

**Town of Coupeville and  
Island County Proposed  
Ebey's Landing National  
Historical Reserve Unified  
Code**

**Dated – August 18, 2009**

**Presented in Joint Planning  
Commission Session on  
August 25<sup>th</sup>, 2009**

## REPLACES CURRENT DESIGN REVIEW PROCESS AND STANDARDS OF THE TOWN AND COUNTY

### 16.12.080 Historic Preservation

#### A. Purpose.

The purpose of this section is to provide for the protection of historic and prehistoric resources within the Ebey's Landing National Historical Reserve (Reserve) and to encourage the protection, preservation, restoration and rehabilitation of historic and/or cultural resources within the Reserve for future generations in order to:

1. Safeguard the heritage of the Reserve as represented by those buildings, objects, sites and structures which reflect the significant elements of the Reserve's history;
2. Increase recognition of the Reserve's historic and cultural resources;
3. Foster a sense of identity based upon the Reserve's history;
4. Assist, encourage and provide incentives to property owners for preservation, restoration and use of significant buildings, objects, sites and structures; and
5. Promote and facilitate the early identification and resolution of conflicts between preservation of historic/cultural resources and alternative land uses.

#### B. Applicability.

This section applies the geographic area of the Reserve 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 ~~and~~; those that are subsequently named to the Ebey's Reserve Register of Historic Places ~~National Historic Preservation Act~~; and those properties containing protected cultural resources.

#### C. Permit issuance restrictions.

The Departments of the Town and County shall not issue permits or approvals affecting the use of the property within the Reserve prior to the issuance of a ~~certificate~~Certificate of ~~approval~~Appropriateness by the County, Town, or Commission established herein, as applicable. Permits/approvals specifically included but are not limited to are building permits, onsite sewage system permits, well site approvals, clearing and grading, road access, work on public right of way, and /or any other land use permit or governmental approval a[potentially affecting the application and/or effectiveness of the standards adopted herein.

D. **Design Guidelines Adopted** – The Board and Council adopts by reference *The Ebey's Landing National Historical Reserve Design Guidelines* (Guidelines), approved by the Board and Council and any subsequent approved amendments thereto. The Guidelines are available to the public at the Island County Planning and Community Development or Town of Coupeville Town Hall. The Guidelines contain standards and technical guidance for complying with this chapter.

#### E. Definitions.

For the purposes of this section, the following definitions shall apply, unless a different meaning clearly appears from the context:

1. "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.
2. "Certificate of ~~Approval~~Appropriateness (COA) is a document administratively issued or issued by the Commission which approves a regulated action in the Reserve based on consistency with applicable design guidelines or standards.
3. "Commission" means the "Ebey's Reserve Historic Preservation Commission (HPC). The Commission is a ~~quasi-judicial body with~~ decision making authority as established herein, whose members serve without pay. Members are appointed by

the Board and Council. Its purpose is to promote historic preservation, conduct design review and issue Certificates of ~~Approval~~Appropriateness for new construction affecting historic resources, alterations to historic properties, demolition or relocation of historic properties and other projects consistent with the adopted uniform process and standards.

4. "Council" shall refer to the Council of the Town of Coupeville.
5. "Cultural resources" consist of historic or prehistoric or archaeological sites and standing structures, cemeteries, burial grounds and funerary objects and distributions of cultural remains and artifacts.
6. "Ebey's Landing National Historical Reserve or Reserve" is America's first historical reserve and a unit of the National Park Service. The Reserve was established in 1978 by Congress to preserve and protect a rural community which provides an unbroken and vivid historical record of Pacific Northwest history, from 19th century exploration and settlement to the present time. The reserve contains 17,500 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 which is the geographic area regulated under this chapter, is attached hereto as Exhibit B.
7. "Demolition (or partial demolition)" means the destruction or removal, or relocation, of a building or structure, in whole or in part. Demolition (or partial demolition) pertains to the demolition of significant features of a building that are important to defining the building's or structure's historic character. Demolition (or partial 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.
8. "Demolition by neglect" means 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 is judged as unsafe as defined by the jurisdictions adopted Building Code.
9. "Design review" means the process of applying specific design standards and guidelines to proposed projects that may potentially affect a cultural resource within the Reserve.
10. "Deteriorated" means the substantial loss of original condition of a building or building element over time due to natural elements or human activity/inactivity.
11. "Development" means any proposal which will result in construction, development, earth movement, clearing, or other site disturbance and requires a permit, approval, or authorization from the town/or county or is proposed by a public agency.
12. "Emergency repair" means work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.
13. "Farm Cluster" means a grouping of buildings and/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.
14. "Historic Building and/or Site means a locally designated landmark building and/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 is attached hereto as Exhibit A.

15. “Historic Structure means a locally designated landmark structure such as a barn, outbuilding, etc. that have been 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. The list of historic structures is attached hereto as Exhibit A.
16. “Land Use – Major” means quasi-judicial decisions approved by the Legislative body/Hearing Examiner.
17. “Land Use Minor” - means quasi-judicial decisions administratively approved.
18. “National Register of Historic Places” means the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering or cultural heritage.
19. “Ordinary repair and maintenance” means work for which a permit issued by Island County/Town is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structural appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage.
20. “Partners” means the Board of Island County Commissioners, the Council of the Town of Coupeville, and the Trust Board of Ebey’s Landing National Historical Reserve.
21. “Qualified archaeologist” means a person who has had formal training and/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.
22. “Reserve Committee” means a committee composed of the Town Planner, or his/her designee, the County Planning Director, or his/her designee, and the Reserve Manger.
23. “Review Area” means 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.
- ~~22.~~ “Review Area 1” means an area or neighborhood that has a concentration of buildings and/or associated landscape and streetscape features that retain a high degree of historic character ~~and integrity, and represent an important aspect of the Reserve’s history. These areas retain and exhibit sufficient integrity (materials, design, and setting) to convey a sense of history. Review Area 1 includes the majority of the land area within the Reserve whether it is prairie, woodland, coastal area, or within the Town to include:~~
  - ~~a. All historic (contributing) buildings within the Reserve and area within the Town of Coupeville’s Historic Restoration Overlay District. These have the highest design review standards, to preserve their character and integrity.~~
24. ~~Properties adjoining or visible from historic buildings or landscapes. These have high design review standards to assure that a regulated~~

~~action is compatible and does not detract from the historic resources.~~

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:

- All historic (contributing) buildings and sites within the Reserve. These have the highest design review standards, to preserve their character and integrity;
- All properties in the Coupeville Historic Restoration Overlay Zone;
- Other historic buildings in Coupeville, including their property and an area 100 feet around the historic building;
- Properties that are visible from major public roads and/or Penn Cove; and
- All properties within unincorporated Island County that are not located in Area 2.

