Board: Shall refer to the Island County Board of Commissioners, except where reference is made to the “local review board” for purposes of the special valuation tax incentive program.

Certificate of Appropriateness (COA): A document administratively issued or administratively issued upon recommendation by the Partners or Commission, which certifies that an action in the Reserve is consistent with the adopted Guidelines.

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

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

Contributing Structure: A building, structure, site, or landscape that has been designated as contributing in the Building and Landscape Inventory (1995) and those that are subsequently listed on the National Register of Historic Places.

Cultural Resources: 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. These areas include, but are not limited to, historic or prehistoric or archaeological sites and

standing structures, cemeteries, burial grounds and funerary objects, distributions of cultural remains and artifacts, etc.

Director: Island County Planning and Community Development Director.

Demolition: Destruction or removal, or relocation, of a building or structure, in whole or in part. Demolition pertains to the demolition or partial demolition of significant features of a building that are important to defining the building or structure's 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. This exclusion is valid so long as the demolition is done as part of a design review application.

Demolition By Neglect: The willful destruction of a structure caused by failure to perform maintenance over a long time period. A structure is considered demolished when human occupancy or use is judged as unsafe as defined by the adopted Building Code.

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

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

Development: Any proposal which will result in construction, development, earth movement, clearing, or other site disturbance and such proposal requires a Certificate of Appropriateness or associated land use permit, approval, or authorization from Island County.

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

Farm Cluster: The grouping of buildings or structures that have historically been used to support farming activities such as barns, outbuildings, silos, water towers, and farmhand housing. Farm clusters typically have a house, a main barn, and several outbuildings.

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

Historic Building or Site: A locally designated landmark building or site to include those designated as "contributing" in the Building and Landscape Inventory (1995) prepared for the Ebey's Landing National Historical Reserve and contributing" to the Central Whidbey Historic District and those that are subsequently added to the Ebey's Reserve Register of Historic Places National Historic Preservation Act and further including at a minimum lands within 100 feet thereof. The list of historic sites located within the County and Town are attached as Appendix A.

Land Development Application: Applications for Type 1, Type 2, Type 3, and Type 4 land development, as defined by Chapter 16.19 ICC, within the Reserve.

National Register of Historic Places: The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources.

Ordinary Repair and Maintenance: Work for which a permit issued by Island County is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structural appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.

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

Qualified Archaeologist: A person who has had formal training or experience in archaeology over a period of at least three (3) years, and has been certified in writing to be a qualified archaeologist by two (2) professional archaeologists, as defined in RCW 27.53.030.

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

Reserve: The Ebey's Landing National Historical Reserve. 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 is America's first historical reserve and a unit of the National Park Service which contains 17,500 acres, 18 working farms, 400 historical structures, native prairies, two state parks, miles of shoreline, a network of trails, and the second oldest town in Washington. A map representation of the Reserve, with geographic boundaries regulated under this Chapter, is attached hereto as Exhibit B.

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

Review Area: The geographic area or areas within which a regulated action may directly or indirectly cause changes in the character or use of historic properties. These areas include both cultural and natural resources with a historic, cultural, or aesthetic value.

There are 2 types of Review Areas:

1. Review Area 1 - The area or neighborhood that has a concentration of buildings or associated landscape and streetscape features that retain a high degree of historic character. These properties include all buildings visible across a prairie or water body or from a public road which shall also include the intrinsic links between the historic building and other historic features on the site. Such links

shall be visually protected in order to maintain the sense of the historic setting. This area includes:

- a) All historic (contributing) buildings and sites within the Reserve. These have the highest design review standards, to preserve their character and integrity;
 - b) All properties in the Coupeville Historic Overlay Zone and including properties that are visible from major roads or water bodies;
 - c) Other historic buildings in Coupeville, including their property and an area 100 feet around the historic building;
 - d) Properties that are visible from major public roads or Penn Cove;
 - e) All properties within the MOA zone designation of the Town of Coupeville.
 - f) Properties within the Town of Coupeville within the jurisdiction of the Shoreline Management Act and therefore visible from Penn Cove as well as property along Parker Road and SR 20 which were included by description, as shown on the map.
 - g) All properties within unincorporated Island County that are not located in Area 2.
2. Review Area 2 – The area within the Reserve requiring limited review for regulated actions. This Area includes buildings that are not visible from major roadways or historic areas. Area 2 includes:
- a) Within unincorporated Island County, those portions of the Sierra Subdivisions not adjacent to West Beach Road, those portions of the Penn Cove Parks Subdivision not adjacent to Monroe Landing Road, those portions of the Rolling Hills subdivisions east of the ridgeline, and the Penn Cove Park subdivisions, except that portion thereof adjacent to the shoreline and Monroe Landing Road,
 - b) New construction, additions, alterations, and accessory structures on properties in woodlands that are entirely screened from public view by heavy vegetation and for which covenants have been established which restrict the removal of the screening.

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

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

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

Special Purpose District: Every municipal and quasi-municipal corporation other than counties, cities, and towns. Such special purpose districts shall include, but are not limited to, water-sewer districts, fire protection districts, port districts, public utility

districts, county park and recreation service areas, flood control zone districts, diking districts, drainage improvement districts, and solid waste collection districts, but shall not include industrial development districts created by port districts, and shall not include local improvement districts, utility local improvement districts, and road improvement districts.

Town: Town of Coupeville.

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

17.04.050 Appointment of Members

The County and Town shall make all appointments to the Ebey's Reserve Historic Preservation Commission (the Commission or HPC), consisting of nine (9) members; appointed as described below. All members of the HPC shall be residents of the Reserve, except as provided for herein.

A. Commission Appointments

1. Four members are appointed by the Board; one of these four appointments would be based on the recommendation of the Trust Board of Ebey's Reserve.
2. Four members are appointed by the Coupeville Town Council; one of these four would be based on the recommendation of the Trust Board.
3. One member would be appointed jointly by the Board and Town Council, upon recommendation of the Trust Board.

B. Composition of Commission Members

1. Ideally, all members of the Commission should have a demonstrated special interest, experience, or knowledge in history, historic preservation, architecture, design, cultural landscapes, or related disciplines.
2. One (1) member should be an agricultural representative (working farmer, retired farmer or farm owner, or with an interest or background in agriculture) in the Reserve.
3. Ideally, two (2) members should own an historic building or structure within the Reserve.
4. Ideally, 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.
5. Ideally, the remaining members should reside in or own property within the Reserve and have a demonstrated interest historic preservation. Furthermore, an exception to the residency requirements of Commission members may be granted

by the Partners in order to obtain representatives from the desired list of professional disciplines.

C. Terms

1. The initial appointments to the Commission shall be staggered.
 - a) Two (2) members shall be appointed for one (1) year,
 - b) Two (2) members shall be appointed for two (2) years,
 - c) Two (2) members shall be appointed for three (3) years,
 - d) Two (2) members shall be appointed for four (4) years,
 - e) One (1) member, (i.e., the jointly appointed member) shall be appointed for five (5) years. Thereafter, the terms shall be for three (3) years. The Town and County shall each appoint a representative member during each period.
2. Following the initial appointment of members, membership on the Commission shall be limited to two (2) full consecutive three (3) year terms. Reappointment after two (2) full consecutive terms maybe made after at least a one (1) year absence.
3. Vacancies occurring other than through expiration of terms shall be filled for the unexpired terms. Members may be removed by the by their respective appointees for inefficiency, neglect of duty, or malfeasance in office. The members shall be selected without respect to political affiliations.

D. Powers and Duties. The major responsibilities of the Commission are to identify and actively encourage the conservation of the Reserve's historic and cultural resources by maintaining a register of historic places and to make recommendation on the issuance of Certificates of Appropriateness by the Planning Director, as described below. In carrying out these responsibilities, the Commission shall engage in the following:

1. Conduct design review and issue recommendations on Certificates of Appropriateness for alterations to historic structures and sites, demolitions or relocations of historic properties, and other actions as required herein;
2. With the Trust Board and the National Park Service as partners, 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 designating additional properties based on established criteria;
4. Act as the local review board for special tax valuation pursuant to Chapter 84.26 RCW and WAC 254.20 and for purposes of eligibility for loans, grants and other incentive administered by the Town or County; and
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(ies).

6. Advise staff should a compliance issue be observed regarding the Reserve's historical regulations, to enable appropriate monitoring and enforcement.

E. Compensation. All members shall serve without compensation.

F. Rules and Officers.

1. The Commission shall establish and adopt its rules and procedures not inconsistent with this section.

2. The Commission shall select from among its membership a chairperson and vice-chair to conduct the Commission's business. The chairperson shall not vote except in the case of a tie vote.

3. A quorum of the Commission must be present to conduct business.

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

H. Recommend amendments to the Guidelines to the Planning Directors of the Town and County.

I. Interlocal Agreement Required. Prior to review by the Commission of nominations or Certificates of Appropriateness for properties within the Reserve, an interlocal agreement between the Partners shall be established.

17.04.060 Review of Changes to Historic Buildings, Structures, or Sites

A. Review Required

1. No person shall demolish, partially demolish, or relocate a historic 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 structure or site within the boundaries of the Reserve without receipt of a Certificate of Appropriateness (COA) issued by the County, as required herein. The CAO review shall apply to all features of the property that contribute to its designation. This requirement shall apply whether or not the proposed action also requires a building or other land use permit. Information required to review the proposed changes is established herein.

2. All decisions involving applications for Certificate of Appropriateness shall be in writing and shall state the findings of fact and reasons relied upon in reaching the decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the subsequent building or land use permit(s) granted.

B. Exemptions. The following activities do not require a Certificate of Appropriateness although the activity shall still comply with the Guidelines specified in the Design Manual:

1. Emergency Repair
2. Alteration of interior features
3. Painting

C. Review Process. Requests for review and issuance of a Certificate of Appropriateness. The Director shall file a report on all applications for land use development or building permits within the Reserve to the Commission. If the activity is not exempt from review, the Planner shall notify the applicant of the review requirements and application procedures. The Planner shall not authorize the issuance of any permit by their respective government until a Certificate of Appropriateness has been issued as outlined herein. There are established three (3) levels of review for issuance, conditional issuance, or denial of a Certificate of Appropriateness. The approval time periods specified in ICC 16.19 for ministerial and administrative decisions, as now exist or are hereinafter amended, govern the decision making timeframes for Certificates of Appropriateness.

