

TOWN OF COUPEVILLE  
Coupeville, Washington

**ORDINANCE NO. 752**

**AN ORDINANCE OF THE TOWN OF COUPEVILLE, WASHINGTON,  
AMENDING SECTION 16.13.060 OF THE COUPEVILLE TOWN CODE  
RELATING TO THE NUMBER OF MEMBERS OF AND  
QUALIFICATIONS FOR MEMBERSHIP IN THE HISTORIC  
PRESERVATION COMMISSION; PROVIDING FOR SEVERABILITY  
AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Coupeville has adopted a Historic Preservation Element within the Comprehensive Plan that promotes a cooperative program to protect and preserve the cultural landscape of Ebey's Landing National Historical Reserve (the Reserve); and

**WHEREAS**, through an inter-local agreement with Island County, the Town of Coupeville co-manages a design review and historic preservation process for the Reserve; and

**WHEREAS**, Chapter 16.13 of the Coupeville Town Code (CTC) and Chapter 17.04A of the Island County Code (ICC) set forth the purpose, applicability, process, and criteria for design review and historic preservation within the Reserve and establish a Historic Preservation Commission to hold public hearings and recommend certificates of appropriateness for development proposals that are found consistent with applicable adopted criteria; and

**WHEREAS**, CTC 16.13.060 provides that the Historic Preservation Commission shall have nine members and sets forth certain qualifications for those members; and

**WHEREAS**, the Historic Preservation Commission has been constituted and active since 2012, during which time most original members have left and new members have been appointed by the Town and the County with input from the Ebey's Landing National Historical Reserve Trust Board (the Trust Board); and

**WHEREAS**, it has proven difficult to maintain full membership and strict compliance with the qualifications for appointment; and

**WHEREAS**, the quorum of members necessary for the Historic Preservation Commission to conduct business is based on the total membership and has, at times, been difficult to achieve due to unfilled positions; and

**WHEREAS**, a membership of nine is determined to be unnecessary for the performance of the Historic Preservation Commission and a membership of seven is determined sufficient for the Commission's charge; and

**WHEREAS**, certain amendments are proposed to CTC 16.13.060 and, in parallel, to Chapter 17.04A ICC to provide greater flexibility in recruiting new members to the Historic Preservation Commission without diminishing the body's effectiveness; and

**WHEREAS**, pursuant to RCW 36.70A.106, the Town has notified the Washington State Department of Commerce of the Town's intent to adopt the proposed amendments to the development regulations in Title 16 CTC; and

**WHEREAS**, the Town Planner, acting as the Town's Responsible Official under the State Environmental Policy Act (SEPA), reviewed the proposed legislation and found it exempt from requirements for a threshold determination and environmental impact statement pursuant to Washington Administrative Code 197-11-800(19); and

**WHEREAS**, on June 4, 2019, the proposed amendments were reviewed by the Planning Commission, which made findings of fact and recommended the Town Council adopt the amendments as proposed; and

**WHEREAS**, on June 25, 2019, a duly advertised public hearing on the proposed amendments was held before the Town Council and all persons wishing to be heard were heard; and

**WHEREAS**, following the close of the public hearing, the Town Council reviewed the recommendations of the Planning Commission, public comments, and other documents and information in the public record relevant to proposal; and

**WHEREAS**, the Town Council finds that these amendments are consistent with the Comprehensive Plan, in the interest of the Town and of the Reserve, and promote the general public welfare;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF COUPEVILLE, WASHINGTON:**

Section 1. CTC Section 16.13.060 entitled "Ebey's Landing Historic Preservation Commission" is amended as follows:

**16.13.060 - Ebey's Landing Historic Preservation Commission (~~(HPC)~~).**

- A. Creation and Size. The Town and County establish an Ebey's Reserve Historic Preservation Commission (HPC), consisting of seven(~~nine~~) members. Members of the HPC shall be appointed by the Town of Coupeville and Island County as described below and shall be residents of or owners of property within the Reserve, except as provided for herein.

~~((Before the initial appointments, and w))~~When vacancies occur, applications will be invited through notices to local media. All applications must include a letter of interest and a resume or curriculum vitae.

B. HPC Appointments.

1. Three~~((Four))~~ members are appointed by the Board of Island County Commissioners~~((one of these four appointments shall be based on the recommendation of the trust board))~~;
2. Three~~((Four))~~ members are appointed by the Council of the Town of Coupeville~~((one of these four appointments shall be based on the recommendation of the trust board))~~; and
3. One member is appointed jointly by the Board of Island County Commissioners and the Council of the Town of Coupeville, upon recommendation of the ~~((t))~~Trust ~~((b))~~Board.
4. All members shall be selected without respect to political affiliations.