25. ~~“Review Area 2” means Area within the Reserve requiring limited review for regulated actions due to location and/or extensive contemporary development. These areas include development sites, i.e. This Area includes buildings that are not visible from public major roadways or adjacent historic areas to include. Area 2 includes:~~

- Within unincorporated Island County those portions of the Sierra subdivision not adjacent to West Beach Road, those portions of the Scenic Heights Penn Cove Park subdivision not adjacent to Monroe Landing Road, and those portions of the Rolling Hills subdivision east of the ridgeline.
- New construction, additions, alterations and accessory structures on properties in woodlands that are entirely screened from public view by heavy vegetation. In each case, either the staff or the applicant may refer the project to the HPC for review.
- All properties located within the Town of Coupeville that are not located in Area 1.

26. “Special purpose district” means 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.

27. “Trust Board” means 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.

#### **F. Ebey’s Reserve Historic Preservation Commission.**

1. Creation and Size. The Partners Town and County establish an Ebey’s Reserve Historic Preservation Commission (the Commission or HPC), consisting of nine (9)

members. Members of the Commission shall be appointed by the PartnersTown and County as herein below described and shall be residents of the Reserve, except as provided for herein.

2. Composition of the Commission.
  - a. All members of the Commission must have a demonstrated special interest, experience or knowledge in history, historic preservation, architecture/design, cultural landscape or related disciplines. The Commission ~~should~~shall include at least one representative with farm or agriculture expertise. The Commission must always include at least two professionals who have experience in identifying, evaluating and protecting historic and cultural resources and are selected from among the disciplines of history, public history, architecture, architectural history, historic preservation, planning, cultural landscape, archaeology, cultural geography, American studies, or the practice of historic rehabilitation or restoration. If necessary, one of these professional representatives may live outside of Island County. The Commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one (1) or all of the professional positions. Furthermore, an exception to the residency requirement of Commission members may be granted by the Partners in order to obtain representatives from these disciplines.
  - b. Commission Appointments
    - i. Four members would be appointed by the Board; one of these four appointments would be based on the recommendation of the Trust Board of Ebey's Reserve.
    - ii. Four members would be appointed by the Coupeville Town Council; one of these four would be based on the recommendation of the Trust Board.
    - iii. One member would be appointed jointly by the County Commission and the Town Council, upon recommendation of the Trust Board.
  - c. Terms.
    - i. The initial appointments to the Commission shall be staggered. Two (2) members shall be appointed for one (1) year, two (2) members shall be appointed for two (2) years, two (2) members shall be appointed for three (3) years, two (2) members shall be appointed for three (4) years, and 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 Partners shall each appoint a representative member during each period.
  - d. 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.
  - e. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms. Members may be removed by the Partners for inefficiency, neglect of duty or malfeasance in office. The members shall be selected without respect to political affiliations.
3. Powers and Duties. ~~The Commission is established as for the purposes of making quasi-judicial decisions as specified herein.~~ 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; ~~to raise community awareness of the Reserve's historic~~

and ~~cultural resources; and to serve as the Reserve's primary resource in matters of historic preservation to issue Certificates of Appropriateness as described below.~~ In carrying out these responsibilities, the Commission shall engage in the following:

- a. Conduct design review and issue Certificates of ~~Approval~~Appropriateness for alterations to historic properties, demolitions or relocations of historic properties and other actions as required;
  - b. Hear ~~appeals from~~ and resolve applicant objections of Type I and II decisions as specified herein regarding Certificates of ~~Approval and other actions~~Appropriateness;
  - ~~c. Review and act on applications for permits that affect historic resources;~~
  - c. 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;
  - d. Maintain the Ebey's Landing Register of Historic Places, including designating additional properties based on established criteria;
  - e. 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,
  - f. When requested by staff of the Partners, 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).
  - g. Advise staff should a compliance issue be observed regarding the Reserve's historical regulations, to enable appropriate monitoring and enforcement.
4. Compensation. All members shall serve without compensation.
  5. Rules and Officers.
    - a. The Commission shall establish and adopt its rules and procedures not inconsistent with this section.
    - b. 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.
    - c. A quorum of the Commission must be present to conduct business.
  6. 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.
  7. Recommend amendments to the Guidelines to the Planning Officials of the Town and County.
  8. Interlocal Agreement Required. Prior to review by the Commission of nominations or ~~certificates of approval~~Certificates of Appropriateness for properties within the Reserve, an interlocal agreement between the Partners shall be established.

**G. Applicability - ~~Review of Changes to Historic Sites~~—Design Review Required**

1. Review Required.
  - a. No person shall demolish/partially demolish/relocate a historic structure or building; construct any new building or structure; or reconstruct, alter, restore,

remodel, repair, paint, or make any material changes to the landscape (clearing, grading, etc.) which affects a historic structure, building, or site within the boundaries of the Reserve without receipt of a ~~certificate of approval~~ Certificate of Appropriateness issued by the County, Town, Reserve Committee, or Reserve Commission as required herein. The review shall apply to all features of the property that contribute to its designation. This requirement shall apply whether or not the proposed alteration also requires a building or other permit. Information required by the Commission to review the proposed changes is established herein.

- b. All decisions involving applications for Certificate of appropriateness shall be in writing and shall state the findings of fact, conclusions of law, 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 permits granted.
2. Exemptions. The following activities do not require a ~~certificate of approval~~ Certificate of Appropriateness:
    - a. Emergency measures as defined in Section 16.12.080(E).
    - b. Alteration of interior features.
  3. Review Process. Requests for Review and Issuance of a Certificate of ~~Approval~~ Appropriateness.
    - a. The Partner's Planning Official (Planner) shall report any application for a land use development and/or building permit 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. The Planner shall not authorize the issuance of any permit by their respective government until a ~~certificate~~ Certificate of ~~approval~~ Appropriateness has been issued by the approving authority as outline herein.
    - b. There are established three (3) types of decision making processes for reviewing an application and issuance, conditional issuance, or denial of a ~~certificate~~ Certificate of ~~approval~~ Appropriateness. The approval time periods specified in ICC 16.19 for administrative decisions, as now exist or is hereinafter amended, govern the decision making timeframe for processes established herein.
      - i. Type I Decisions - Administrative
        1. An administrative review by the Planning Director or Town Planner for actions as listed below:
          - a. Repairs of existing structures using the same materials and design as the original (if the original materials conform to current design standards).
          - b. Re-roofing ~~and repainting~~ using the same type and color of material (if the original materials and colors conform to current design standards).
          - c. Exterior painting where colors are chosen from the approved color palette. Painting does not necessitate a permit application or approval; however, in order for painting to remain a Type I Decision, color choices must be consistent with the approved color palette which is available at the County, Town and Trust Board offices and on their websites. Upon request of the landowner, a color approval authorization can be obtained prior to

painting a structure or building. The Town Planner or the Reserve Manager Trust Board staff is authorized to provide these approvals within the Town. The County Planning Director or the Reserve Manager Trust Board Staff is authorized to provide these approvals within the County. Landowners may choose to secure this approval prior to investing in the purchase of paint and/or contractor services as an added measure of assurance that their activity is consistent with the Chapter. Failure to paint a structure or building consistent with the approved color palette is an enforceable action. Where a landowner desires to paint a structure or building a color that is not consistent with the approved color palette, a permit is required and shall be reviewed as a Type III Decision as described in Section 16.12.080.G.3.b.iii.