1. Level A Certificate of Appropriateness Decisions – Ministerial

- a) An administrative review of the COA by the Planning Director for actions listed below:
 - i. Repairs of existing structures using the same materials and design as the original (if the original materials conform to current design Guidelines).
 - ii. Re-roofing using the same type and color of material (if the original materials and colors conform to current design Guidelines).
 - iii. Replacement of sidewalks and driveways using the same type and color of materials (if the original materials and colors conform to current design Guidelines).
 - iv. Replacement of foundations or major portions thereof, using the same type and color of materials (if the original materials and colors conform to current design Guidelines).
 - v. Replacement of utility systems that do not alter the building exterior.
 - vi. Structural or seismic upgrades that do not alter the building exterior.
 - vii. Accessibility alterations that do not permanently alter the building exterior.
 - viii. Commercial, institutional, public, or residential signs that meet requirements in the Guidelines.
 - ix. Decks, porches, and walkways that meet requirements in the Guidelines.

- x. Retaining walls and fences that are less than 6 feet in height (based on pre-development grade) that meet requirements in the Guidelines.

2. Level B Certificate of Appropriateness Decisions - Administrative

- a) An administrative decision on the COA by the Planning Director, following review by the Reserve Committee, for actions listed below:
 - i. Demolition or relocation of non-contributing buildings.
 - ii. Design of short plats.
 - iii. Accessory structures that meet the requirements in the Guidelines.
 - iv. New construction in Area 2 or new construction that is totally screened (permanently from view from adjacent property, streets, and water bodies).
 - v. Clearing and grading activities including the removal of significant trees in Area 2.
 - vi. Energy conservation and sustainability improvements in Area 2.
 - vii. Farm Cluster Preservation Plans.
 - viii. Replacements in-kind consistent with the requirements of the Guidelines.
 - ix. Ideally, recommendations of the Reserve Committee shall be unanimous. The Planning Director may refer an application to the Reserve Commission for further review and comment when:
 - a. There is substantial disagreement amongst the Reserve on the application or on the conditions of the Certificate of Appropriateness; or
 - b. Upon the request of the applicant.
 - x. In the event of an application is unclassified, the Planning Director is authorized to assign the decision making process to application.

3. Level C Certificate of Appropriateness Decisions – Commission Recommendations

- a) The Reserve Commission shall review, comment, and make recommendations to the Planning Director on Certificates of Appropriateness for actions listed below. The Commission review shall occur in a public meeting:
 - i. Alterations of a historic structure;
 - ii. Additions to historic structures;
 - iii. New residential construction within Area 1;
 - iv. Removal of a noncontributing addition to a Historic Structure;

- v. Retaining walls and fences that are in excess of 6 feet;
- vi. Exterior alterations or additions to a contributing historic building;
- vii. Public park improvements visible from public rights-of-way
- viii. Major Land Use Actions to include plats, planned residential developments, over-water shoreline development, clearing and grading activities, conditional use permits, highway and street improvements involving the addition of lanes or the addition of right-of-way, and above-ground power transmission lines. The recommendations of the Commission on major land use decisions are restricted to design considerations and are advisory in nature and shall constitute a recommendation to the decision making body.
- ix. Demolition (partial or complete) and relocation of historic buildings (The standards for demolition are specified below).
- x. New Nonresidential (commercial, public, and institutional) buildings and structures within Areas 1 and 2;
- xi. New multi-family structures and modular or mobile home parks.

F. When a Certificate of Appropriateness is required, the following procedures shall govern:

1. Level A and B COA applications

- a) Applications for the Certificate shall be submitted to the County on forms provided by the County and in accordance with the following submission requirements:
 - i. a clear color photograph or photographs of the building, object, site, structure, and adjacent properties;
 - ii. a complete description of the intended work;
 - iii. a scaled site plan depicting existing and proposed structures and improvements, including significant trees, tree planting, buffering, and landscaping;
 - iv. scaled design elevations of new structures or improvements, alterations, and additions;
 - v. existing or proposed covenants as applicable;
 - vi. samples of construction materials. For historic structures, samples for comparison with the existing or the original building or structure;
 - vii. any supplemental information deemed necessary for review of the application by the County.

- viii. The County may waive standard applications requirements if not necessary to the decision making process due to the simplicity of the application.
- ix. The Planning Director may refer a Level B COA application to the Reserve Commission for a recommendation, in accordance with the procedures set forth herein, when in his or her opinion the proposed action potentially has greater impacts to the Reserve's cultural resources than similar applications. The timeframes for a recommendation from the Commission on the application shall run from the date that the application is referred to the Commission by the Planning Director.
- x. The Planning Director decision to refer an application to the Reserve Commission shall be made within fifteen (15) days from the date on which a fully complete application is received.

2. Level C COA Applications - Commission Review

- a) The owner or the owner's agent shall submit an application to the Planning Director for review of a proposed regulated action and request a Certificate of Appropriateness or, in the case of demolition, a waiver of a COA. An applicant must include within a request for a Certificate of Appropriateness established by administrative rule. Information required by the County will include information responding to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, referenced in WAC 254-20-100 and used by the Washington State Advisory Council on Historic Preservation and by the Commission. A copy of the standards is available at the County Planning And Community Development Department.
- b) The Commission shall meet with the applicant and review the proposed work according to their established in rules in a public meeting. Notice of the Commission meeting shall be published in a newspaper of general circulation and the agenda for a public meeting shall be properly posted.
- c) The Commission shall complete its review and make its recommendations within the timelines established in Island County Code 16.19 for Type II decisions, unless an extension of time is necessary and agreed to by the applicant.
- d) The Commission reviews the request for Certificates of Appropriateness under the following procedures:
 - i. Public Meeting:
 - a. The County Planning Official reviews each application, certifies it complete and, within seven days of certification, causes notice of application to be provided. After the notice of application has been given the application shall be scheduled before the Commission.

- b. The Commission, after reviewing the application and considering the information and comments received at the public meeting, shall make a written recommendation and forward same to the responsible Planning Official to grant, grant with conditions, or deny the application based upon the consistency of the proposed action with the requirements of this chapter. The Commission shall make its recommendation within thirty (30) days of the receipt of a completed application by the County, except that the applicant may waive the deadlines in writing for the Commission to forward its decision to the responsible Planning Official for permit issuance, however, the applicant must also waive any deadlines on the review or issuance of related permits that are under review by the County.
- e) The Commission's recommendation on the COA shall be in writing and shall state the findings of fact, conclusions of law, and reasons relied upon in reaching its recommendation. A recommendation to deny a Certificate of Appropriateness shall state the specific reasons for the denial and explain why the proposal is inconsistent with the requirements of this chapter and adopted Guideline for the Reserve.
- f) A copy of the recommended Certificate of Appropriateness shall be sent to the responsible Planning Official and mailed to the owner and the applicant at the addresses provided in the application.
- g) Following receipt of the recommendation on the COA by the Commission, the responsible Planning Official shall notify the applicant and publish a Notice of Intent (NOI) to approve, approve with conditions, or deny the Certificate of Appropriateness. This NOI shall be provided to any person who, prior to the rendering of the decision, made a written request for the NOI, or submitted substantive written comments on the application.
- h) The NOI shall indicate if there are any proposed changes to the Commission recommendations with respect to the COA.
- i) The NOI shall be issued within 5 days following issuance of the Commission recommendation. Interested parties may comment on the NOI to the responsible Planning Official. The comments period on the NOI shall run for 10 days.
- j) Following completion of the comment period on the NOI, the responsible Planning Official shall issue the final decision on the COA.

G. Demolition or Relocation of Historic Buildings or Structures.

1. Ebey's Landing National Historical Reserve has been determined to be historically significant to the nation. In consideration of this, it is the intention of the County and Partners to prevent the demolition or relocation of historically

- significant Contributing Structures. A property owner wanting to demolish (in whole or part) or to relocate a historically significant building or structure must receive a Certificate of Appropriateness before the action will be approved by the County. Demolition is subject to review under the State Environmental Policy Act.
2. The procedures and criteria established in this section may be altered through review and approval of a farm cluster preservation plan under an alternative compliance procedure as set forth in ICC 17.04.060. Demolition is subject to further review under the State Environmental Policy Act.
 3. The owner or the owner's agent shall be required to attend a pre-application conference with the Reserve Committee to initially review the proposed demolition or alternative plans prior to the submittal of an application to the Commission.
 4. Neither the Town nor County will accept an application for demolition nor relocation for a period of at least 180 days after the pre-application conference is held. During this time, staff and interested groups will work with the owner to investigate alternatives to demolition or relocation, including (but not limited to) the use of incentives, adaptive re-use, or selling the property.
 5. Application Requirements and Procedures
 - a) 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.
 - b) Where demolition of the building or structure is sought for reasons other than unsafe conditions, the applicant shall supply:
 - i. A report from a State of Washington licensed structural engineer; and
 - ii. A report from a financial analyst or economist with demonstrated competence in the field, demonstrating that maintenance of the building or structure or any important features thereof proposed for demolition will impose an economic hardship upon the owner, rendering it impracticable to renovate, restore or reuse the structure, and rendering it economically infeasible to renovate, restore, or reuse the structure in comparison to the economic value of the proposed redevelopment. The report shall analyze the reasonable economic alternatives to demolition, including redevelopment for uses permitted by Island County code, and an analysis showing whether the redeveloped property is capable of providing a reasonable economic return upon completion of reasonable renovation or repair activities. The report shall include an analysis of whether or not the preservation of the Historic Building would:

- a. Deprive the Owner of all economically viable uses of the property;
 - b. Deny or substantially diminish a fundamental attribute of property ownership;
 - c. Have a severe impact on the landowner's economic interest;
 - d. The report shall evaluate whether the remainder of the site is capable of economically viable development even if the structure is required to remain on the site.
- c) The Commission may request peer review of the above required report at the applicant's expense where the Commission deems it to be reasonably necessary to insure the accuracy, effectiveness or objectivity of any of the documents, reports or measures proposed. A written determination from the Commission requiring peer review shall include the following information:
- i. A statement giving the reason(s) peer review is necessary (e.g., errors of fact or law, error in judgment, objectivity, or information or new information);
 - ii. A statement of the specific areas of the report believed to be inadequate or in error, or not sufficiently definite to allow meaningful analysis;
 - iii. The specific information sought (such as confirmation of the structural deficiencies cited by the report, the adequacy of financial estimates given for the renovation, restoration or reuse of the building or structure, feasibility of the proposed replacement structure to actually be built, conflicting evidence, etc.);
 - iv. Before requiring peer review, the Director shall attempt to obtain clarification or new information from the applicant or author of the report addressing issues raised by the director;
 - v. The independent expert shall be a person who has devoted a substantial amount of his or her experience to historic preservation issues and in reviewing structural and financial information with respect to older buildings;
 - vi. The independent expert shall provide the Commission with a written opinion. The opinion shall contain a detailed explanation of the independent expert's recommendations. Notice of the independent expert's recommendations shall be mailed to any person who, prior to the Commission rendering the decision made a written request to receive notice of the decision or submitted written substantive comments on the application.