C. Composition of HPC ~~((Members))~~.

1. All members of the HPC should have a demonstrated interest, experience, or knowledge in history, historic preservation, architecture, design, landscape architecture, cultural landscapes, and/or related disciplines. All members must have a commitment to continuing education and training and possess qualities of impartiality and sound judgment.
2. Preference shall be given for ~~((T))~~two members ~~((shall))~~to be agricultural representatives (farmer, retired farmer or farm owner, or a person with an interest, education, or background in agriculture) in the Reserve.
3. Preference shall be given for ~~((T))~~two members ~~((shall))~~who own a contributing building or structure within the Reserve.
4. Preference shall be given for ~~((O))~~one member ~~((shall))~~who owns and operates a commercial business within the Reserve.
5. Preference shall be given for at~~((At))~~least two members ~~((should be professionals))~~who have professional experience in identifying, evaluating, and protecting historic and cultural resources. ~~((These members should be selected from among the))~~Appropriate disciplines for these members include~~((of))~~history, public history, architecture, architectural history, historic preservation, planning, cultural landscapes, archaeology, cultural geography, American studies, or the practice of historic rehabilitation or restoration. One of these professional representatives may live outside of Island County.
6. ~~((Ideally, the remaining members should reside in and/or own property within the Reserve.~~
7. ~~))~~Exceptions to qualifications and residency requirements for HPC members may be granted by the appointing authority in order to obtain representatives who reside in the Reserve and/or have the desired professional experience.

D. Terms, Removal and Vacancies.

1. ~~((The initial a))~~Appointments to the HPC shall be ~~((staggered in accordance with the following:))~~for three years. The Town and County shall each appoint or reappoint a representative member each year.
  - a. ~~Two members shall be appointed for one year.~~
  - b. ~~Two members shall be appointed for two years.~~
  - c. ~~Two members shall be appointed for three years.~~
  - d. ~~Two members shall be appointed for four years.~~

- e. ~~One member, i.e., the jointly appointed member, shall be appointed for five years. Thereafter, the terms shall be for three years. The Town and County shall each appoint a representative member during each period.))~~
  2. ~~((Following the initial appointment of members, membership on the HPC shall be limited to two full consecutive three year terms. Reappointment after two full consecutive terms may be made after at least a one year absence.~~
  3. ~~))Vacancies occurring otherwise than through the expiration of terms shall be filled ((in the same manner as the original appointment)) for the unexpired term. Members may be removed by their respective governmental appointer for inefficiency, neglect of duty, or malfeasance in office. ((The members shall be selected without respect to political affiliations.))~~
- E. Powers and Duties. The major responsibilities of the HPC are to identify and actively encourage the conservation of the Reserve's historic and cultural resources by maintaining a register of historic places and to issue or make recommendations on the issuance of COA decisions, as described below. In carrying out these responsibilities, the HPC shall engage in the following:
1. Conduct design review and issue decisions or make recommendations on COA applications proposing alterations, new construction, demolition, or relocation of contributing structures, new development, and construction activities on or near historic resources, and other actions as required herein;
  2. Work with the ~~((t))~~Trust ~~((b))~~Board and the National Park Service as partners, to maintain and periodically update a comprehensive inventory of historic resources within the boundaries of the Reserve;
  3. Nominate additional properties based on established criteria;
  4. Act as the local review board for special tax valuation (within the geographic extent of Ebey's Landing only), pursuant to RCW Chapter 84.26 and WAC Chapter 254.20, for purposes of eligibility for loans, grants, and other incentives administered by the Town or County;
  5. When requested by the Town or County, provide comments on applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to historic resources (including buildings, structures, sites, and landscapes) and/or adjacent property;
  6. Provide comments to Town or County staff should a compliance issue be observed regarding the Reserve's historical regulations to enable appropriate monitoring and enforcement;
  7. Recommend amendments to the guidelines to the Planning Directors of the Town and County; and
  8. Participate in training opportunities provided to the HPC.
- F. Compensation. All members shall serve without compensation.
- G. Rules and Officers.
1. The HPC shall establish and adopt its rules and procedures consistent with this section and other applicable local, state and/or federal law.
  2. The HPC shall select from among its membership a chairperson and vice-chair to conduct the HPC meetings.

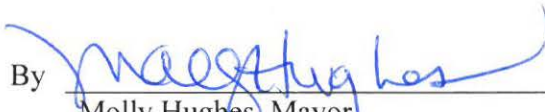
3. A quorum of the HPC must be present to conduct business. A quorum shall consist of a majority of the entire membership of the HPC.
- H. HPC Staff. Staff assistance shall be provided by the partners with additional assistance and information to be provided by other county or town departments as may be necessary to aid the HPC in carrying out its duties and responsibilities.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such a decision shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the Town, and shall be in full force and effect immediately upon publication.

**ADOPTED** by the Town Council and **APPROVED** by the Mayor this 25<sup>th</sup> day of June 2019.

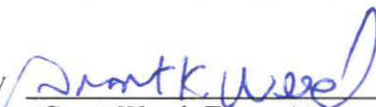
TOWN OF COUPEVILLE

By   
Molly Hughes, Mayor

ATTEST:

APPROVED AS TO FORM:

By   
Kelly Beech, Clerk-Treasurer

By   
Grant Weed, Town Attorney

Date of Publication: June 29, 2019