- d. Replacement of sidewalks and driveways using the same type and color of materials. (if the original materials and colors conform to current design standards).
- e. 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 standards).
- f. Replacement of utility systems that do not alter the building exterior.
- g. Structural or seismic upgrades that do not alter the building exterior
- h. Accessibility alterations that do not permanently alter the building exterior.
- i. Commercial, institutional, and public signage  
~~Commercial and residential signage~~ that meets requirements in the standards
- j. Decks, porches, and walkways that meet requirements in the standards
- k. Retaining walls and fences that are less than 6 feet in height (based on pre-development grade) that meet requirements in the standards.

~~l. Commercial, institutional, and public signage~~

ii. Type II Decisions - Administrative

- 1. An administrative review by the Reserve Committee for actions as listed below:
  - a. Demolition or relocation of non-contributing buildings
  - b. Design of Short plats
  - c. Accessory structures that meet the requirements in the standards
  - d. New construction in ~~Zone~~Area 2 or new construction that is totally screened (permanently from view from adjacent property, streets and water bodies.
  - e. Clearing and grading activities including the removal of significant trees in Area 2.

- f. Additions to existing non-contributing buildings that is adjacent to contributing buildings or within the historic restoration overlay zone of the Town.
      - g. Energy conservation and sustainability improvements in Area 2.
    - 2. Decisions of the Reserve Committee shall be unanimous. The Reserve Committee shall refer an application to the Reserve Commission when:
      - a. The Reserve Committee is unable to make a unanimous decision on the application or on the conditions of ~~approval~~Appropriateness; or
      - b. Upon the request of the applicant
    - 3. In the event of an application is unclassified, the Reserve Committee is authorized to assign the decision making process to application and shall notify the Commission of their decision.
  - iii. Type III. ~~Quasi-judicial decision~~ Commission Decision
    - 1. The Commission will review projects either in a public meeting or public hearing as indicated below:
    - 2. Public Meeting:
      - a. Alterations of a historic structure;
      - b. Additions to historic structures;
      - c. New residential construction within ZoneArea 1;
      - d. Removal of a noncontributing addition to a Historic Structure
      - e. Retaining walls and fences that are in excess of 6 feet
      - f. Exterior painting that is not within the approved color palette.
      - g. Exterior alterations or additions to a contributing historic building or an adjacent non contributing building
      - h. Public park improvements visible from public rights of way
      - i. Major Land Use Actions to include plats, planned residential development, over-water shoreline development, clearing and grading activities, conditional use permits highway and street improvements involving the addition of lanes and/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 recommendations to the decision making body.
      - j. Alternative compliance plans for working farms approved under Section 16.12.080.H.
    - 3. Public Hearing:
      - a. Demolition (partial or complete) and relocation of historic buildings. (The standards for demolition are specified below.)
      - b. New Nonresidential (commercial, public and institutional) buildings and structures construction within ZoneArea 1 and 2;

- c. New multifamily structures to include apartments, low income housing, cottage housing, and modular home parks.
  - d. ~~Appeals~~Resolution of applicant Objections to Type I and II decisions.
- c. When a ~~certificate~~Certificate of ~~approval~~Appropriateness is required, the following procedures shall govern according to the type of review required:
- i. Type I and II applications:
    - 1. Applications for the ~~certificate~~Certificate shall be submitted to the ~~Planner~~County/Town on forms provided by the ~~Partners~~County/Town and in accordance with the following submission requirements:
      - a. a clear color photograph or photographs of the building, object, site ~~or~~, structure, and adjacent properties;
      - b. a ~~brief~~complete description of the intended work;
      - c. scaled site plan depicting existing and proposed structures and improvements to include significant trees, tree planting, buffering, and landscaping;
      - d. scaled design elevations of new structures/improvements, alterations, and additions;
      - e. covenants as applicable;
      - f. samples of ~~replacement material~~construction materials and for historic structures samples for comparison with the existing or the original building or structure ~~must be furnished with the application~~; and.
      - g. any supplemental information deemed necessary for review of the application by the County/Town.
    - 2. The staff and/or the Reserve Committee may refer the application to the next higher decision making body for a decision in accordance with the procedures set forth for a Type III process review when in their opinion that the action potentially has a greater impact to the Reserve's cultural resources than similar applications. The time for a decision of the Commission on the application shall run from the date that the application is referred to the Commission by the staff.
    - 3. Decision of the staff to refer the application to the Reserve Committee or a decision of the Reserve Committee to refer the application to the Reserve Commission for action, shall be made within fifteen (15) days from the date on which the Reserve Committee staff receives a fully complete application.
 

~~Appeals from the~~ Resolution of the decision of the staff or Reserve Committee regarding the issuance, conditions of issuance, or denial of a ~~certificate of approval~~Certificate of Appropriateness may be ~~appealed to~~resolved by the Commission.
  - d. Type III, Commission Review.

- i. The owner or the owner's agent (architect, contractor, lessee, etc.) shall apply to the Commission for a review of a proposed regulated action and request a ~~certificate~~Certificate of ~~approval~~Appropriateness or, in the case of demolition, a waiver. ~~Each application for review of proposed changes shall be accompanied by information as required by the Commission in its rules and procedures for the review of the proposed project.~~ An applicant must include within a request for a Certificate of Appropriateness any information required by the Commission as set out by administrative rule. Information required by the Commission will include information responding to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, referred to 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 and Town Planning offices.
- ii. The Commission ~~staff~~ shall meet with the applicant and review the proposed work according to ~~the~~ their established in rules in either a public meeting or public hearing as required herein. Notice of the ~~design review~~Commission meeting or public hearing shall be published in a newspaper of general circulation and the agenda for a public meeting/hearing the properly posted.
- iii. The Commission shall complete its review and make its recommendations and decision within the timelines established in County code for Type ~~III~~ decisions, unless an extension of time is necessary and agreed to by the applicant.
- iv. The Commission reviews the request for Certificates of Appropriateness under the following procedure:
- v. Public Meeting:
  1. The County/Town 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.
  2. The Commission, after reviewing the application and considering the information and comments received at the public meeting/hearing, shall make a written decision and forward same to the responsible Planning Official to grant, grant with conditions, or deny the Certificate of appropriateness application based upon the consistency of the proposed action with the requirements of this chapter. The Commission shall make its decision within thirty (30) days of the receipt of a completed application by the Town/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 Town or County.
- vi. Public Hearing:

1. The County/Town 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, a public comment period is provided is provided for those applications requiring a public hearing. The purpose of the public comment period is to provide the opportunity for public review and comment on the application. Comments on the application will be accepted at or any time prior to the closing of the record of the open-record public hearing.
  2. At the close of the public comment period, the County/Town Planning Official consults with the Commission regarding a date and time for public hearing. At least fifteen days prior to the public hearing, the County/Town Planning Official causes notice of hearing to be provided.
  3. The County/Town Planning Official makes a written report regarding the application to the Commission. The County/Town Planning Official sends the application to appropriate other County/Town departments, coordinates their review of the application and assembles their comments and remarks for inclusion in the report to the Commission as appropriate. The report of the County/Town Planning Official contains a description of the proposal, a summary of the pertinent Secretary of the Interior's Standards for Rehabilitation, findings and conclusions relating to those standards and a recommendation. If the recommendation is for approval, the report also identifies appropriate conditions of approval. At least ten days prior to the scheduled public hearing, the report is filed with the Commission as appropriate and copies are mailed to the applicant and the applicant's representative. Copies of the report are also made available to any interested person for the cost of reproduction. If a report is not made available as provided in this subsection, Commission may reschedule or continue the hearing, or make a decision without regard to any report.
  4. The Commission makes a decision regarding the application within ten days of the date the record regarding the application is closed. The time for decision may be extended if the applicant agrees. In making the decision, the Commission may approve, approve with conditions, or deny the Certificate of Appropriateness. The decision is in writing.
- vii. Negotiated Process:
1. Alternatively the applicant, The Commission and/or the Reserve Committee may request an open public negotiation process leading to more specifically define or different management standards for a specific circumstance not clearly established in the Guidelines. The negotiated decision must however remain consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings.
  2. While the negotiation process is occurring, the requirements for an issued Certificate of Appropriateness continue to be in effect.

3. Once the negotiation process is completed and the applicant and the Commission are in agreement with the negotiated standards, the agreement is attached as a condition to the Certificate of Appropriateness.
  4. If no agreement can be reached between the Commission and the applicant, the matter shall be decided by the Commission as herein required.
- viii. The Commission's decision shall be in writing and shall state the findings of fact, conclusions of law, and reasons relied upon in reaching its decision. ~~If the owner agrees to the Commission's decision, a certificate of approval shall be awarded by the Commission according to standards established in its rules and procedures. The Commission's recommendations and decision, and, if awarded, the certificate of approval, shall be transmitted to the Town or County Planner. If a certificate of approval is awarded, the Planner~~ A decision denying a Certificate of Appropriateness shall state the specific reasons for the denial and explain why the proposal is inconsistent with the requirements of this chapter and adopted Guidelines for the Reserve. Prior to denial the Commission shall notify the applicant of its intent and provide the applicant with a 15 day opportunity to submit an amended application which is constant with this chapter and the adopted Guidelines.
- ix. A copy of the 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. Notice of the issuance of Certificate of Appropriateness shall be provided to any person who, prior to the rendering of the decision, made a written request for notice of the decision, or submitted substantive written comments on the application.
- x. ~~If a Certificate of Appropriateness is issued, the responsible Planning Official may then authorize the issuance of the underlying permit or approval or attach same as a condition of approval of the related permit/approval that are under review by the Town or County consistent with the terms and conditions of the Certificate of Appropriateness. If a Certificate of Appropriateness is denied the responsible Planning Official shall not issue the underlying permit or approval. Following issuance of a Certificate of Appropriateness by the Commission, the responsible Planning Official shall evaluate the findings of fact, conclusions of law, and reasons relied upon in reaching the decision. Unless the responsible Planning Official determines (1) that the decision is an erroneous interpretation of the law after affording substantial deference to the Commission with local expertise, or (2) is a clearly erroneous application of the law to the facts, the responsible Planning Official shall affirm the Certificate of Appropriateness and attach the findings of fact, conclusions of law, and reasons relied upon in reaching the decision to the final application decision. The responsible Planning Official shall then approve, approve with conditions, or deny the application.~~
- e. Demolition or Relocation of Historic Buildings/Structures.
- i. 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 Reserve Partners to prevent the demolition or relocation of historically significant (contributing) buildings and structures. A property owner wanting to demolish (in whole or part) or to relocate a

historically significant building or structure off the property must receive a Certificate of Approval Appropriateness from the Historic Review Commission before the action will be approved by the Town or County. 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 Section 16.12.080.H. Demolition is subject to review under the State Environmental Policy Act.

- ii. 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.
- iii. 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.
- iv. Application Requirements and Procedures
  1. Where demolition of the building is sought due to unsafe conditions, the applicant shall supply a report from a Washington-licensed structural engineer that substantiates that the building thereof is imminently dangerous to the public.
  2. Where demolition of the building is sought for reasons other than unsafe conditions, the applicant shall supply a report from a Washington-licensed structural engineer and 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 Town/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?
  3. The report shall also contain the following information:
    - a. Current level of economic return including the amount paid for the property, date of purchase, party from whom

- purchased and the relationship between the current owner of record, the applicant and the person from whom the property was purchased;
- b. Annual gross income from the property for the previous three years, itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
  - c. Remaining balance on the mortgage or other financing secured by the property, real estate taxes paid on the property for the previous four years, and the most recent assessed value of the property;
  - d. All appraisals obtained within the previous three years by the owner in connection with the purchase, financing or ownership of the property;
  - e. Any listing of the property for sale or rent, price asked for and offers received, if any, within the previous two years;
  - f. Fair market value of the property at the time of application;
  - g. Whether the remainder of the site is capable of economically viable development even if the structure is required to remain on the site.
4. The Commission may request peer review of the hereinabove 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 within them. A written determination from the Commission requiring peer review shall include the following information:
- a. 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);
  - b. A statement of the specific areas of the report believed to be inadequate or in error, or not sufficiently definite to allow meaningful analysis;
  - c. 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.);
  - d. Before requiring peer review, the Reserve Commission shall attempt to obtain clarification or new information from the applicant or author of the report addressing issues raised by the director.
  - e. The independent expert shall be a person who has had at least 10 years' experience involved in a profession, business or organization, and who has devoted a substantial amount of his or her experience within those 10 years, to historic preservation issues and in reviewing

structural and financial information with respect to older buildings. Examples of relevant professions, businesses, or organizations include, but are not limited to, certified real estate appraisers, architects, bankers, and/or executives or persons in organizations or companies which are substantially involved in evaluating the economics of historic preservation matters.

