

TOWN OF COUPEVILLE
Coupeville, Washington

ORDINANCE NO. 690

AN ORDINANCE of the Town Council of the Town of Coupeville, relating to the Town's Development Code contained in Title 16 of the Coupeville Town Code; amending Section 16.04.060 of the Coupeville Town Code regarding the definition of historic buildings and structures; amending Section 16.08.050 of the Coupeville Town Code relating to allowed uses in the Historic/Limited Commercial, Town Commercial and General Commercial Zoning Districts; and adopting related Findings of Fact and Conclusions of Law.

WHEREAS, the Town of Coupeville adopted a Growth Management Comprehensive Plan in October 1994, which was its first comprehensive plan developed and approved consistent with the Washington State Growth Management Act (RCW Chapter 36.70A); and

WHEREAS, pursuant to RCW 36.70A.130 each local comprehensive land use plan and development regulation is subject to continuing review and evaluation by the Town; and

WHEREAS, Island County and the Town of Coupeville are in the process of establishing a comprehensive approach to design review in Ebey's Landing National Historical Reserve to more effectively promote rehabilitation and new construction that respect past traditions and that are compatible within the cultural landscape of the Reserve; and

WHEREAS, the proposed unified and comprehensive design review process, when adopted, will be a tool to promote sensitive rehabilitation of historic resources and to promote new construction by establishing and enforcing consistent standards; and

WHEREAS, as a related activity, the Town of Coupeville is also in the process of amending various sections of the existing Town code in support of the proposed comprehensive approach to design review in Ebey's Landing National Historical Reserve; and

WHEREAS, on December 1, 2009 the Town Planning Commission issued written Findings of Fact, Conclusions of Law and Recommendation ("Recommendation") in which the Commission recommended that the Town Council adopt the proposed unified and comprehensive design review process; and

WHEREAS, the Planning Commission noted in the Recommendation that Existing Comprehensive Plan Policy – HP5.1 recognized that historic preservation should be done in a positive manner that respected private property rights; and

WHEREAS, in its Recommendation the Planning Commission also referenced the GMA RCW 36.70A.020 planning goal of identifying and preserving historic land, sites and

structures; and

WHEREAS, Island County acting as the Lead Agency for the joint project issued and distributed a Notice of Determination of Nonsignificance and Adoption of Existing Environmental Documents on May 28, 2009; and

WHEREAS, consistent with RCW 36.70A.106 the Town of Coupeville and Island County jointly submitted the entire proposal to the Department of Commerce on June 15, 2009 for the required 60 day review; and

WHEREAS, the adoption of the unified and comprehensive design review process is anticipated to occur later this year; and

WHEREAS, under CTC 16.08.050, and except for single family dwellings east of Main Street, the single family residential use of designated historic homes are generally designated a “conditional use” within Coupeville’s Historic/Limited Commercial (HLC), Town Commercial (TC) and General Commercial (GC) Zoning Districts; and

WHEREAS, one of the proposed code amendments is to modify the principal uses within the commercial zoning districts of the Town, to allow the use of a historic home as a single family residence; and

WHEREAS, the Town Council has reviewed the Recommendation of the Town Planning Commission and believes it is a high priority to amend the principal uses allowed within the commercial zoning districts of the Town as recommended by the Planning Commission in advance of the completion of proposed unified and comprehensive design review process;

NOW THEREFORE, THE COUPEVILLE TOWN COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The definition of “Historic sites and structures” provided in Section 16.04.060 of the Coupeville Town Code is amended to read as follows:

“Historic sites ~~buildings~~ and structures” means ~~those properties identified and referred to in Section 16.08.070 of the Coupeville Town Code~~ means those buildings and structures determined to be significant in the Building and Landscape Inventory (1995) prepared for the Ebey's Landing National Historical Reserve as updated by the Town and County. The Building and Landscape Inventory may be updated by the Town and County on an annual basis, following review by the Trust Board.

Section 2. Section 16.08.050 of the Coupeville Town Code is amended to read as follows:

16.08.050 Commercial zoning districts.

It is the intent of the three primary commercial zoning districts to provide for areas of predominantly commercial land uses in appropriate areas of Coupeville, to assure that commercial development is harmonious in size and

scale to the community and adjacent buildings, to provide for efficient vehicular and pedestrian traffic, to preserve the Town's historic, rural character, including but not limited to the residential use of a designated historic building that was originally constructed as a single family home, and to reflect the intent of the Coupeville comprehensive plan. The specific intent and allowed uses within each predominantly commercial zoning district are described below:

A. Historic/Limited Commercial District (HLC). This zoning district implements in part the commercial designation on the comprehensive plan future land use map. This zoning district is reserved for the historic Front Street area between Alexander and Haller Streets (north of Coveland and Ninth Streets), including the Coupeville Wharf, and is intended to accommodate water-oriented uses, along with small-scale commercial uses which are compatible in size, scale and visual character with the district's historic character. Mixed use, adaptive reuse and preservation within a pedestrian scale environment are hallmarks of this district. Allowed uses within the historic/limited commercial zoning district are as follows:

Principal Uses	Accessory Uses	Conditional Uses
Retail sales and service (no drive-up service)	Accessory structures less than 800 square feet	Public/quasi- public facilities
Professional offices (no drive-up service)	Family day care centers	Day care centers
Restaurants (no drive-up service)	Home occupations	Multifamily dwellings east of Main Street
Marine-related sales and service	Not at street level residential west of Main Street (mixed use)	Parking facilities
Personal services	Parking facilities	Hotels
Clubs, lodges, and fraternal organizations		Outdoor storage and display
Bed and breakfast inns		Microbreweries
Single-family dwellings/residences east of Main Street		
Guest houses except that guest houses west of North Main Street must be part of a mixed use development and the guest house is not allowed at street level.		<u>New single family residential buildings that are not accessory structures</u>

Marine fueling station		
Marine research facilities		
Marine repair and sales		
Moorage facility/ marina		
<u>Single-family residential use of a designated historic home</u>		

B. Town Commercial (TC). This zoning district implements in part the commercial designation on the comprehensive plan future land use map. It encompasses most the commercial areas outside of the Front Street historic area, including North and South Main Street, Coveland Street, and Birch Street NE. It is intended to provide for a wide range of commercial uses that are proportional in scale and compatible in character with historic uses in the Town, and that cater to both vehicular and nonmotorized access. More intensive, larger or automobile-dependent commercial land uses are not appropriate for this district. Allowed uses within the town commercial zoning district are as follows, provided that only professional offices are allowed as principal uses adjacent to SR 20:

Principal Uses	Accessory Uses	Conditional Uses
Retail sales and service.	Accessory structures less than 800 square feet	Public/quasi-public facilities
Professional offices	Parking facilities	Day care centers
Restaurants (no drive-up service)	Not at street level residential (mixed use)	Parking facilities
Theaters		Multifamily dwellings
Professional services		Outdoor storage and display
Microbreweries		Commercial recreation
Clubs, lodges, and fraternal organizations		Hotels
Bed and breakfast inns		Single-family residences <u>that are not designated historic homes or accessory structures</u>
Guest houses		Duplex residences
<u>Single-family residential use of designated a historic home</u>		

C. General Commercial (GC). This zoning district implements in part the commercial designation on the comprehensive plan future land use map. It is reserved for specific locations in Coupeville where commercial uses which are larger in scale, more automobile-oriented or more likely to

impact neighboring properties may be sited without detracting unduly from the Town's historic character. The conditional use permit process is used to insure that all measurable impacts from these uses are identified and, if possible, mitigated through specific performance conditions. Allowed uses within the general commercial zoning district are as follows, provided that only professional offices are allowed as principal uses adjacent to SR 20:

Principal Uses	Accessory Uses	Conditional Uses
Retail sales and service	Accessory structures less than 800 square feet	Public/quasi-public facilities
Professional offices	Parking facilities	Motels
Restaurants (no drive-up service)	Not at street level residential (mixed use)	Light industrial
Theaters		Adult businesses
		Tattoo parlors
Personal services		Parking facilities
Microbreweries		Outdoor storage and display
Clubs, lodges, and fraternal organizations		Commercial recreation
Gasoline service stations		Heliports, helistops
Bed and breakfast inns		Automobile sales
Guest houses		Automobile repair
<u>Single-family residential use of a designated historic home</u>		Drive-up businesses
		Veterinary clinics
		Hotels
		Mini-storage warehouses
		<u>Single family residences that are not designated historic homes or accessory structures</u>

Section 3. Amendment of Prior Ordinances. Ordinance Nos. 566 (1998), 586 (1999), 596 (2000), 604 (2000), 614 (2001), 648 (2005) and 677 (2009) are hereby amended as necessary by this Ordinance to reflect the amendments to CTC 16.08.050 contained in this Ordinance.

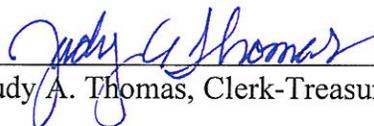
Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Effective Date. This ordinance will be in full force and effect upon

publication by summary in the official newspaper.