6. Decision Criteria.

- a) If removal would be detrimental to the historic character of the Reserve, then the application shall be denied unless:
- i. The denial or partial denial will deprive the owner of reasonable economic use of the property;
 - ii. 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;
 - iii. There is no viable or reasonable alternative which would have less impact;
 - iv. 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;
 - v. If application of the criteria results in a denial, but the proposed action is necessary to correct an unsafe or dangerous condition on the property, then the Director may strictly limit a permit to correct for emergency conditions;
 - vi. 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; and
 - c. A requirement that the building be thoroughly documented through photographs or other methods for permanent retention in local, regional or national archives.

7. 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.

8. Waivers

- a) The Director 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:
- i. Relocation can occur while retaining the same historical context and without damaging the building;
 - ii. Demolition of a portion of the building would not reduce the building's historic significance and integrity; and
 - iii. 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.

9. Penalties - If someone demolishes (in whole or in part) or relocates an historically significant building or structure without first receiving the required Certificate of Appropriateness they will be denied approval of any building or development permit on the subject parcel for a period of five years from the date of demolition. The owner may also be subject to a civil penalty of up to 30 percent of the assessed value of the property before demolition. The property owner may also be subject to special valuation disqualification as stated in WAC 458-15-070.

10. Appeal or Denial of Certificate of Appropriateness - The Director's decision regarding a waiver of a Certificate of Appropriateness may be appealed to the Island County Hearing Examiner. The appeal must be in conformance with the appeal procedures in Island County Code 16.19, as now exists or as hereinafter amended. Appeal of a Hearing Examiners decision regarding a waiver of a Certificate of Appropriateness may be appealed to superior court.

17.04.060 Alternative Compliance – Farm Cluster Preservation Plan

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

A. Assessment

1. The Trust Board Partners want to be proactive in assisting farmers in protecting these farm clusters and will work with the farm owners, providing technical assistance to assess each of their buildings
2. Questions to be answered include:
 - a. What is the condition of each building and structure on the farm?
 - b. How are they being used?
 - c. Which of the structures are historic (contributing) resources to the Ebey's Reserve historic district?
 - d. Which structures are most important in terms of existing and future agricultural uses?
 - e. Which structures are the most important in terms of preserving the agricultural history, visual landscape and architectural character of the reserve?
 - f. If new structures are needed for changing agricultural practices, where should they be sited?
 - g. What guidelines are needed so new structures will retain the integrity of the reserve?
 - h. What actions are recommended for preservation and continued use of the farm cluster?

B. Farm Cluster Assessment Conditions

1. 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 structure (excluding the house), preferably including a barn or an unusual structure such as a water tower.
2. Demolition- 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. 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. Benefits of the Farm Cluster Preservation Program

1. Technical preservation guidance is provided at no cost to the farmer.
2. Once a farm's preservation plan is completed, design review will be streamlined for proposed actions such as building modifications, adaptive uses, new construction or demolition.
3. Farms with a completed plan will be eligible for Ebey's Forever Funding.
4. The completed plan will also help farmers in pursuing other potential grants or funding sources.
5. In addition, these farms will also be eligible to be an Ebey's Reserve Preservation Field School project.

D. Required Elements of a Plan will include:

- a. Building descriptions: A description (in writing and photographs) of the size and current condition of each structure in the farm cluster and of key features such as hedgerows and woodlands.
- b. Usage: An explanation of how each structure is currently used, was used previously and its potential for farm use if restored to usable condition.
- c. Methods of Stabilization: An overview of short-term and long-term stabilization actions that could be used and prioritize implementation of the plan based upon the current condition, stabilization costs, and the potential utility to the farmer of the individual structure.
- d. Allowed Uses: A discussion of the range of uses that the underlying zoning would allow the property to be used for.

- e. Potential Uses: A discussion of potential uses for the historic buildings regardless of the underlying zoning.
- f. Historic Importance. A discussion of the characteristics of the farm and its buildings and landscape, and their historic significance (including family history where relevant).
- g. Public Visibility. A list of each public road from which structures are visible, as the highly visible ones are especially important to protect.
- h. Cost Estimate. Concept-level costs of rehabilitating the structures (as needed) to a beneficial farm use.
- i. Action Plan: An action plan that assesses the historic significance of the structures and other farm features and prioritizes stabilization actions and, when feasible, the rehabilitation of the individual historic buildings and structures.
- j. These plans may be initiated by the property owner and developed in partnership with the Trust Board staff, an historic preservation conservator, and other support staff. Once completed, each plan will be reviewed and confirmed by a mutual written agreement among the property owner, the Reserve Committee. Once this agreement is reached, the plan would be used by the farmer and the Partners and the Commission as guidance for future repairs and improvements and for design review decisions.

E. Farm Management Plan Option:

- k. At the request of a property owner, information from the Action Plan described above could voluntarily be incorporated into a Farm Management Plan prepared under the Island County Zoning ordinance. Incorporation of the Action Plan into the Farm Management Plan would facilitate the siting of new facilities and structures that support sustainable agricultural practices in the Reserve. If this approach is chosen, the Farm Management Plan should be reviewed by the Reserve Committee prior to submittal to the Board of Island County Commissioners for approval. Once approved, there would be limited additional design review oversight in the implementation of the approved plan by the Reserve Committee.
- l. Technical preservation guidance is provided at no cost to the farmer.

17.04.060 Procedures for Changes to the Guidelines

Upon recommendation from the Commission the Director is authorized to make minor, nonsubstantial changes and administrative processes to the Guidelines without further Town Council the Board of County Commissioner approval or adoption, as follows:

- A. The authority to initiate minor changes to the Guidelines granted is in addition to the Planning Director's authority to interpret land development codes. Such changes shall be forwarded to the Legislative bodies and the Town Mayor.
- B. Significant or substantive changes to the Guidelines manual shall require approval by the Town Council and the Board of County Commissioner and are only effective

upon their approval consistent with the terms and conditions of the Interlocal Agreement.

17.04.070 Relationship to Zoning and SEPA.

- A. Designated historic sites shall be subject to the provisions set forth herein, as well as the bulk, use, setback, and other controls of the zoning district in which they are located except as modified below. Nothing contained herein shall be construed to be repealing, modifying or waiving any zoning provisions.
- B. Modifications to bulk, use, setback, and other controls – When authorized:
 - 1. Preservation and rehabilitation of historic structures that are nonconforming under the County’s land use and zoning requirements shall be allowed as administrative variances.
 - 2. In order to promote and implement the Ebey’s Design Guidelines, new construction, including infill, may be allowed as administrative variances to the degree necessary to implement the Ebey’s Design Guidelines.
- C. The official zoning maps of the County shall indicate Historic Buildings and Structures as “HS” for any property listed on the Inventory.
- D. The lead SEPA official, Director, is responsible for review of potential impacts to the historic resources of the Reserve. Under the Washington State Environmental Policy Act (SEPA), development proposals requiring action must be reviewed for potential impacts to historic properties. While WAC 197-11-800 lists minor new construction as typically being categorically exempt from a SEPA threshold determination, certain types of minor actions are not exempt, e.g. when such potential impacts historical significance properties and structures.

17.04.080 Political Subdivision, Special Purpose District and Public and Private Utility Projects

- A. In order to achieve consistency with these Ebey’s Design Guidelines and in order to promote the efficient and effective planning for the capital needs of those Political Subdivisions, Special Purpose Districts or Public or Private Utility Owners, hereinafter referred to as Service Providers, that own and operate facilities or plan to own and operate facilities within the boundaries of the Ebey’s Landing National Historical Reserve; the Service Provider should initiate the Design Development process for new or 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 by the Service Provider. This 90 day period may be waived in the case of emergencies and when the Reserve Committee finds the proposal consistent with the purpose and intent of the Design Guidelines.
- C. The Service Providers should have a valid adopted comprehensive plan which fulfills the requirements of WAC 365-195-315(1) (a), (b), (c), and (d) and which is consistent

with the Town's and County's Comprehensive Plan and the Reserve Management Plan.

17.04.090 Designated Landmark Buildings and Sites - National Register Of Historic Places

- A. The National Historic Preservation Act (NHPA) of 1966 created the current National Register of Historic Places program. NHPA also included provisions known as Section 106 Review that ensure that historic properties listed in or eligible for listing in the National Register are considered during Federal project planning and execution.
- B. The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. The National Register is administered by the National Park Service, which is part of the U.S. Department of the Interior.
- C. Exhibit B is a list by parcel number of properties within the Reserve that are locally designated as landmark buildings or sites to include those designated as "contributing" in the Building and Landscape Inventory (1995) prepared for the Ebey's Landing National Historical Reserve and contributing" to the Central Whidbey Historic District. 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.