- f. 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.

v. Decision Criteria.

1. If removal would be detrimental to the historic character of the Reserve, then the application shall be denied unless:
  - a. The denial or partial denial will deprive the owner of reasonable economic use of the property;
  - b. The building, structure, or portion thereof to be removed cannot be adapted for any other use, whether by the owner or by a purchaser, which would result in a reasonable economic return;
  - c. There is no viable or reasonable alternative which would have less impact; or
  - d. The structure is so deteriorated, and there is so little historical fabric, that it would be impossible to retain the historic, cultural, and architectural significance of the structure though rehabilitation or renovation.
2. 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 Commission may authorize the Planner to permit strictly limited to correcting emergency conditions.
3. The Certificate of ~~Approval~~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/or
  - c. A requirement that the building be thoroughly documented through photographs or other methods for permanent retention in local, regional and/or national archives.

- vi. Expiration -The ~~certificate~~Certificate of ~~approval~~Appropriateness will expire if the work authorized does not begin within 180 days of issuance. The time period may be extended upon written application.

vii. Waivers

1. The Commission may issue a Certificate of ~~Approval~~Appropriateness with a waiver from some or all of

the above requirements in cases where it has been demonstrated that:

- a. Relocation can occur while retaining the same historical context and without damaging the building; or,
  - b. Demolition of a portion of the building would not reduce the building's historic significance and integrity, or,
  - c. Reports from qualified structural engineers and historic preservation experts indicate that the building is so deteriorated and there is so little historic fabric left that its significance cannot be retained.
- viii. Penalties - If someone demolishes (in whole or in part) or relocates an historically significant building or structure without first receiving the required Certificate of ~~Approval~~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.
- f. Appeal of ~~Approval~~Certificate of Appropriateness or Denial of a Waiver of a Certificate of ~~Approval~~Appropriateness. The Commission's decision regarding a waiver of a ~~certificate of approval~~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 approval~~Certificate of Appropriateness may be appealed to superior court.

## **H. Alternative Compliance – Farm Cluster Preservation Plan**

### **1. Applicability.**

- a. Many of the working farms within the Reserve contain buildings and/or structures that are listed on the National Register of Historic Places. These barns and other outbuildings are typically clustered together and contribute significantly to the character of the Reserve. Preservation and protection of the buildings and/or structures located within these Farm Clusters is a high priority.
- b. The ability of working farms to continue operating as a profitable business is also a high priority. Because agrarian activities and economies are constantly changing, farming necessitates flexibility in the manner in which activities and business are managed and flexibility in use and maintenance of buildings and/or structures. As needs change, preservation of some structures may become financially difficult. The original purpose for some of the existing historic farm cluster buildings may no longer exist and therefore the value to the farmer has diminished. As a result, there may have not have been a continuing incentive to maintain these structures especially considering the economic constraints of farming in Island County.
- c. This section provides an alternative means of achieving compliance with the standards of this Chapter. A plan shall be prepared that outlines the strategies for ensuring that historic buildings and/or structures within a Farm Cluster are protected from Demolition, by stabilizing the condition of farm cluster buildings in lieu of demolition.

2. Eligibility. In order to be eligible for consideration under the alternative compliance provisions, the following characteristics shall be present:
  - a. Properties shall be enrolled in the agricultural tax program established under Chapter 84.34 RCW, and
  - b. It has been demonstrated that a Farm Cluster is present, and
  - c. Historic building(s) and/or structure(s) is/are present within the Farm Cluster.
3. Standards.
  - a. Farm Cluster Preservation plans shall be classified as a Type III decision pursuant to Section 16.12.080.G.
  - b. The primary focus of an alternative compliance plan is to stabilize existing conditions such that continued deterioration of historic buildings/structures located within a Farm Cluster is stopped. . Alternative compliance plans may be cooperatively developed with the assistance of the Partners and the national Parks Service. The following information shall be provided:
    - i. Building and/or structure condition. A description of the size and current condition of each building and/or structure in the farm cluster.
    - ii. Use of the Buildings and/or structures. An explanation of how each buildings and/or structures is currently used, was previously used, and it's potential for farm use if restored to usable condition.
    - iii. Methods of Stabilization. Provide an overview of the short term and long term stabilization actions that could be employed and prioritize implementation of the plan based upon the current condition, stabilization costs, and the potential utility to the farmer of the individual structure.
  - c. An alternative compliance plan must include the following information regarding the building and/or structure and applicable land use rules:
    - i. Allowed Uses. Identify the range of uses that the underlying zoning would allow the Building and/or structure or the property to be used for;
    - ii. Potential Uses. Identify the potential uses that could be established within the historic building(s) and/or structure(s) regardless of authorization for such use under the underlying zone;
    - iii. Historic Importance. Summarize the key characteristics (including buildings and/or structures and their historic importance;
    - iv. Public Visibility. Identify each public road from which the building(s) and/or structure(s) is visible. Farm Clusters that are visible from public roads and public viewsheds are especially important to protect; and
    - v. Cost Estimate. Provide concept level costs to rehabilitate those buildings and/or structures that could be restored to a beneficial farm use.
    - vi. Action Plan - An action plan shall be prepared which evaluates the historic significance of the buildings and structures and prioritizes stabilization actions and, when feasible, the rehabilitation of the individual historic buildings and/or structures within the farm cluster
  - d. Commission Action – Approval of the Farm Cluster Preservation Plan under the alternative compliance procedures , including the associated action plan shall be

done by a mutual written agreement between the parties, i.e. the applicant, the Trust Board, and the County.

**H. Procedures for Changes to the Guidelines**

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

1. 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.
2. Significant or substantive changes to the Guidelines manual shall require approval by the Town Council/Board of County Commissioner and are only effective upon their approval consistent with the terms and conditions of the Interlocal Agreement.

**I. Relationship to Zoning and SEPA.**

1. Property(ies) 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.

2. Modifications to bulk, use, setback, and other controls – When authorized:

- a. Preservation and rehabilitation of historic structures that are nonconforming under the Partner's land use and zoning requirements shall be allowed as administrative variances.
- b. In order to promote and implement the Ebey's Design Guidelines, new construction, including infill, construction may be allowed as administrative variances to the degree necessary to implement the Ebey's Design Guidelines.

~~3. The official zoning maps of the partners shall indicate an "HS" for any property listed on the Inventory.~~

3. The Reserve boundaries shall be indicated on the County's and Town's official zoning maps.

4. The responsible official is responsible for review of potential impacts to the historic resources of the Reserve. Under the Washington State Environmental Policy Act (SEPA), development proposals (actions) must be reviewed for ways in which they might affect these historic properties. While WAC 197-11-800 lists minor new construction as typically being categorically exempt from SEPA threshold determination, certain types of minor actions are not exempt, e.g. when such potential impacts historical significance properties and structures. The SEPA process shall be completed prior to the review of the Commission and any mitigation required by SEPA incorporated into permit conditions.