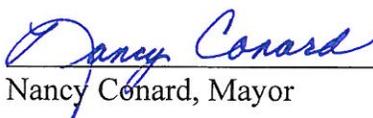
PASSED by the Town Council and **APPROVED** by the Mayor on this 26th day of April
_____2011.

ATTEST



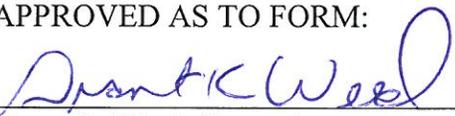
Judy A. Thomas, Clerk-Treasurer

MAYOR



Nancy Conard, Mayor

APPROVED AS TO FORM:



Grant K. Weed, Town Attorney

Published: 5-5-11

EXHIBIT A

Planning Commission Findings of Fact and Conclusions of Law

(Note - The following Findings of Fact and Conclusions of Law were prepared by the Town Planning Commission for entire proposed unified and comprehensive design review process.)

1. Establishing a comprehensive approach to design review in Ebey's Reserve is to more effectively promote rehabilitation and new construction that respect past traditions and that are compatible within the cultural landscape of the Reserve. The unified and comprehensive design review process is a tool to promote sensitive rehabilitation of historic resources and to promote new construction by establishing and enforcing consistent standards. The unified approach ensures the connectivity of resources and perspective.
2. RCW 36.70A.130(2)(b) allows all jurisdictions planning under the Growth Management Act to amend their comprehensive plans once per calendar year, and
3. This comprehensive Reserve-wide approach is consistent with the following Historic Preservation Policies in the adopted Town Comprehensive Plan:
 - a. HP 1.1 Review the boundaries of Coupeville's Historic Restoration Overlay Zone to increase its effectiveness in preserving community character.
 - b. HP 1.4 Develop an administrative review process for certain simple applications below an identified threshold or away from public rights of way.
 - c. HP 2.1 Identify significant view corridors from entry points and primary roadways, including views of water, fields, woodlands and important structures, and develop policies to protect them.
 - d. HP 2.2 In cooperation with Island County and the Ebey's Trust Board, identify and protect significant views of Coupeville from outside the town, especially from Ebey's Prairie, from SR 20 and across Penn Cove from Monroe's Landing.
 - e. HP 3.2 Enact policies and regulations to preserve trees on private and public lots, especially in crucial areas such as Madrona Way, Parker Road and Main Street.
 - f. HP 5.1 Approach preservation in a positive manner which respects private property rights.
 - g. HP 5.2 Protect all structures throughout the town that are designated as contributing to local character, both through mandatory design review and through development of a demolition ordinance.
 - h. HP 5.3 Review and update regularly the list of structures that contribute to local character (outside the Historic Overlay Zone).
 - i. HP 5.4 Review zoning and building requirements to encourage new construction and major remodels to be compatible with (but not necessarily mimicking) nearby older homes in terms of size, massing and general appearance.

- j. HP 5.5 Develop broad and specific design guidelines for new construction and major remodels for each identified neighborhood, emphasizing that which is visible from major streets and entryways.
 - k. HP 5.6 If necessary, provide options in the guidelines that take into account the need to use lower cost or lower maintenance materials at times, particularly for non-historic and non-contributing buildings.
 - l. HP 5.7 Identify the color palettes and modern materials that are most appropriate for use on Coupeville structures and provide information on them to builders and property owners.
 - m. HP 5.8 Using the Secretary of the Interior's Standards for Rehabilitation as a guide, ensure that developments are compatible with nearby areas in terms of building size and massing, street pattern, landscaping and building styles, colors and materials.
4. The Growth Management Act (GMA), at RCW 36.70A.020, includes the following relevant planning goals:
- a. Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
 - b. Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance
 - c. Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
5. The Town of Coupeville has established design review process and codified community design standards that, while effective, can be expanded to encompass all contributing resources in the Town while at the same time the associated process is streamlined;
6. The unified Reserve-wide initiative includes training and technical support opportunities to the partners in design review process, which will strengthen partnerships, leverage limited resources and avoiding duplication of services;
7. Island County acting as the Lead Agency issued and distributed a Notice of Determination of Nonsignificance and Adoption of Existing Environmental Documents on May 28, 2009;
8. Consistent with RCW 36.70A.106 the Town of Coupeville and Island County jointly submitted the proposal to the Department of Commerce on June 15, 2009 for the required 60 day review;.
9. The Town Planning Commission held a joint public workshops on July 28 and August 4, 2009, with the Island County Planning Commission; and
10. The Town Planning Commission held joint public hearings with the Island County Planning Commission on the August 25, 2009, September 1, 2009, September 15, 2009, and October 20, 2009. The Public comment portion of the Public Hearing process was closed on October 20, 2009 and the two Planning Commissions jointly deliberated until the Public Hearing was adjourned,