17.04.100 Review and Monitoring of Property(ies) 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(ies) under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten (10) years, the actual cost of the rehabilitation.
- B. Timelines.
1. Applications must be filed with the County Assessor's office and shall be forwarded to the Commission by the assessor within ten (10) days of filing.
 2. For applications filed at least thirty (30) days prior to the next regularly scheduled meeting of the Commission, the case may be put on the agenda for that meeting. If there are not thirty (30) days, the case will be scheduled for the next regularly scheduled meeting of the Commission.
 3. Applications shall be reviewed by the Commission before December 31st of the calendar year in which the application is made.
 4. Commission recommendations regarding the applications shall be certified in writing and filed with the assessor within ten (10) days of the decision.
- C. Procedure.
1. The applicant files an application for special valuation with the County Assessor's office no later than October 1st preceding the tax assessment year in which they

- wish to apply. A fee is required as established in the Partner's fee schedule and is payable to the Partner.
2. The assessor forwards the application(s) to the Commission within ten (10) days of receipt of the completed application.
 3. The Commission reviews the application(s), consistent with its rules and procedures, and determines if the application(s) are complete and if the property(ies) meet the criteria set forth in WAC 254-20-070(1) and listed in Section 16.12.080(I)(3).
 4. If the Commission finds the property(ies) meet all the criteria, then(2) If the Commission determines the property(ies) do not meet all the criteria, then it shall deny the application(s).
 5. The Commission certifies its decisions in writing and states the facts upon which the approvals or denial are based and files copies of the certifications with the assessor.
 6. For approved applications:
 - a) The Director forwards copies of the agreements, applications and supporting documentation (as required by WAC 254-20-090(4) and identified in Sections 16.12.080(I)(3) and 16.12.080(I) (4)) to the County Assessor;
 - b) The Director forwards the signed agreement and application documents to the County Auditor for recording. The applicant shall be assessed fees for recording as prescribed by the County Auditor and other applicable County Code sections;
 - c) Monitors the property(ies) for continued compliance with the agreements throughout the ten (10) year special valuation period. Monitoring may include an annual site visit by staff or Commission members.
 7. The Commission determines in a manner consistent with its rules of procedure, whether or not property(ies) are 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(ies) pursuant to RCW 84.26.080, the Commission shall notify the owner and assessor in writing and state the facts supporting its findings.

D. Criteria.

1. Historic Property Criteria. The class of property eligible to apply for special valuation in Island County shall mean all property(ies) listed on the National Register of Historic Places, CCHR or property(ies) 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(ies);
- c) Comprehensive exterior and interior photographs of the historic property before and after rehabilitation. Photographs should be four (4) inches by six (6) inches or five (5) inches by seven (7) inches minimum format either black and white or color, with negatives and must be clearly labeled to identify case, location, subjects and the direction the photograph was taken. Photographs shall include:
 - i. Photos taken prior to construction;
 - ii. Historic photos or other source materials of replicated features; and
 - iii. A current streetscape.
- d) Architectural plans or other legible drawings depicting the completed rehabilitation work signed by the architect or draftsman;
- e) Notarized affidavit(s):
 - i. Attesting to the actual itemized cost of the rehabilitation work completed prior to the date of application, and
 - ii. Indicating rehabilitation work was completed within the twenty-four (24) month period of time prior to application for special valuation. Documentation of both must be made available to the Commission;
- f) Samples of utilized materials may be required by the Commission;
- g) Other information as required by staff or the Commission at a preapplication meeting.

3. Property Review Criteria. In its review the Commission shall determine if the property(ies) meet all the following criteria:

- a) The property is a historic property which is designated to local or national registers;
- b) The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) (and identified in rules and procedures of this chapter) within twenty-four (24) months prior to the date of application; and
- c) The property has not been altered in any way which adversely affects those elements which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the

Rehabilitation and Maintenance of Historic Properties (WAC 254-20-100(1) and listed in rules and procedures of this chapter).

4. Rehabilitation and Maintenance Criteria. The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-20-100 shall be used by the Commission as minimum requirements for determining whether or not a historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

E. Agreement. The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the Commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).

F. Appeals. Any decision of the Commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to superior court under RCW 34.04.130 in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization.

17.04.110 Interlocal Agreements

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

17.04.120 Disclosure Statement

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.

A. 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. The owners of property within the Ebey's Reserve have a unique responsibility and challenge in protecting the Reserve's cultural landscape. The Reserve is a complex combination of buildings, structures and landscape features (both natural and manmade). Its character ranges from a town with thriving commercial and residential neighborhoods and a valuable shoreline with dramatic vistas to prairies with working farms and suburban subdivisions. In recognition of its importance, the Reserve is a congressionally-authorized unit of the National Park Service.

Such a fragile resource can be easily lost through incremental changes and as a result Island County and the Town of Coupeville have adopted standards to protect historic buildings, the landscape, views, and vistas. Each new house, each demolition, each new roadway diminishes the historic character.

Before purchasing or leasing the above property, you should consult with the Island County Planning Department, the Town of Coupeville Planning Department and research and review *The Ebey's Landing National Historical Reserve Design Guidelines* and associated procedures and regulations as well as any previously issued permits to determine restrictions, if any, which have been placed on the subject property.

I/WE acknowledge receipt of a this disclosure:

Buyer _____

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: _____

B. Penalties and Enforcement

Island County has established enforcement proceeding in Island County Code 16.06.080. Additional enforcement provisions are also proposed to be adopted for the unlawful demolition of a historic building or structure. Enforcement actions as related to enforcement of the provisions of the Unified Code shall be prioritized based upon the impact to the historical resources involved. (NEEDS REVISION)

C. 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

<u>STRUCTURE NAME/SITE</u>	<u>ADDRESS</u>	<u>PARCEL NO</u>
<u>Zylstra/Sherod House</u>	<u>1173 Zylstra Rd</u>	<u>R13219-478-3400</u>
<u>Hordyk/Vander Voet Farm</u>	<u>1212 Monroe Landing</u>	<u>R13215-043-0900</u>
<u>Ft Ebey</u>		
<u>Frank Pratt House</u>	<u>164 Cemetery Rd</u>	<u>R13105-282-4130</u>
<u>Reuble Farm</u>	<u>556 Ft Casey Rd</u>	<u>R13110-316-2921</u>
<u>Robart Cottage & Bungalow</u>	<u>1508 Penn Cove Rd</u>	<u>R13221-050-1250</u>
<u>Steadman House</u>	<u>13254 SR 20</u>	<u>S6370-00-61005-0</u>
<u>San De Fuca School</u>	<u>650 Zylstra</u>	<u>S8060-00-14001-0</u>
<u>Arnold Farm</u>	<u>1948 Arnold Rd</u>	<u>S8060-00-66000-0</u>
<u>Jacob Ebey House/Sheepbarn</u>	<u>Cemetery Rd</u>	<u>R13105-270-3320</u>
<u>Sherman Hog Barn/Engle Squash Barn</u>	<u>1509 Hill Rd</u>	<u>R13109-147-2530</u>
<u>Charlie Mitchell Place</u>	<u>839 West Beach</u>	<u>R03224-040-3200</u>
<u>Vande Werfhorst</u>	<u>895 Monroe Landing</u>	<u>R13221-145-4621</u>
<u>Still Log Cabin</u>	<u>1973 Penn Cove Rd</u>	<u>S8060-00-0E012-0</u>
<u>San De Fuca Sunday School</u>	<u>734 Wall</u>	<u>S8060-00-09032-0</u>
<u>Armstrong/Scoby House</u>	<u>2029 Armstrong</u>	<u>S8060-00-17002-0</u>
<u>Captain R.B. Holbrook House</u>	<u>683 Power Rd</u>	<u>S8060-00-19004-1</u>
<u>Lesourd/Sherman Farm</u>	<u>225 Ebey Rd</u>	<u>R13104-118-2490</u>
<u>Penn Cove Pottery/Hingston Store/Trumbell Store</u>	<u>26184 SR 20</u>	<u>S8060-00-10001-0</u>
<u>Lupien House</u>	<u>1084 Monroe Landing</u>	<u>R13222-386-0380</u>
<u>Van Dam Place</u>	<u>2421 Van Dam Rd</u>	<u>R03224-494-5000</u>
<u>Art Holmburg/Darst Rental House</u>	<u>2491 Libbey</u>	<u>R03225-234-4480</u>
<u>Libbey Ranch</u>	<u>2648 El Sol Pl</u>	<u>R03225-355-2100</u>
<u>John Kineth Farmhouse</u>	<u>19162 SR 20</u>	<u>R13101-287-1000</u>
<u>Sam Keith House</u>	<u>338 Ft Casey Rd</u>	<u>R13103-078-2490</u>

<u>Wiley Place</u>	<u>280 Ft Casey Rd</u>	<u>R13103-157-2690</u>
<u>Engle Farm (Crockett)</u>	<u>1167 Terry Rd</u>	<u>R13103-361-0370</u>
<u>Engle Farm (Rockwell)</u>	<u>144 Ft Casey Rd</u>	<u>R13103-093-0460</u>
<u>Frank Pratt House</u>	<u>164 Cemetery Rd</u>	<u>R13105-282-4130</u>
<u>Sunnyside Cemetery/Davis Blockhouse</u>	<u>90 Cemetery Rd</u>	<u>R13105-355-4490</u>
<u>Hancock Granary/Chinese Tenant House</u>	<u>1520 Hill Rd</u>	<u>R13109-240-1420</u>
<u>Ed Jenne House</u>	<u>538 Engle</u>	<u>R13109-330-4242</u>
<u>Old Anderson Place</u>	<u>710 Ft Casey Rd</u>	<u>R13110-085-1980</u>
<u>Grove Terry Place</u>		<u>R13234-035-3350</u>
<u>Ft Casey Pump House</u>	<u>434 Wannamaker Rd</u>	<u>R13114-250-4610</u>
<u>STRUCTURE NAME/SITE</u>	<u>ADDRESS</u>	<u>PARCEL NO</u>
<u>Ft Casey Storage Buildings</u>	<u>1044 Ft Casey Rd</u>	<u>R13115-243-1470</u>
<u>Charles Grimes House</u>	<u>1273 Monroe Landing</u>	<u>R13216-093-5110</u>
<u>J. Neinhuis Place</u>	<u>1025 Zylstra Rd</u>	<u>R13219-286-3570</u>
<u>Mcwilliams BUNGALOW</u>	<u>935 View Ridge</u>	<u>R13222-114-3380</u>
<u>Libbey House</u>	<u>2181 Madrona Way</u>	<u>R13230-154-2610</u>
<u>Old County Courthouse/Grennan & Cranney Store</u>	<u>25248 SR 20</u>	<u>R13230-167-2640</u>
<u>Melvin Grasser House</u>	<u>Madrona Way</u>	<u>R13230-215-2340</u>
<u>Pratt Boathouses</u>	<u>1966 Madrona Way</u>	<u>R13232-131-0520</u>
<u>C. Wanamaker House</u>	<u>635 Wanamaker Rd</u>	<u>R13114-333-2200</u>
<u>Neinhuis/Leach Place</u>	<u>26860 SR 20</u>	<u>R13220-188-3000</u>
<u>J. Gould House/Miller House</u>	<u>433 Wannamaker Rd</u>	<u>R13114-120-5030</u>
<u>Abbott House</u>	<u>1456 Black Rd</u>	<u>R13233-096-1940</u>
<u>Col. W. Crockett Farmhouse</u>	<u>1056 Crockett Farm</u>	<u>R13115-220-2200</u>
<u>Morris Place</u>	<u>2494 Libbey Rd</u>	<u>R03225-297-4170</u>
<u>Thomas/Sullivan House</u>	<u>171 Ft Casey Rd</u>	<u>R13103-332-1790</u>
<u>Strong House</u>	<u>25 Quail Trail Ln</u>	<u>R13102-500-0500</u>
<u>Tuft House</u>	<u>46 Terry Rd</u>	<u>R13104-464-2270</u>
<u>Jacob Ebey House/ Blockhouse</u>	<u>Cemetery Rd</u>	<u>R13105-270-3320</u>