**J. Political Subdivision, Special Purpose District and Public/Private Utility Projects**

1. 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 and/or Public/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 and/or replacement facilities with the Reserve Committee prior to commencement of formal design development activities and permitting processes as applicable.

2. 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.

3. 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.

**K. Designated Landmark Buildings and/or Sites - National Register Of Historic Places**

1. 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.

2. 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.

3. Exhibit B is a list by parcel number of properties within the Reserve that are locally designated as landmark buildings and/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.

**L. Review and Monitoring of Property(ies) for Special Property Tax Valuation.**

1. 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.

2. Timelines.

a. 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.

b. 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.

c. Applications shall be reviewed by the Commission before December 31st of the calendar year in which the application is made.

d. Commission decisions regarding the applications shall be certified in writing and filed with the assessor within ten (10) days of the decision.

3. Procedure.

a. 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~~ schedule and is payable to the Partner.

b. The assessor forwards the application(s) to the Commission within ten (10) days of receipt of the completed application.

c. 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).

d. If the Commission finds the property(ies) meet all the criteria, then it shall enter into an historic preservation special valuation agreement with the owner in a form set forth in WAC 254-20-120 and as may be amended. Upon execution of the agreement between the owner and Commission, the Commission approves the application. (2) If the Commission determines the property(ies) do not meet all the criteria, then it shall deny the application(s).

e. 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 and agreement with the assessor.

f. For approved applications:

(i) The Commission staff 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;

(ii) ~~The Commission staff forwards~~ applicant records the signed agreement ~~and application documents to~~ with the County Auditor ~~for recording. The applicant shall be assessed fees for recording as prescribed by the County Auditor and other applicable Town/County Code sections;~~

(iii) The Commission mMonitors 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.

g. 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:

(i) The owner's failure to comply with the terms of the agreement; or

(ii) Because of a loss of historic value resulting from physical changes to the building or site.

h. 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.

4. Criteria.

a. 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 and/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.

b. Application Criteria. Complete applications shall consist of the following documentation:

(i) A legal description of the historic property;

(ii) A copy of the nomination inventory form for the subject property(ies);

(iii) 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:

(a) Photos taken prior to construction;

(b) Historic photos or other source materials of replicated features; and

(c) A current streetscape.

(iv) Architectural plans or other legible drawings depicting the completed rehabilitation work signed by the architect or draftsman;

(v) Notarized affidavit(s):

(a) Attesting to the actual itemized cost of the rehabilitation work completed prior to the date of application, and

(b) 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;

(vi) Samples of utilized materials may be required by the Commission;

(vii) Other information as required by staff or the Commission at a preapplication meeting.

- c. Property Review Criteria. In its review the Commission shall determine if the property(ies) meet all the following criteria:
  - (i) The property is historic property which is designated to the local and/or national registers;
  - (ii) 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
  - (iii) 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).

d. 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.

5. 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).

6. 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.

**M. 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.
- 2. The Commission may act on behalf of any incorporated town/city within Island County, with a valid interlocal agreement. The interlocal agreement must specify if the Commission retains final decision-making power on design review for Type III applications. If the Commission does not retain final decision-making authority, the interlocal agreement shall stipulate which jurisdictional body shall have final decision-making authority.

**N. 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 [chapter section](#), unless the prospective buyer or lessee has been given notice substantially as follows.

The Seller/Selling Agent discloses the following information with the knowledge that 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. 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 [The Ebey's Landing National Historical Reserve Design Guidelines](#)~~Ebey's Landing Design and Demolition Standards~~ and associated procedures and regulations including demolition 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: \_\_\_\_\_

O. **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.

**EXHIBIT A  
ISLAND COUNTY  
Historic Sites**

<b>STRUCTURE NAME/SITE</b>	<b>ADDRESS</b>	<b>PARCEL NO</b>
Zylstra/Sherod House	1173 Zylstra Rd	R13219-478-3400
Hordyk/Vander Voet Farm	1212 Monroe Landing	R13215-043-0900
Ft Ebey		
Frank Pratt House	164 Cemetery Rd	R13105-282-4130
Reuble Farm	556 Ft Casey Rd	R13110-316-2921
Robart Cottage & Bungalow	1508 Penn Cove Rd	R13221-050-1250
Steadman House	13254 SR 20	S6370-00-61005-0
San De Fuca School	650 Zylstra	S8060-00-14001-0
Arnold Farm	1948 Arnold Rd	S8060-00-66000-0
Jacob Ebey House/Sheepbarn	Cemetery Rd	R13105-270-3320
Sherman Hog Barn/Engle Squash Barn	1509 Hill Rd	R13109-147-2530
Charlie Mitchell Place	839 West Beach	R03224-040-3200
Vande Werfhorst	895 Monroe Landing	R13221-145-4621
Still Log Cabin	1973 Penn Cove Rd	S8060-00-0E012-0
San De Fuca Sunday School	734 Wall	S8060-00-09032-0
Armstrong/Scoby House	2029 Armstrong	S8060-00-17002-0
Captain R.B. Holbrook House	683 Power Rd	S8060-00-19004-1
Lesourd/Sherman Farm	225 Ebey Rd	R13104-118-2490
Penn Cove Pottery/Hingston Store/Trumbell Store	26184 SR 20	S8060-00-10001-0
Lupien House	1084 Monroe Landing	R13222-386-0380
Van Dam Place	2421 Van Dam Rd	R03224-494-5000
Art Holmburg/Darst Rental House	2491 Libbey	R03225-234-4480
Libbey Ranch	2648 El Sol Pl	R03225-355-2100
John Kineth Farmhouse	19162 SR 20	R13101-287-1000
Sam Keith House	338 Ft Casey Rd	R13103-078-2490
Wiley Place	280 Ft Casey Rd	R13103-157-2690
Engle Farm (Crockett)	1167 Terry Rd	R13103-361-0370
Engle Farm (Rockwell)	144 Ft Casey Rd	R13103-093-0460
Frank Pratt House	164 Cemetery Rd	R13105-282-4130
Sunnyside Cemetery/Davis Blockhouse	90 Cemetery Rd	R13105-355-4490
Hancock Granary/Chinese Tenant House	1520 Hill Rd	R13109-240-1420
Ed Jenne House	538 Engle	R13109-330-4242
Old Anderson Place	710 Ft Casey Rd	R13110-085-1980
Grove Terry Place		R13234-035-3350
Ft Casey Pump House	434 Wannamaker Rd	R13114-250-4610
<b>STRUCTURE NAME/SITE</b>	<b>ADDRESS</b>	<b>PARCEL NO</b>
Ft Casey Storage Buildings	1044 Ft Casey Rd	R13115-243-1470
Charles Grimes House	1273 Monroe Landing	R13216-093-5110
J. Neinhuis Place	1025 Zylstra Rd	R13219-286-3570
McWilliams BUNGALOW	935 View Ridge	R13222-114-3380

