

# Ebey's Reserve Design Guidelines and Process

Public Comment Received – 6 comments received

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Sirs,

In an attempt to better understand the above named document, would you please define in writing before the next meeting the following items on page 60.

Item 3... Monopole antenna

Item 10,10,11,13,and 15.... Communications tower item 10... Scenic Vista Item 10...Scenic Easement

Regarding item 10, is there a map of these areas? Are they pre-defined?

If so, I would like a copy.

Thanks

Steve Foster

547 Scenic Heights Road

Ebey's Reserve

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## To: Island County Commissioners, Island County Planning & Community Development, and the Town of Coupeville

I have concerns with the Design Standards and Guidelines Manual for Property Owners, Ebey's Landing National Historical Reserve

1. On Page 60, Utilities and Mechanical Equipment, Number 3. Monopole antennas are prohibited in the Reserve. As a Ham Radio Operator for almost 50 years I have a strong objection to this restriction. Ham Radio Operators, Fire Departments, Police Departments, County and City Public Works, Hospitals, EMS and DES. These are just a few of the Public services that use Monopole Antennas, not counting the private sector that also uses some type of Monopole Antennas. This is unacceptable and needs to be removed.
2. On Page 60, Number 10. Communication towers shall not be placed in significant historic areas, Scenic Vistas or Scenic Easements. Please clarify Significant Historic Areas, Scenic Vistas, and Scenic Easements and where they are located, this will help in determining if these new rules affect my property. Also [PRB-1](#), cited as "Amateur Radio Preemption, 101 FCC2d 952 (1985)," The heart of PRB-1 is codified in the FCC Rules [97.15(e)].  
Part 97 : **Sec. 97.15(e) Station antenna structures.**

(a) Owners of certain antenna structures more than 60.96 meters (200 feet) above ground level at the site or located near or at a public use airport must notify the Federal Aviation Administration and register with the Commission as required by Part 17 of this chapter.

(b) Except as otherwise provided herein, a station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur service communications. [State and local regulation of a station antenna structure must not preclude amateur service communications. Rather, it must reasonably accommodate such communications and must constitute the minimum practicable regulation to accomplish the state or local authority's legitimate purpose. See PRB-1, 101 FCC 2d 952 (1985) for details.]

3. On Page 60, Number 11. **Communication tower configuration, material and color must be designed to blend with natural features and shall have minimal visual**

- impact on the Reserve.** Is this provision for all Communication Towers or meant for Cellular Towers only?
4. On Page 60, Number 13. **Communication towers that are required to have warning lights are prohibited in the Reserve.** Again is this provision for all Communication Towers or meant for Cellular Towers only?
  5. On Page 60, Number 15. **Communication towers must be removed when they are no longer in use for more than twelve months.** And again is this provision for all Communication Towers or meant for Cellular Towers only?

Today when a property owner applies for a permit to improve their property, the Island County Planning & Community Development issues the applicant a package. When completed it is reviewed by the HRC (Historical Reserve Committee). In the cover letter it refers to the HAC (Historical Advisory Committee). It is my understanding that the HAC is an advisory committee only. Is this correct? I have reviewed the new Design Standards and Guidelines Manual for Property Owners. It appears to me that the new HPC (Historic Preservation Commission) committee will be more than advisory. If this is correct what authority will they have? If a property owner does not adhere to the new guidelines will there be fines? Who will police the new guidelines? I would like the above concerns answered at the next public hearing on August 25<sup>th</sup>.

Thank You.

Christopher Burton  
1049 Burchell Rd.  
Coupeville, WA

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We already are regulated by existing building codes and standards, in effect here in Island County. Ken Pickard's letter last month, to the Town Planning Commission, stated that "...the County was invited to join together with Ebey's and the Town to establish a more 'unified approach' at 'cultural resource protection' in the Reserve." The original 'Purpose and Intent' to protect the reserve is not well-served by such an inappropriate concept of a 'unified approach'; it is unnecessary. As a long-time resident, I am all for protecting the integrity of the open spaces as well as the historical structures throughout Ebey's Landing National Historical Reserve, but my home and property is neither of those. Applying those 'Design Standards and Guidelines' throughout ('Review Area/Zone 1') is unfair and unreasonable to the majority of homeowners who happen to reside within the Reserve. Why should The Town's interest further dictate to the many homeowners of non-historic homes, that which is or isn't "...compatible within the cultural landscape," including color choices for our houses, home improvements such as decks and fences in our yards, etc., etc., etc.? I contend that the existing building standards and regulations for the COUNTY within the Reserve are already ambitious enough.