<u>R.C. Hill House</u>	<u>1453 Hill Rd</u>	<u>R13109-149-1990</u>
<u>Gilbert Place/Eggerman House</u>	<u>757 Eggerman Rd</u>	<u>R13111-060-0100</u>
<u>Power Place</u>	<u>865 Zylstra Rd</u>	<u>R13219-100-1950</u>
<u>Weidenbach House</u>	<u>1044 Monroe Landing</u>	<u>R13222-320-0550</u>
<u>Arnold/Grasser Place</u>	<u>1764 Penn Cove Rd</u>	<u>R13220-030-2950</u>
<u>John Gould House/Smith Farm</u>	<u>399 S Ebey Rd</u>	<u>R13104-145-0170</u>
<u>Cook House/Sherman Place</u>	<u>44 S Sherman Rd</u>	<u>R13105-478-4660</u>
<u>Old Hunting Lodge</u>	<u>1608 Hill Rd</u>	<u>R13109-278-0040</u>
<u>Monroe House</u>	<u>1293 Penn Cove Rd</u>	<u>R13221-061-3980</u>
<u>Gallager Place/Al Sherman Farm</u>	<u>302 Engle Rd</u>	<u>R13104-098-3880</u>
<u>Lesourd/Sherman Farm</u>	<u>209 S Ebey Rd</u>	<u>R13104-246-2030</u>
<u>Harmon/Pearson/Engle House</u>	<u>89 S Ebey Rd</u>	<u>R13104-399-2580</u>
<u>Ferry House</u>	<u>455 S Ebey</u>	<u>R13108-364-4680</u>
<u>Ralph Engle Farm</u>		<u>R13109-425-1470</u>
<u>Gillespie Farm</u>	<u>593 FT Casey Rd</u>	<u>R13110-338-3570</u>
<u>Sam Crockett House</u>	<u>825 Wannamaker Rd</u>	<u>R13115-345-4930</u>
<u>Samuel Hancock House</u>	<u>395 Engle Rd</u>	<u>R13109-465-4760</u>
<u>Terry House/Lee James Property</u>	<u>1595 SR 20</u>	<u>R13233-054-1920</u>
<u>H.H. Rhodes Place</u>	<u>2090 Arnold Rd</u>	<u>R13219-061-4150</u>
<u>Glazier-Herrett House</u>	<u>82 S Ebey Rd</u>	<u>R13104-419-2260</u>
<u>Old Al Comstock Place -Barn</u>	<u>Engle Rd</u>	<u>R13109-157-4650</u>
<u>Old Al Comstock Place -Outbuildings</u>	<u>Engle Rd</u>	<u>R13109-157-4650</u>
<u>STRUCTURE NAME/SITE</u>	<u>ADDRESS</u>	<u>PARCEL NO</u>
<u>Ft Casey – Observation Bunker</u>		
<u>Ft Casey – Searchlight Platform</u>		
<u>Ft Casey – Searchlight Generator Bldg</u>		
<u>Ft Casey – Searchlight Platform</u>		
<u>Ft Casey – Rifle Range</u>		
<u>Ft Casey - Inn</u>		
<u>Fisher/Messmer House</u>	<u>2185 Madrona Way</u>	<u>R13230-099-2780</u>

TOWN OF COUPEVILLE

Historic Sites

<u>STRUCTURE NAME/SITE</u>	<u>ADDRESS</u>	<u>PARCEL NO</u>
<u>A.B.Coates House</u>	<u>608 S Main St</u>	<u>R13104-335-3820</u>
<u>Sergeant Clark House</u>	<u>301 S Main St</u>	<u>R13104-493-4210</u>
<u>Reverend Lindsey House</u>	<u>206 N Main St</u>	<u>R13233-180-3950</u>
<u>Congregational Church</u>	<u>207 N Main St</u>	<u>R13233-184-4240</u>
<u>Joseph Libbey House</u>	<u>308 N Main St</u>	<u>R13233-214-3740</u>
<u>Jacob Jenne House</u>	<u>602 N Main St</u>	<u>R13233-277-3850</u>
<u>Dr. White's Office</u>	<u>602 N Main St</u>	<u>R13233-277-3850</u>
<u>Highwarden House</u>	<u>604 N Main St</u>	<u>R13233-282-3880</u>
<u>Methodist Church</u>	<u>608 N Main St</u>	<u>R13233-308-3740</u>
<u>John and Jane Kineth, Sr. House</u>	<u>702 N Main St</u>	<u>R13233-308-3870</u>
<u>James Gillespie House</u>	<u>704 N Main St</u>	<u>R13233-308-3870</u>
<u>Dr. White House</u>	<u>605 NW Madrona Way</u>	<u>R13233-322-1850</u>
<u>Ernest Watson House</u>	<u>5 NW Eighth St</u>	<u>R13233-323-3730</u>
<u>Alvah D. Blowers House</u>	<u>710 N Main St</u>	<u>R13233-326-3900</u>
<u>Masonic Lodge No. 15</u>	<u>804 N Main St</u>	<u>R13233-344-3870</u>
<u>Horace Holbrook House</u>	<u>805 NW Alexander St</u>	<u>R13233-352-3600</u>
<u>Island County Bank</u>	<u>5 NE Front St</u>	<u>R13233-375-4150</u>
<u>Col. Granville Haller House</u>	<u>1 NE Front St</u>	<u>R13233-379-4060</u>
<u>John Robertson House</u>	<u>5 NW Front St</u>	<u>R13233-380-3880</u>
<u>Tom Howell's Barbershop</u>	<u>7 NW Front St</u>	<u>R13233-385-3830</u>
<u>Alexander Block House</u>	<u>906 NW Alexander St</u>	<u>R13233-397-3390</u>
<u>Samsel/Zylstra Law Office</u>	<u>6 NE Front St</u>	<u>R13233-397-4150</u>
<u>"Fairhaven"</u>	<u>911 NW Colburn St</u>	<u>R13233-398-3140</u>
<u>Puget Race Drug Store</u>	<u>2 NW Front St</u>	<u>R13233-400-4030</u>

<u>Sedge Building</u>	<u>4 NW Front St</u>	<u>R13233-405-3990</u>
<u>Whidbey Mercantile Company</u>	<u>8 NW Front St</u>	<u>R13233-408-3870</u>
<u>John Robertson's Store</u>	<u>10 NW Front St</u>	<u>R13233-409-3800</u>
<u>Coupeville Cash Store</u>	<u>12 NW Front St</u>	<u>R13233-410-3750</u>
<u>Benson Confectionery</u>	<u>16 NW Front St</u>	<u>R13233-411-3690</u>
<u>Wharf Warehouse and Dock</u>	<u>NW Front St and NW Alexander St</u>	<u>R13233-413-3650</u>
<u>Gillespie Meat Market</u>	<u>24 NW Front St</u>	<u>R13233-414-3550</u>
<u>Terry's Dryer/Gillespie Livery</u>	<u>22 NW Front St</u>	<u>R13233-414-3580</u>
<u>Thomas Coupe House</u>	<u>504 NE Ninth St</u>	<u>R13234-370-0150</u>
<u>Fred Nuttall House</u>	<u>801 NE Ninth St</u>	<u>S6005-00-06005-0</u>
<u>Island County Abstract Office</u>	<u>21 NW Front St</u>	<u>S6025-00-07003-0</u>
<u>Island County Times Building</u>	<u>19 NW Front St</u>	<u>S6025-00-07004-0</u>
<u>Judge Still Law Office</u>	<u>17 NW Front St</u>	<u>S6025-00-07005-0</u>
<u>Elkhorn Saloon</u>	<u>15 NW Front St</u>	<u>S6025-00-07006-0</u>
<u>Glenwood Hotel</u>	<u>1 NW Front St</u>	<u>S6025-00-18001-0</u>
<u>E.O. Lovejoy House</u>	<u>1209 NE Leisure St</u>	<u>S6310-00-00011-0</u>
<u>Captain Clapp House</u>	<u>307 NE Front St</u>	<u>S6415-00-07004-0</u>
<u>STRUCTURE NAME/SITE</u>	<u>ADDRESS</u>	<u>PARCEL NO</u>
<u>Capt. Thos. Kinney House</u>	<u>207 NE Front St</u>	<u>S6415-00-08004-0</u>
<u>Jacob Straub House</u>	<u>202 NE Ninth St</u>	<u>S6415-00-08008-0</u>
<u>First Methodist Parsonage</u>	<u>104 NE Ninth St</u>	<u>S6415-00-09005-0</u>
<u>Albert Kineth House</u>	<u>703 NE Haller St</u>	<u>S6415-00-19000-0</u>
<u>James Zylstra House</u>	<u>101 NE Seventh St</u>	<u>S6415-00-22001-0</u>
<u>Todd-Lovejoy House</u>	<u>105 NE Seventh St</u>	<u>S6415-00-22007-0</u>
<u>John Gould House</u>	<u>501 NE Ninth St</u>	<u>S6425-00-02001-0</u>
<u>Charles Angel House</u>	<u>605 NE Gould St</u>	<u>S6425-00-04001-0</u>
<u>Fullington House</u>	<u>502 NW Coveland</u>	<u>S7070-00-11000-0</u>
<u>Will Jenne House</u>	<u>508 S Main St.</u>	<u>S7246-00-00012-0</u>
<u>Bearss House</u>	<u>707 S Main St</u>	<u>R13104-280-4190</u>
<u>James Wanamaker House</u>	<u>607 S Main St</u>	<u>R13104-331-4200</u>
<u>Frain House/Burton Engle House</u>	<u>197 SW Terry Rd</u>	<u>R13104-373-3330</u>