Libbey House	2181 Madrona Way	R13230-154-2610
<b>STRUCTURE NAME/SITE</b>	<b>ADDRESS</b>	<b>PARCEL NO</b>
Old County Courthouse/Grennan & Cranney Store	25248 SR 20	R13230-167-2640
Melvin Grasser House	Madrona Way	R13230-215-2340
Pratt Boathouses	1966 Madrona Way	R13232-131-0520
C. Wanamaker House	635 Wanamaker Rd	R13114-333-2200
Neinhuis/Leach Place	26860 SR 20	R13220-188-3000
J. Gould House/Miller House	433 Wannamaker Rd	R13114-120-5030
Abbott House	1456 Black Rd	R13233-096-1940
Col. W. Crockett Farmhouse	1056 Crockett Farm	R13115-220-2200
Morris Place	2494 Libbey Rd	R03225-297-4170
Thomas/Sullivan House	171 Ft Casey Rd	R13103-332-1790
Strong House	25 Quail Trail Ln	R13102-500-0500
Tuft House	46 Terry Rd	R13104-464-2270
Jacob Ebey House/ Blockhouse	Cemetery Rd	R13105-270-3320
R.C. Hill House	1453 Hill Rd	R13109-149-1990
Gilbert Place/Eggerman House	757 Eggerman Rd	R13111-060-0100
Power Place	865 Zylstra Rd	R13219-100-1950
Weidenbach House	1044 Monroe Landing	R13222-320-0550
Arnold/Grasser Place	1764 Penn Cove Rd	R13220-030-2950
John Gould House/Smith Farm	399 S Ebey Rd	R13104-145-0170
Cook House/Sherman Place	44 S Sherman Rd	R13105-478-4660
Old Hunting Lodge	1608 Hill Rd	R13109-278-0040
Monroe House	1293 Penn Cove Rd	R13221-061-3980
Gallager Place/Al Sherman Farm	302 Engle Rd	R13104-098-3880
Lesourd/Sherman Farm	209 S Ebey Rd	R13104-246-2030
Harmon/Pearson/Engle House	89 S Ebey Rd	R13104-399-2580
Ferry House	455 S Ebey	R13108-364-4680
Ralph Engle Farm		R13109-425-1470
Gillespie Farm	593 FT Casey Rd	R13110-338-3570
Sam Crockett House	825 Wannamaker Rd	R13115-345-4930
Samuel Hancock House	395 Engle Rd	R13109-465-4760
Terry House/Lee James Property	1595 SR 20	R13233-054-1920
H.H. Rhodes Place	2090 Arnold Rd	R13219-061-4150
Glazier-Herrett House	82 S Ebey Rd	R13104-419-2260
Old Al Comstock Place -Barn	Engle Rd	R13109-157-4650
Old Al Comstock Place -Outbuildings	Engle Rd	R13109-157-4650
Ft Casey – Observation Bunker		
Ft Casey – Searchlight Platform		
Ft Casey – Searchlight Generator Bldg		
Ft Casey – Searchlight Platform		
Ft Casey – Rifle Range		
Ft Casey - Inn		
Fisher/Messmer House	2185 Madrona Way	R13230-099-2780



**EXHIBIT A  
TOWN OF COUPEVILLE  
Historic Sites**

<b>STRUCTURE NAME/SITE</b>	<b>ADDRESS</b>	<b>PARCEL NO</b>
A.B.Coates House	608 S Main St	R13104-335-3820
Sergeant Clark House	301 S Main St	R13104-493-4210
Reverend Lindsey House	206 N Main St	R13233-180-3950
Congregational Church	207 N Main St	R13233-184-4240
Joseph Libbey House	308 N Main St	R13233-214-3740
Jacob Jenne House	602 N Main St	R13233-277-3850
Dr. White's Office	602 N Main St	R13233-277-3850
Highwarden House	604 N Main St	R13233-282-3880
Methodist Church	608 N Main St	R13233-308-3740
John and Jane Kineth, Sr. House	702 N Main St	R13233-308-3870
James Gillespie House	704 N Main St	R13233-308-3870
Dr. White House	605 NW Madrona Way	R13233-322-1850
Ernest Watson House	5 NW Eighth St	R13233-323-3730
Alvah D. Blowers House	710 N Main St	R13233-326-3900
Masonic Lodge No. 15	804 N Main St	R13233-344-3870
Horace Holbrook House	805 NW Alexander St	R13233-352-3600
Island County Bank	5 NE Front St	R13233-375-4150
Col. Granville Haller House	1 NE Front St	R13233-379-4060
John Robertson House	5 NW Front St	R13233-380-3880
Tom Howell's Barbershop	7 NW Front St	R13233-385-3830
Alexander Block House	906 NW Alexander St	R13233-397-3390
Samsel/Zylstra Law Office	6 NE Front St	R13233-397-4150
"Fairhaven"	911 NW Colburn St	R13233-398-3140
Puget Race Drug Store	2 NW Front St	R13233-400-4030
Sedge Building	4 NW Front St	R13233-405-3990
Whidbey Mercantile Company	8 NW Front St	R13233-408-3870
John Robertson's Store	10 NW Front St	R13233-409-3800
Coupeville Cash Store	12 NW Front St	R13233-410-3750
Benson Confectionery	16 NW Front St	R13233-411-3690
Wharf Warehouse and Dock	NW Front St and NW Alexander St	R13233-413-3650
Gillespie Meat Market	24 NW Front St	R13233-414-3550
Terry's Dryer/Gillespie Livery	22 NW Front St	R13233-414-3580
Thomas Coupe House	504 NE Ninth St	R13234-370-0150
Fred Nuttall House	801 NE Ninth St	S6005-00-06005-0
Island County Abstract Office	21 NW Front St	S6025-00-07003-0
Island County Times Building	19 NW Front St	S6025-00-07004-0
Judge Still Law Office	17 NW Front St	S6025-00-07005-0
Elkhorn Saloon	15 NW Front St	S6025-00-07006-0
Glenwood Hotel	1 NW Front St	S6025-00-18001-0
E.O. Lovejoy House	1209 NE Leisure St	S6310-00-00011-0
Captain Clapp House	307 NE Front St	S6415-00-07004-0