The proposed "Disclosure Statement" for all properties within the Reserve would substantially reduce marketability for the average home, thereby making it more difficult for homeowners to sell. For most potential buyers of non-historic homes (especially within subdivisions throughout the Reserve), it identifies our properties as undesirably restricted. This is unfair to many homeowners. At the very least, I would recommend deleting the first sentence, which states "...even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property." Also, in the closing statement, change the wording to: "Before purchasing or leasing the above property, you MAY consult with...."

"Ebey's Reserve Design Guidelines and Unified Code" dated 7-21-09, states: "The intent is to ... maximize public involvement." This is hardly happening. The postcard originally sent out to

property owners in the Reserve was vague. It stated an intention "... to bring all property owners together in caring for the overall character and appearance of the Reserve...." Nowhere did it suggest the extensive implications for the typical homeowner, or that "... all properties within unincorporated Island County that are not located in Area/Zone 2" (a very small area) ...will be subject to the same stringent guidelines as within Coupeville Town. I implore the COUNTY PLANNING COMMISSION to please stand up for homeowners throughout unincorporated Ebey's Reserve. Now, the location and time for the joint August 25 hearing has been changed from that noted on the postcard.... Who will show up? I do not feel that the fine print within the Legal Notices section of the newspaper is enough notification. We need open communication, as well as more time and additional public meetings with the COUNTY Planning Commission, not only to secure public opinion, but also to inform property owners. How can decisions be made starting Sept. 15, without adequate and informed community input? I, too, am concerned about "appearances" throughout the Reserve; I would rather like to see the "Design Standards and Guidelines Manual for Property Owners" do more to regulate the clean-up of the numerous uncared-for properties therein.

Thanks, and see you at the next meeting!  
Sally Larson-Foster

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A few issues with the proposed Ebey's reserve proposal.

1. Item 16.12.080 section "e" definition #21 and #22. based on these items, and the fact that Penn Cove Park subdivision houses were built after 1950, Penn Cove park should be included in Zone(or whatever) 2. If it is not, I would like a detailed explanation of why Sierra and Rolling hills are, and Penn Cove is not.
2. Item G.Applicability. 3.l.a thru g. I am sure that I am not the only person to bring up the house color issue. This among many other items in this section are going to create an enormous amount of work for the reduced Island county staff. It was of note that two people on the Island County Planning group at the last public meeting did not know about the process , requirements, or procedures related to house painting. Did they not read or understand these documents? For type 1 decisions, (painting house) the requirements are outlined in section C. One would need to have a color photograph..., complete description of work...,etc.
3. Item N, Disclosure Statement  
Is this an attempt to keep newcomers out, or just to allow newcomers who have unlimited funds in? In today's poor housing market, this is just what we need to help sell our houses.
4. Draft resolution  
Page 5 Design Standards, How do we define "certain areas"?  
Page 5 Design standards, are the design standards adopted by the town of Coupeville now the de-facto standards for the reserve, the county?  
Page 10,reviewer. Who is "staff"?  
Page 11, Energy conservation, do we want to limit this?  
page 13, Information that has to be provided in Application, same absurd requirements as identified in item "2" above

There are so many absurd and conflicting statements, definitions (or lack thereof), and vagueness in these documents that it is unconscionable that they were presented to the public, and to the planning commissions as they were.

If the group that wants another bureaucracy wants changes, let them be concise and give the planners information so they can understand it and make valid recommendations.

The public must be adequately informed, more meetings need to be held.

This proposed change affects a lot of people in Island County, and we deserve better than what we have seen so far.