<u>Reuble Squash Barn</u>	<u>123 SE Terry Rd</u>	<u>R13104-419-4450</u>
<u>Pat's Place/Tyee</u>	<u>403 S Main St</u>	<u>R13104-427-3800</u>
<u>Dixon/Partridge House</u>	<u>404 S Main St.</u>	<u>R13104-428-3940</u>
<u>Chapman Rental House</u>	<u>402 S Main St</u>	<u>R13104-436-3940</u>
<u>Frank Newberry House</u>	<u>305 S Main St</u>	<u>R13104-471-4210</u>
<u>Nichols House</u>	<u>208 S Main St</u>	<u>R13104-490-3930</u>
<u>Clark House</u>	<u>105 NE Third St</u>	<u>R13233-169-4470</u>
<u>Higgins House</u>	<u>506 N Main St</u>	<u>R13233-264-3900</u>
<u>Carl Gillespie House</u>	<u>606 N Main St</u>	<u>R13233-286-3810</u>
<u>Black House</u>	<u>701 NW Madrona Way</u>	<u>R13233-313-1720</u>
<u>Heckenbury House</u>	<u>803 NW Grace St</u>	<u>R13233-344-3760</u>
<u>"The Bungalow"/Flora A.P. Engle House</u>	<u>808 N Main St</u>	<u>R13233-358-3900</u>
<u>Cushen House</u>	<u>15 NW Coveland St</u>	<u>R13233-363-3550</u>
<u>Duvall House</u>	<u>302 NW Front St</u>	<u>R13233-409-2860</u>
<u>Chris Solid House</u>	<u>603 NE Ninth St</u>	<u>R13234-340-0440</u>
<u>Newcomb Property</u>	<u>East of 1104 NE Leach</u>	<u>R13234-434-1330</u>
<u>Bergman House</u>	<u>1306 NE Parker Rd</u>	<u>R13234-479-3170</u>
<u>Chromy House</u>	<u>707 NE Ninth St</u>	<u>S6005-00-04002-0</u>
<u>Howard House/Lindsey House</u>	<u>902 NE Ninth St</u>	<u>S6005-00-05002-0</u>
<u>Pontiac Dealership</u>	<u>105 NW Coveland St</u>	<u>S6025-00-06001-3</u>
<u>Post Office</u>	<u>11 NW Front St</u>	<u>S6025-00-07008-0</u>
<u>Old Fire Hall</u>	<u>903 NW Alexander St</u>	<u>S6025-00-07009-0</u>
<u>Telephone Exchange Building</u>	<u>902 N Main St</u>	<u>S6025-00-18001-0</u>
<u>Coupeville Courier Printing Office</u>	<u>306 NE Ninth St</u>	<u>S6415-00-07006-0</u>
<u>Conard House</u>	<u>902 NE Kinney St</u>	<u>S6415-00-08005-0</u>
<u>Leach House</u>	<u>801 N Main St</u>	<u>S6415-00-11003-0</u>
<u>Methodist Parsonage</u>	<u>5 NE Ninth St</u>	<u>S6415-00-11007-0</u>
<u>Thomas Griffith House</u>	<u>101 NE Ninth St</u>	<u>S6415-00-12001-0</u>
<u>Starks House</u>	<u>203 NE Ninth St</u>	<u>S6415-00-13003-0</u>
<u>Hesselgrave Rental House</u>	<u>205 NE Ninth St</u>	<u>S6415-00-13003-0</u>

<u>Ives House</u>	<u>803 NE Haller St</u>	<u>S6415-00-13007-1</u>
<u>Stark House</u>	<u>801 NE Haller St</u>	<u>S6415-00-13008-1</u>
<u>Clapp House</u>	<u>305 NE Ninth St</u>	<u>S6415-00-14002-0</u>
<u>STRUCTURE NAME/SITE</u>	<u>ADDRESS</u>	<u>PARCEL NO</u>
<u>Ervin Rental House</u>	<u>401 NE Ninth St</u>	<u>S6415-00-15001-0</u>
<u>Coupeville Town Hall</u>	<u>4 NE Seventh St</u>	<u>S6415-00-22001-0</u>
<u>Courthouse Vault</u>	<u>Behind 202/204 NE 6th St</u>	<u>S6415-00-23006-0</u>
<u>Morris House</u>	<u>405 NE Center St</u>	<u>S6415-00-32002-0</u>
<u>Ed Clark House</u>	<u>403 NE Center St</u>	<u>S6415-00-32003-0</u>
<u>Polly Harpole's Maternity Home</u>	<u>404 NE Haller St</u>	<u>S6415-00-32006-0</u>
<u>Tom Howell House</u>	<u>401 NE Center St</u>	<u>S6415-00-39004-0</u>
<u>Williams House</u>	<u>1 NE Fourth St</u>	<u>S6415-00-40001-0</u>
<u>Strong House</u>	<u>707 NE Lindsay St</u>	<u>S6420-00-00005-2</u>
<u>King House</u>	<u>706 NE Lindsay St</u>	<u>S6420-00-00006-1</u>
<u>Benson House/Bunting House</u>	<u>805 NE Leach St</u>	<u>S7215-00-01001-0</u>
<u>Mock House</u>	<u>801 NE Leach St</u>	<u>S7215-00-01004-0</u>
<u>Johnson Rental House/Howe</u>	<u>701 NE Leach St</u>	<u>S7215-00-02005-0</u>
<u>Franzen House</u>	<u>704 S Main St</u>	<u>R13104-310-3980</u>
<u>A.S.Coates House</u>	<u>702 S Main St</u>	<u>R13104-323-3820</u>
<u>Prairie Center Mercantile</u>	<u>408 S Main St</u>	<u>R13104-409-3940</u>
<u>Pickard House</u>	<u>401 S Main St</u>	<u>R13104-460-4100</u>
<u>Babcock House</u>	<u>106 S Main St</u>	<u>R13233-008-3820</u>
<u>Barrett House</u>	<u>107 S Main St</u>	<u>R13233-020-4350</u>
<u>Coupe-Slaughter House</u>	<u>301 NE Third St</u>	<u>R13233-183-5050</u>
<u>Libbey House</u>	<u>302 N Main St</u>	<u>R13233-193-3970</u>
<u>Schroeder Rental House</u>	<u>709 NW Madrona Way</u>	<u>R13233-305-1520</u>
<u>Sill House/Alexander House</u>	<u>180 NW Coveland St</u>	<u>R13233-380-3350</u>
<u>Bob Black House</u>	<u>903 NE Seventh St</u>	<u>R13234-310-1560</u>
<u>Solid Grainery</u>	<u>704 NE Otis St</u>	<u>R13234-322-0440</u>
<u>Benson House</u>	<u>1008 NE Leach St</u>	<u>R13234-413-1300</u>
<u>Newcomb House</u>	<u>1104 NE Leach St</u>	<u>R13234-434-1330</u>

<u>Hughes House</u>	<u>1304 NE Parker Rd</u>	<u>R13234-456-3010</u>
<u>Bradt House</u>	<u>1302 NE Parker Rd</u>	<u>R13234-486-2900</u>
<u>Susie & Aleck House</u>	<u>407 NW Coveland St</u>	<u>S6025-00-02001-0</u>
<u>Johnson Rental House</u>	<u>403 NW Coveland St</u>	<u>S6025-00-02003-0</u>
<u>Cushen Ford Garage</u>	<u>23 NW Front St</u>	<u>S6025-00-07001-0</u>
<u>Wangness House</u>	<u>901 NE Center St</u>	<u>S6415-00-09003-0</u>
<u>Wanamaker House</u>	<u>801 NE Center St</u>	<u>S6415-00-12003-0</u>
<u>Hesselgrave House</u>	<u>808 NE KinneySt</u>	<u>S6415-00-13004-0</u>
<u>Edwards House</u>	<u>301 NE Ninth St.</u>	<u>S6415-00-14001-0</u>
<u>Dominick House</u>	<u>401 NE Eighth St</u>	<u>S6415-00-16001-0</u>
<u>A. Bowers House</u>	<u>307 NE Eighth St</u>	<u>S6415-00-17003-0</u>
<u>Bob Cushen House</u>	<u>205 NE Eighth St</u>	<u>S6415-00-18003-0</u>
<u>Ceci House</u>	<u>705 NE Haller St</u>	<u>S6415-00-18007-1</u>
<u>McCutcheon Honeymoon Cottage</u>	<u>302 NE Sixth St</u>	<u>S6415-00-24007-0</u>
<u>Meadors/Peralta House</u>	<u>401 NE Sixth St</u>	<u>S6415-00-26001-0</u>
<u>Hanks House</u>	<u>101 NE Fourth St</u>	<u>S6415-00-39001-0</u>
<u>Clark House</u>	<u>505 NE Ninth St</u>	<u>S6425-00-02003-0</u>
<u>Pinkston House</u>	<u>502 NW Broadway St</u>	<u>S7070-00-03007-0</u>
<u>Powell House</u>	<u>708 NW Broadway St</u>	<u>S7070-00-07001-2</u>
<u>Deasy House</u>	<u>305 NW Coveland St</u>	<u>S7070-00-10004-0</u>
<u>Dean House</u>	<u>502 NW Madrona Way</u>	<u>S7070-00-10005-0</u>
<u>STRUCTURE NAME/SITE</u>	<u>ADDRESS</u>	<u>PARCEL NO</u>
<u>Abbott House</u>	<u>901 NE Eighth St</u>	<u>S7215-00-02001-0</u>
<u>Pennington Farm House</u>	<u>501 NE Otis St.</u>	<u>S8270-00-0E011-0</u>

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EXHIBIT B

Revision to 3.40 ICC

Chapter 3.40

Island County Public Benefit Open Space Rating System

Sections:

- 3.40.010 Summary**
- 3.40.020 Purpose and Intent**
- 3.40.030 Operation of the County Public Benefit Rating System for Open Space Lands**
- 3.40.040 Assessed Valuation Schedule – Public Benefit Rating System for Open Space Land**
- 3.40.050 Basis of Assessment**
- 3.40.060 Ineligible Lands**
- 3.40.070 Application to the County Under the Public Benefit Rating System**
- 3.40.080 Application Fee**
- 3.40.090 Time to File**
- 3.40.100 Application Review**
- 3.40.110 Board Decision**
- 3.40.120 Unincorporated Lands**
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- 3.40.250 High Priority Open Space Resources**

- 3.40.260 Medium Priority Open Space Resources**
- 3.40.270 Low Priority Open Space Resources**
- 3.40.280 Bonus System**
- 3.40.290 Super Bonus Category – Current Use Value of Ten Percent (10%) of Market Value**
- 3.40.300 Severability**
- 3.40.310 Effective Date**

3.40.010 Summary

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

- A. The program will cause a modest tax shift from properties in the program to all other properties in the County. When a property enters the program and benefits from a reduced tax rate, the differential is shifted across all other properties in the County. County landowners effectively support the retention of the benefits recognized in the County's Public Benefit Rating System.
- B. The Open Space Act authorizes counties to set open space priorities and adopt, after a public hearing, an open space plan and Public Benefit Rating System (PBRs). (RCW 84.34.055.) The open space plan must contain criteria for determining the eligibility of lands, the process for establishing a PBRs, and an assessed valuation schedule. A PBRs is required to contain a rating of parcel(s) of land classified as open space for the purpose of determining its CUA.
- C. Island County's proposed PBRs establishes a priority ranking system for various open space resources, classifies them into high, medium, or low priority open space resource categories, and assigns a point value for each category and for any additional public benefit features. The PBRs's assessed valuation schedule determines the percentage of tax reduction based upon the total number of points accumulated under its rating. The valuation schedule should work to reduce a property's tax assessment in direct relation to its merit for open space priorities. Applications for CUA open space would, after its adoption by the County, be rated and assessed according to the PBRs.

3.40.020 Purpose and Intent

- A. It is in the best interest of the County to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the County and its citizens. Additionally, it is in the County's interest to provide incentives

that encourage the retention of open space in compliance with Growth Management Act principles.

- B. It is the intent of this chapter to implement RCW Chapter 84.34, as amended, by establishing procedures, rules, and fees for the consideration of applications for Public Benefit Rating System assessed valuation on “open space land” as defined in RCW 84.34.020. The provisions of RCW Chapter 84.34, and the regulations adopted thereunder shall govern the matters not expressly covered in this chapter. ~~It is not the intent of this chapter that open space classifications become the basis of land use zoning classifications, or that owners of open space property that has been previously approved for current use assessment prior to the adoption of the Public Benefit Rating System be adversely affected.~~

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

- A. **High priority open space resources** – five (5) points each:
1. Resource and Rural Agricultural Lands
 2. Rural Forest Lands/Woodlots
 3. Privately Owned Trails and Corridors
 4. Natural Shoreline Environments
 5. Significant Fish & Wildlife Habitat Conservation Areas, Special Plant Sites, and Category “A” or “B” Wetlands
 6. Historic Landmarks/Archeological Sites – Designated Site
 7. Private Lands Within Designated National Reserves
 8. Active or Passive Recreation Area
- B. **Medium priority open space resources** - three (3) points each;
1. Conservancy Shoreline Environments

2. Flood Hazard Buffer Areas
3. Geologic Hazard Buffer Areas
4. Scenic Natural Resources, Viewpoints, and View Corridors
5. Urban Growth Area Open Space
6. Public Lands Buffer
7. Category "C" or "D" Wetlands

8. Historic Landmarks/Archeological Sites – Eligible Site

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

Artificial or Category "E" Wetlands

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

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

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

E. **Bonus public access points**

1. Unlimited public access – five (5) points.
2. Limited public access -sensitive area – five (5) points.
3. Privately owned tidelands access - five (5) points.
4. Limited public access - three (3) points.

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

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

The Public Benefit Rating System for open space land bases the level of assessed fair market value reduction on the total number of awarded points. The market value reduction establishes the current use value. This current use value will be expressed as a

percentage of market value based on the public benefit rating of the property and the valuation schedule below:

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

3.40.050 Basis of Assessment

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

3.40.060 Ineligible Lands

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

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

priority open space resource, unless other conditions beyond those required by regulation are imposed.

3.40.070 Application to the County Under the Public Benefit Rating System

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

3.40.080 Application Fee

Each application for current use open space taxation as defined in RCW 84.34.020, must include an application fee, as established in the most current Island County Permit Fee Schedule. ~~of three hundred dollars (\$300).~~

3.40.090 Time to File

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

3.40.100 Application Review

- A. Applications under the Public Benefit Rating System shall be reviewed by the County and approved directly by the Board of Island County Commissioners. By RCW 84.34 such applications are exempt from the Comprehensive Plan Annual Review Amendment cycle and are SEPA exempt.
- B. In determining whether an application made for open space current use taxation status should be approved or disapproved, pursuant to RCW 84.34.020 and this chapter, the County shall consider whether or not preservation of the current use of the land, when balanced against the resulting revenue loss or tax shift from granting the application under the provisions of this chapter will:
 - 1. conserve or enhance natural, cultural or scenic resources,
 - 2. protect streams, stream corridors, wetlands, natural shorelines, and aquifers,
 - 3. protect soil resources and unique or critical wildlife and native plant habitat,
 - 4. promote conservation principles by example or by offering educational opportunities,
 - 5. enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries or other open spaces,
 - 6. enhance recreation opportunities,
 - 7. preserve historic and archeological sites, or

8. affect any other factors relevant in weighing benefits to the general welfare or preserving the current use of the property as delineated in this chapter.

3.40.110 Board Decision

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

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

3.40.120 Unincorporated Lands

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

3.40.130 Incorporated Lands

Applications for open space classification of land in an incorporated area shall be acted upon by a determining authority composed of the three (3) members of the Board of County Commissioners and three (3) members of the city legislative body in which the land is located (RCW 84.34.037). Where the County legislative body concurs with a recommendation of the city council to accept or reject an application for open space classification, such council's recommendation will be adopted as the decision of the determining authority.

3.40.140 Length of Time in Classification

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

3.40.150 Monitoring for Compliance

- A. Monitoring of lands for continuing eligibility for current use assessment as open space lands shall include an affidavit, to be submitted annually by the landowner, of continuing compliance with the terms and conditions under which open space classification was granted and the current uses of the property. The requisite form and contents of the affidavit required for monitoring shall be described more fully in the County guidelines implementing this chapter. The failure of the owner to

submit the affidavit of compliance shall be grounds for the County to reevaluate the property under the PBRs.

- B. The Planning and Community Development Department shall monitor the property to determine the continuing compliance with all of the conditions under which open space classification was granted and the current uses of the property. Where the Planning and Community Development Department determines that the land is no longer being used for the purpose for which the classification was granted or there has been a change in use, it will report its findings within thirty (30) days to the County Assessor.

3.40.160 Removal of Land Classification by County Assessor

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

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

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

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

protecting, preserving, maintaining, improving, restoring, limiting the future use of, or otherwise conserving, selected open space land as defined in chapter 84.34 RCW for public use and enjoyment.

3.40.180 Transfer of Lands between Certain Current Use Taxation Classifications

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

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

~~A thirty dollar (\$30)~~ An application fee must be paid at the time ~~that~~ the application is submitted, as established by the Island County Permit Fee Schedule for Reclassification. If the type of transfer is not listed above it is considered to be a new application for which the applicable fees will be applied ~~for transfer is submitted.~~

3.40.190 Owner May Request Withdrawal From Classification

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

3.40.200 Action on Withdrawal From Classification

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

3.40.210 Owner to Notify Assessor of Change in Use in Classification

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

3.40.220 Sale of Open Space Classified Land

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

3.40.230 Review of Previously Approved Open Space Applications

~~Open space property that has been previously approved for current use assessment prior to the adoption of the Public Benefit Rating System will retain its current use assessment status unless the landowner is found to be out of compliance with the open space requirements of Chapter 84.30 RCW, or the landowner requests reclassification under the Public Benefit Rating System. If a request for reclassification is made, the property will be reassessed under the Public Benefit Rating System at no cost to the landowner, pursuant to the procedures outlined in this chapter. Until the reassessment is completed, previously approved open space property will retain its current tax rate. Within thirty (30) days of receipt of this notice of new assessed value, the owner may request that the parcel(s) of land be removed from the Public Benefit Rating System classification without additional tax, interest, or penalty.~~

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

of penalties, back taxes, and interest upon request of the owner, within 30 days of notification of value under the public benefit rating system.

3.40.240 Planning Commission's Duties

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

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

3.40.250 High Priority Open Space Resources

A. Resource and Rural Agricultural Lands

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

B. Rural Forest Lands/Woodlots

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

C. Privately Owned Trails and Corridors

1. **Definition.** Privately owned trails and corridors that are publicly accessible and used for hiking, biking, walking, horseback riding, and jogging. The trails may vary in scale and surfacing and may also be used as a means of non-motorized transportation connecting one destination point to another. Streets, roads, and highways with widened shoulders or bike lanes are not included in this category.
2. **Source.** County Non-Motorized Trail Plan.
3. **Eligibility.** Eligible lands must be used as a public trail or corridor that remains in private ownership. Public access on the trail from a public road or public trail is required.

D. "Natural" Shoreline Environment

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

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

1. **Definitions**

- a) **Significant Fish and Wildlife Habitat Conservation Areas.** Those areas identified as being of critical importance to the maintenance of fish and wildlife species including areas with which endangered, threatened, and sensitive species have a primary association; habitats and species of local importance; streams; commercial and recreational shellfish areas; kelp and eelgrass beds; herring and smelt spawning areas; state natural area preserves, and state natural resource conservation; or
- b) **Species and Habitats of Local Importance**
 - i. Those areas containing vascular plant species as identified and listed in the Natural Heritage Program as being either endangered, threatened, or sensitive and areas identified in the Natural Heritage Program as high quality ecosystems.
 - ii. Those areas or species designated as Species or Habitats of Local Importance set forth in Chapter 17.02 ICC.
- c) **Category A and B Wetlands.** Wetlands that are classified Category “A” or “B” by Chapter 17.02A ICC and “A” by Chapter 17.02 ICC.
- d) **Special Plant Sites**
 - i. Those sites where preservation, restoration or enhancement of native plant communities is maintained subject to an approved management plan, or
 - ii. Those areas where Blue Flag Iris (*Iris missouriensis*) can be identified or where the property owner proposes a management plan to introduce and maintain a population of Blue Flag Iris.