<b>STRUCTURE NAME/SITE</b>	<b>ADDRESS</b>	<b>PARCEL NO</b>
Capt. Thos. Kinney House	207 NE Front St	S6415-00-08004-0
Jacob Straub House	202 NE Ninth St	S6415-00-08008-0
First Methodist Parsonage	104 NE Ninth St	S6415-00-09005-0
Albert Kineth House	703 NE Haller St	S6415-00-19000-0
James Zylstra House	101 NE Seventh St	S6415-00-22001-0
Todd-Lovejoy House	105 NE Seventh St	S6415-00-22007-0
John Gould House	501 NE Ninth St	S6425-00-02001-0
Charles Angel House	605 NE Gould St	S6425-00-04001-0
Fullington House	502 NW Coveland	S7070-00-11000-0
Will Jenne House	508 S Main St.	S7246-00-00012-0
Bearss House	707 S Main St	R13104-280-4190
James Wanamaker House	607 S Main St	R13104-331-4200
Frain House/Burton Engle House	197 SW Terry Rd	R13104-373-3330
Reuble Squash Barn	123 SE Terry Rd	R13104-419-4450
Pat's Place/Tyee	403 S Main St	R13104-427-3800
Dixon/Partridge House	404 S Main St.	R13104-428-3940
Chapman Rental House	402 S Main St	R13104-436-3940
Frank Newberry House	305 S Main St	R13104-471-4210
Nichols House	208 S Main St	R13104-490-3930
Clark House	105 NE Third St	R13233-169-4470
Higgins House	506 N Main St	R13233-264-3900
Carl Gillespie House	606 N Main St	R13233-286-3810
Black House	701 NW Madrona Way	R13233-313-1720
Heckenbury House	803 NW Grace St	R13233-344-3760
"The Bungalow"/Flora A.P. Engle House	808 N Main St	R13233-358-3900
Cushen House	15 NW Coveland St	R13233-363-3550
Duvall House	302 NW Front St	R13233-409-2860
Chris Solid House	603 NE Ninth St	R13234-340-0440
Newcomb Property	East of 1104 NE Leach	R13234-434-1330
Bergman House	1306 NE Parker Rd	R13234-479-3170
Chromy House	707 NE Ninth St	S6005-00-04002-0
Howard House/Lindsey House	902 NE Ninth St	S6005-00-05002-0
Pontiac Dealership	105 NW Coveland St	S6025-00-06001-3
Post Office	11 NW Front St	S6025-00-07008-0
Old Fire Hall	903 NW Alexander St	S6025-00-07009-0
Telephone Exchange Building	902 N Main St	S6025-00-18001-0
Coupeville Courier Printing Office	306 NE Ninth St	S6415-00-07006-0
Conard House	902 NE Kinney St	S6415-00-08005-0
Leach House	801 N Main St	S6415-00-11003-0
Methodist Parsonage	5 NE Ninth St	S6415-00-11007-0
Thomas Griffith House	101 NE Ninth St	S6415-00-12001-0
Starks House	203 NE Ninth St	S6415-00-13003-0
Hesselgrave Rental House	205 NE Ninth St	S6415-00-13003-0
Ives House	803 NE Haller St	S6415-00-13007-1
Stark House	801 NE Haller St	S6415-00-13008-1

<b>STRUCTURE NAME/SITE</b>	<b>ADDRESS</b>	<b>PARCEL NO</b>
Clapp House	305 NE Ninth St	S6415-00-14002-0
Ervin Rental House	401 NE Ninth St	S6415-00-15001-0
Coupeville Town Hall	4 NE Seventh St	S6415-00-22001-0
Courthouse Vault	Behind 202/204 NE 6 <sup>th</sup> St	S6415-00-23006-0
Morris House	405 NE Center St	S6415-00-32002-0
Ed Clark House	403 NE Center St	S6415-00-32003-0
Polly Harpole's Maternity Home	404 NE Haller St	S6415-00-32006-0
Tom Howell House	401 NE Center St	S6415-00-39004-0
Williams House	1 NE Fourth St	S6415-00-40001-0
Strong House	707 NE Lindsay St	S6420-00-00005-2
King House	706 NE Lindsay St	S6420-00-00006-1
Benson House/Bunting House	805 NE Leach St	S7215-00-01001-0
Mock House	801 NE Leach St	S7215-00-01004-0
Johnson Rental House/Howe	701 NE Leach St	S7215-00-02005-0
Franzen House	704 S Main St	R13104 310 3980
A.S.Coates House	702 S Main St	R13104 323 3820
Prairie Center Mercantile	408 S Main St	R13104 409 3940
Pickard House	401 S Main St	R13104 460 4100
Babeock House	106 S Main St	R13233 008 3820
Barrett House	107 S Main St	R13233 020 4350
Coupe Slaughter House	301 NE Third St	R13233 183 5050
Libbey House	302 N Main St	R13233 193 3970
Schroeder Rental House	709 NW Madrona Way	R13233 305 1520
Sill House/Alexander House	180 NW Coveland St	R13233 380 3350
Bob Black House	903 NE Seventh St	R13234 310 1560
Solid Grainery	704 NE Otis St	R13234 322 0440
Benson House	1008 NE Leach St	R13234 413 1300
Newcomb House	1104 NE Leach St	R13234-434-1330
Hughes House	1304 NE Parker Rd	R13234 456 3010
Bradt House	1302 NE Parker Rd	R13234 486 2900
Susie & Aleck House	407 NW Coveland St	S6025 00 02001 0
Johnson Rental House	403 NW Coveland St	S6025 00 02003 0
Cushen Ford Garage	23 NW Front St	S6025 00 07001 0
Wangness House	901 NE Center St	S6415 00 09003 0
Wanamaker House	801 NE Center St	S6415 00 12003 0
Hesselgrave House	808 NE Kinney St	S6415 00 13004 0
Edwards House	301 NE Ninth St.	S6415 00 14001 0
Dominick House	401 NE Eighth St	S6415 00 16001 0
A. Bowers House	307 NE Eighth St	S6415 00 17003 0
Bob Cushen House	205 NE Eighth St	S6415 00 18003 0
Ceci House	705 NE Haller St	S6415 00 18007 1
McCutcheon Honeymoon Cottage	302 NE Sixth St	S6415 00 24007 0
Meadors/Peralta House	401 NE Sixth St	S6415 00 26001 0
Hanks House	101 NE Fourth St	S6415 00 39001 0
Clark House	505 NE Ninth St	S6425 00 02003 0
Pinkston House	502 NW Broadway St	S7070 00 03007 0
Powell House	708 NW Broadway St	S7070 00 07001 2

<b>STRUCTURE NAME/SITE</b>	<b>ADDRESS</b>	<b>PARCEL NO</b>
Deasy House	305 NW Coveland St	S7070-00-10004-0
Dean House	502 NW Madrona Way	S7070-00-10005-0
Abbott House	901 NE Eighth St	S7215-00-02001-0
Pennington Farm House	501 NE Otis St.	S8270-00-0E011-0