Steve Foster  
547 Scenic Heights Road  
Oak Harbor, Wa 98277

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Hi everyone,

I have attached my updated inputs for inclusion in the public comment period. Let me know if any additional clarifications or inputs would be helpful.

Thank you all again for your important work in updating and streamlining the Reserve review and guidance processes.

Best Regards,  
Scott Price

Dear Design Review Process Participants,

Thank you for helping the local community by leading the creation of a new Reserve Design Manual and updating the existing Design Review Process. I am very interested in the long term environmental, aesthetic, and cultural values of the Reserve, Coupeville, and Whidbey, and I would appreciate the opportunity to provide inputs to your process.

I was enthused to see that environmental and habitat preservation has been incorporated and expanded in the recent proposed guidelines. Great stuff! I feel that is essential to both the Reserve and the larger Whidbey biosphere. While the Reserve already does an excellent job preserving historical buildings, rural vistas, and historical community feel, there is also a very real opportunity to protect and preserve the forests and wildlife habitat that are just as important to both the history and the future of the Reserve.

I advocate inclusion of the following concepts for the future of the Reserve. Some of these areas are either directly or indirectly included in the recent design guideline proposals, and I look forward to your ongoing support of them.

1. Encourage **integrated land use** that includes native species, vegetation buffers, wildlife corridors, maintaining valued species, etc.
2. Encourage **win-win scenarios** by allowing significant home design flexibility when homes are hidden from public road views by natural buffers, trees, large stands of bushes, hedgerows, and other micro-habitats that then directly benefit nature-based aesthetics, habitat, water quality, etc. for the whole community.
3. Encourage **preservation of forests plus tree buffers along roads**. We already successfully support open scenic vistas with cleared historic farmland, and we should correspondingly balance that with supporting other areas to establish and maintain both forests and tree stands that provide richer wildlife habitat plus are definitely viewscapes in their own right.
4. Encourage **sustainable home designs** that represent the future needs of our community and world. This includes local and natural building materials, reduced energy usage, local small scale energy production (solar, wind, geothermal), and topography/ecosystem-integrated site design.

You have an opportunity to be an important voice in shaping a direction of the Reserve that is different yet wholly complementary to its famous open farm land and historical buildings. There is of course important value in continuing to preserve that history. I also support future-

focused design guidance that can be used throughout the Reserve and especially in the many areas that are not particularly "historical" or in the public eye. These areas are excellent candidates for habitat preservation, forest preservation, and encouraging key societal values that are all an important part of both our past and our future.

Thank you very much,  
Scott Price

Owner: 15 acres on Parker Road by the northeast corner of Reserve  
20 N Main St in the Historic Restoration Overlay District

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1. Good afternoon Anthony. I'll try to call Wed. morning before I head to Lynnwood for a R.E. Class.
  2. I have not read all relevant documents available on line. You raise my concern that all of the materials are not available, yet there are two scheduled Hearings. To me Hearings are the step at which votes to approve are taken. Am I wrong that at the second Hearing the BOICC and Town of Coupeville can/will vote to adopt the Ebey's Reserve Code and associated documents?
  3. What progress on figuring out how RCW 43.21.H State Economic Policy, applies to this and the Freeland NMUGA? The costs, inconvenience, and delays associated with getting formal approval for and permits associated with the purchase or sale of real property covered by this Code need to have documented 'methods and procedures' that consider the economic effects of the Code. [A buyer offers to buy a property, but intends to remodel it. How long must a seller be kept waiting for the buyer's applications to pass through the system? What effect on a purchase from an estate or any other title holder that is not required to provide a Disclosure Statement concerning the material condition of a property?]
  4. It appears that the Ebey's Reserve Committee will be appointed (not answerable to the voting public), and will have authority that should be subject to public approval/disapproval.
  5. It appears to me that the BOICC and The Town of Coupeville are removing themselves from the decision process in favor of passing the responsibility to the Hearing Examiner. If I am correct about that I am disappointed because of the loss of property rights and the significant increase in time and cost associated with ownership and use of private property.

Respectfully,

Rufus Rose

360-579-2790 home  
360-333-0874 cell (I don't know how to save calls when I don't answer.)