2. **Sources**

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

3. **Eligibility**

- a) Areas which have a primary association with federally- or state-listed endangered, threatened, or sensitive species of fish or wildlife, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. A Habitat Management Plan shall be submitted which identifies the area to be protected and appropriate mitigation, management and/or protection strategies that will be employed.

- b) Habitats and species of local importance are to be based on the following criteria:
 - (i) The species or habitat is native to the County;
 - (ii) Locally declining populations that are in danger of extirpation;
 - (iii) Sensitivity to habitat manipulation; and
 - (iv) Commercial, game, other special value.
 - (v) A Habitat Management Plan shall be submitted which identifies the area to be protected and appropriate mitigation, management and/or protection strategies that will be employed.
- c) Streams, provided that the stream buffer is at least twice the size of that required under Chapter 17.02 ICC. Buffer averaging shall not be utilized;
- d) Commercial and recreational shellfish areas, provided that the fish and wildlife habitat conservation area buffer is at least twice the size of that required under Chapter 17.02 ICC. Buffer averaging shall not be utilized;
- e) Kelp and eelgrass beds; herring and smelt spawning areas, provided that the fish and wildlife habitat conservation area buffer is at least twice the size of that required under Chapter 17.02 ICC. Buffer averaging shall not be utilized;
- f) State natural area preserves and natural resource conservation areas;
- g) Sites listed in the Natural Heritage database as containing endangered, threatened, or sensitive vascular plant species or high quality ecosystems, or which are verified by an expert in the field as containing the same plants or communities and which are acceptable by the state agency for addition to the database. A Habitat Management Plan shall be submitted which identifies the area to be protected and appropriate mitigation, management and/or protection strategies that will be employed.
- h) Eligible sites are those wetlands classified Category "A" or "B" by Chapter 17.02A ICC or Category "A" by Chapter 17.02 ICC.

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

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

1. **Definition.** ~~Historic and archaeological resources: land which constitute or upon which is situated an historic landmark formally designated by the County or a local jurisdiction, including buildings, structures or sites of significance in the County's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites and landscapes, or traditional cultural properties and landscapes.~~ Historic landmark or archaeological site – designated: land which constitutes or upon which is situated a historic landmark or formally designated landmark. Historic landmarks include buildings, structures, districts, or sites of significance in the County's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. To be eligible as a designated site, a property must be listed on a National Registry or on a County or other certified local government list or register of historic places or landmarks for which there is local regulatory protection.
2. **Source.** Listing on a National, County, or other local lists or registers of historic places or landmarks, as well as listings on ~~and~~ the State inventory of Archaeological Sites (State Office of Archaeology and Historic Preservation) or ~~and~~ the County Historical Society.
3. **Eligibility.** Eligible properties must be listed on the County or other local list or register of historic places or landmarks for which there is local regulatory protection. Eligible properties only include contributing properties within designated historic districts or land that has been verified through an archaeological report prepared by a qualified archaeologist that contains archaeological resources. Improvements to the land are not eligible for other federal or state tax credits. ~~Additionally, land that has been verified through an archaeological report prepared by a qualified archaeologist that contains archaeological resources.~~ Eligibility for this resource category cannot overlap with the “Historic Landmarks/Archaeological Sites – Eligible Site” category. The County will review and make determinations on eligibility.

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

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

H. Active or Passive Recreation Area

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

Eligible examples include:

- A. Sports fields on private property that are open to the public;
- B. Golf courses open to public with fees not comparable to local public golf courses and which adhere to Best Management Practices. Annual monitoring reports are required;
- C. A community garden;
- D. Other recreational uses determined to be consistent with the definition of Active or Passive Recreation as determined by the Island County Parks Department.

Ineligible examples include:

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

3.40.260 Medium Priority Open Space Resources

A. "Conservancy" Shoreline Environment

1. **Definition.** Marine and Lake Shoreline and associated wetlands designated as "conservancy environment" in an adopted Shoreline Management Master Plan. Conservancy shoreline areas are intended to preserve their existing character. The area must consist of native vegetation.
2. **Sources.** Shoreline Management Master Program.
3. **Eligibility.** Eligible sites must be identified as "conservancy shoreline environment" in an adopted Shoreline Master Plan. The property must not be in another shoreline category of the PBRs. The area to be considered eligible is a maximum of two hundred (200) feet upland from the ordinary high water

mark, within the one hundred (100) year floodplain, or the edge of the associated wetland, whichever is greater. To qualify there must be no structures or buildings within 150 feet upland from the ordinary high water mark (OHWM); this area is within the Shoreline jurisdiction, and is based on the Shoreline Master Plan; and there must be no structures within 150 feet from the edge of an associated wetland. If there is a bluff, any buildings must be at least 150 feet back from the edge of the bluff in a “Conservancy” Shoreline Environment. Eligibility under this resource category cannot overlap with the “Natural Shoreline Environment” category or other wetland categories of the PBRs.

B. Flood Hazard Areas Buffers

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

C. Geologic Hazard Area Buffers

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

D. Scenic Natural Resources, Viewpoints, and View Corridors

1. **Definitions**

- a) **Scenic Natural Resource:** An area of ten (10) or more acres of natural features which is visually significant to the aesthetic character of the County or contains features which otherwise qualifies as a historic landmark or archaeological site; or
- b) **Viewpoint:** Property that provides a view of an area which is visually significant to the aesthetic character of the County and which provides unlimited public access identified by a permanent sign readily visible from a road or other public right-of-way; or
- c) **View Corridor:** An area of adjoining parcels which individually may be less than one (1) acre but which, when combined, total at least one (1) acre and create a view corridor critical to maintaining a view of a scenic resource area or other visually significant area.

2. **Source.** None available.

3. **Eligibility**

- a) No lands that have been subject to commercial logging or mineral extraction within twenty five (25) years of the date of the open space classification application are eligible under the Public Benefit Rating System.
- b) **Scenic Natural Resource:** Eligible sites must be significant to the identity of the local area and be visible to a significant number of the general public from public rights-of-way. Such lands must be of sufficient size to substantially preserve the scenic resource value and must be at least ten (10) acres in size.
- c) **Viewpoint:** Eligible sites must provide a view of a scenic natural resource in the County or other visually significant areas and must provide for unlimited public access.
- d) **View Corridor:** Eligible sites must meet the definition of view corridor above.

E. **Urban Growth Area Open Space**

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

F. **Public Lands Buffer**

- 1. **Definition.** Native growth land lying adjacent to neighborhood parks, forests, wildlife preserves, natural area preserves, or sanctuaries. Eligibility for this exception does not extend to properties where plantings are required under

local zoning codes, development mitigation requirements, or other local regulations.

2. **Source.** County Comprehensive Plan.
3. **Eligibility.** Lands being buffered shall be in public ownership, or private lands shall be enrolled in the open space program.

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

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

H. Historic Landmarks/Archaeological Sites – Eligible Site

1. **Definition.** For the purposes of this category, "historic landmark or archaeological site: eligible site" means land that constitutes or upon which is situated a historic property that has the potential of being formally designated by a certified local government jurisdiction, including buildings, structures, districts, or sites of significance in the County's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. An eligible property must be determined by the County, or other certified local government program in the jurisdiction in which the property is located, to be eligible for designation and listing on the National, County, or other local register of historic places or landmarks for which there is local regulatory protection.
2. **Source.** Determination by the County or other certified local government program in the jurisdiction in which the property is located to be eligible for listing on the National, State, County, or other local lists or registers of historic places or landmarks, as well as those found to be eligible with the State inventory of Archaeological Sites (State Office of Archaeology and Historic Preservation) and the County Historical Society.
3. **Eligibility.** Eligible properties only include properties that are determined to have the potential of being formally designated by a certified local government jurisdiction for listing on the County or other local register of historic places or landmarks for which there is local regulatory protection. Additionally, lands that has been verified through an archaeological report

prepared by a qualified archaeologist that contains archaeological resources but are not formally designated as such are also eligible. Improvements to the land are not eligible for other federal or state tax credits. Eligibility for this resource category cannot overlap with the “Historic Landmarks/Archaeological Sites – Designated Site” category. The County will review and make determinations on eligibility.

3.40.270 Low Priority Open Space Resources

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

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

3.40.280 Bonus System

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

A. Public Priority - five (5) points

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

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

1. **Definition.** Restoration of any high, medium or low open space resource defined above. Emphasis shall be placed on restoration of anadromous fish-rearing habitat, wildlife and plant habitat areas, and upland, stream, and wetland habitats.

2. **Source.** No inventory available.
3. **Eligibility.** Eligible sites are those that qualify for any high, medium or low open space resource classification above without this category. Sites are eligible to receive five (5) bonus points for the resource being restored. The owner must have an implemented restoration plan developed in cooperation with, or approved by appropriate federal, state, County, or local agency.

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

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

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

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

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

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

E. **Conservation/Historic Easement in Perpetuity** - ~~five~~twenty (~~5~~20) points.

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

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

1. **Definition.** Access to the County's open space lands by the general public should be encouraged for all lands unless it is determined that such access would damage or endanger the resource. Property owners who allow access to the property, beyond that which is otherwise required by the open space resource category, should be afforded consideration in the level of tax reduction they receive depending on the level of access allowed and the conditions under which access is permitted.

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

the property as part of the Open Space Taxation Program and states the conditions of access.

g) **Accessibility**

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

h) **Limitations on Access and Use**

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

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

1. **Definition.** A detailed site plan prepared by or for an Owner that establishes the location for authorized Permitted Uses, the location and classification of Critical Areas and Critical Area Buffers and Best Management Practices for the long term use of the property. A Rural Stewardship Plan is a voluntary option under Chapter 17.02A ICC available to Owners of Lots one (1) acre or larger in size. Properties who receive an approved Rural Stewardship Plan can be eligible for the PBRS benefit with one (1) or more acres of eligible property.
2. **Sources.** A County approved Rural Stewardship Plan.
3. **Eligibility.** A Rural Stewardship Plan approved under Chapter 17.02A ICC.

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

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

3.40.300 Severability

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

3.40.310 Effective Date

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