11. The Town Planning Commission separately continued its deliberations on December 1, 2009;
12. The Town Planning Staff provided copies of all written materials submitted by interested parties to the Planning Commission, and provided an analyses and recommendations pertaining to submission in the various memos prepared for Planning Commission sessions.
13. The Planning Commission concludes that all written materials submitted by interested parties were carefully and fully considered;
14. Many of the proposed changes submitted by interested parties were incorporated in the final proposal;
15. The Planning Commission concludes that ample opportunity was provided for the public to submit comments and testimony on the proposed ordinances at the Public Hearings duly held to receive such comments and testimony; and
16. Following their own deliberations and based upon its review of the requirements of Chapter 36.70A RCW and the proposal with revisions, the recommended findings on review, and the public comments received, the Planning Commission finds and declares that the review and the revisions have been prepared in conformance with applicable law, including Chapter 36.70A RCW, Chapter 43.21C RCW, approves a motion to forward the amendments specified in Exhibit B attached hereto to the Town Council with their recommendation of approval and their recommendations for further consideration as specified herein. The Planning Commission deemed their recommendations to be consistent with the Implementation Guidelines of the Comprehensive Plan and necessary so that the Comp Plan responds to new information, changed growth philosophies, citizen initiatives or other identified needs.

RECOMMENDATION:

The Town of Coupeville Planning Commission recommends the adoption of the attached Unified Code by the Town and County and adoption of the amendments to the County Public Benefit Rating System by the County, with the following suggestions/comments. The Town of Coupeville Planning Commission recommends and supports the adoption of a Reserve-wide Design Manual the draft of which needs to be finalized and coordinated with the language of the adopted Unified Code:

1. In 1995 the National Park Service updated and revised the Building and Landscape Inventory. Based upon said inventory update some structures that had been previously designated as “contributing” in the 1983 inventory were classified as “noncontributing” because the building had no integrity due to alterations or other changes. The Town designated 52 of the contributing structures within the Town of Coupeville as Historic sites in the Comprehensive Plan. The proposed action would add 49 additional contributing structures to the list of historic sites within the Town. Since it has been 16 years since the last inventory and assessment, the Planning Commission recommends that provisions be included in the Unified Code to allow owners of the historic sites to petition the Reserve Commission for review and assessment of the appropriateness of the structures designation as a contributing property.

2. The Planning Commission supports the assignment of decision making authority on design matters to the Reserve Commission.
3. The Planning Commission supports the recommendations of the Trust Board with regard to exemptions for certain agricultural activities (including a size threshold) and the delay of the affect of the demolition requirements on farm cluster buildings within working farms within the Reserve. (Recommendation attached)
4. While designation criteria of the Review Areas 1 and 2 may be necessary, it is imperative that the final designation be based upon the mapped representation of the areas, to set aside disagreements on the interpretation of the designation criteria.
5. While the Planning Commission supports the general composition of the Reserve Commission, the Planning Commission recommends that:
 - a. at all times at least 7 members reside within the Reserve;
 - b. the Town appointees should all reside in or own property within the Town;
 - c. The word “special” should be deleted from phrase “*All members of the Commission should have a demonstrated special interest*”;and
 - d. The reference to Island County Historical Society should be qualified as an example:

Before the initial appointments, and when vacancies occur, applications should be invited through notices to local media and to historical and development organizations, including the Island County Historical Society.
6. The Planning Commission recognizes that there needs to be a balance between the standards and their economic impacts on the owners of historic structures and the important public goal of preserving the integrity of the Reserve and its Historic Resources. The Planning Commission encourages the Town Council to continue to strive for balance but ultimately the standards should support viable perseveration of the historic resource.
7. The terms *Alteration, Ordinary Repair and Maintenance, and Replacement in Kind* appear to be inconsistently defined, used or applied within the body of the ordinance. Both the definitions and application of these words should be reviewed. Consideration should be given to adding definitions for Replacement Alternative and Repair.
8. The activities of Repair, Replacement Alternative and Replacement in-kind should be considered as Exempt or Level 1 decisions.
9. While the Planning Commission supports in general the demolition protections outlined in the Unified Code the following comments are submitted:
 - a. the application requirements should be established as examples of evidence that could provide a compelling argument that fulfills the decision criteria.

b. The intent of the demolition protections should be to discourage and not prevent.

10. The Planning Commission recommends that the Reserve Commission and the Legislative bodies meet annually to discuss the program operations and to changes if needed.

11. While the application requirements provide for discretion, the initial paragraph of the application requirements uses the word shall which should be replaced with, *unless otherwise specified herein*".