

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF AMENDING ICC
17.04A.060 TO REVISE THE NUMBER
OF MEMBERS, COMPOSITION,
TERMS, AND RULES FOR THE
EBEY'S LANDING HISTORIC
PRESERVATION COMMISSION.

ORDINANCE NO. C-_____-19;
PLG-007-19

WHEREAS, Island County conducts planning activities in accordance with Chapter 36.70 of the Revised Code of Washington (RCW), the Planning Enabling Act; and

WHEREAS, the planning process and the Island County Comprehensive Plan are further governed by RCW 36.70A, the Growth Management Act; and

WHEREAS, on October 16, 1972, the Board of Island County Commissioners created a Historic Preservation District for Island County to protect the Ebey's Landing National Historical Reserve; and

WHEREAS, on October 3, 2011 the Board of Island County Commissioners adopted Ordinance No. C-84-11, which created the Historic Preservation Commission; and

WHEREAS, joint planning efforts between Town of Coupeville, Island County, the Ebey's Landing National Historical Reserve, and the Ebey's Landing Historic Preservation Commission (HPC) resulted in the identification of specific changes to Island County Code 17.04A.060, which included a recommendation from the Steering Committee to:

- a. Reduce the number of HPC members from nine to seven;
- b. Revise the composition of the membership to reflect both the smaller membership and allow for more flexibility in appointments;
- c. Remove outdated information on the initial appointment schedule;
- d. Remove term limits;

e. Add a definition of quorum for clarity; and

WHEREAS, the Island County Board of Commissioners placed this work program item on the 2019 work plan item identified as Ebey's minor code cleanups as part of Phase 1 of the larger Code Cleanup project; and

WHEREAS, on November 21, 2018, the Board of Island County Commissioners discussed code revisions related to Ebey's Landing National Historical Reserve and approved a scope of work for this project (GMA Item #13766); and

WHEREAS, the Planning Commission held a work session on January 14, 2019, and May 13, 2019, to discuss the proposed Ebey's code revisions; and

WHEREAS, pursuant to ICC 17.14C.080 and Washington Administrative Code Sections 197-11-800 (6), Island County, acting as Lead Agency, finds that the proposed code revisions are minor and procedural only, and are SEPA exempt; and

WHEREAS, the Planning Commission finds the proposed amendments, attached hereto as Exhibit A, are consistent with the Island County Comprehensive Plan and do not require an amendment to the Comprehensive Plan; and

WHEREAS, the Planning Commission finds that on May 3, 2019, the draft amendments were transmitted to the Department of Commerce for review/notice as required by Chapter 36.70A RCW; and

WHEREAS, the Planning Commission finds that the code changes serve the best interest of residents and members of the development community because the proposed amendments will reduce confusion, increase flexibility, and reduce the potential for cancellation of meetings due to lack of quorum, which will allow for more timely review of development proposals; and **NOW, THEREFORE**,

IT IS HEREBY RESOLVED that the Board of Island County Commissioners hereby adopts amendments to ICC 17.04A.060 Ebey's Landing Historic Preservation Commission attached as Exhibit A and hereby adopts the Board's Findings of Fact attached hereto as Exhibit B.

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ADOPTED this ____ day of _____, 2019, ~~following a public hearing.~~

**Board of County Commissioners
Island County, Washington**

Jill Johnson, Chair

Janet St. Clair, Member

Helen Price Johnson, Member

ATTEST:

Debbie Thompson
Clerk of the Board

APPROVED AS TO FORM:

DALTON LEE PENCE
Civil Deputy Prosecuting Attorney and
Island County Code Reviser

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Exhibit A

Ebey's Landing Historic Preservation Commission

17.04A.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 (7) ~~nine (9)~~ members. Members of the HPC shall be appointed by the Town of Coupeville and Island County as described below and shall be residents and/or property owners of the reserve, except as provided for herein.

Before the initial appointments, and 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 (3) ~~Four (4)~~ members are appointed by the Board of Island County Commissioners; ~~one (1) of these four (4) appointments would be based on the recommendation of the Trust Board;~~
2. Three (3) ~~Four (4)~~ members are appointed by the Town Council of the Town of Coupeville; ~~one (1) of these four (4) would be based on the recommendation of the Trust Board; and~~
3. One (1) member is appointed jointly by Island County and the Town of Coupeville, upon recommendation of the Trust Board.

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 broad judgement.
2. Preference shall be given for t~~Two (2)~~ members to ~~shall be~~ agricultural representatives (farmer, retired farmer or farm owner, or with an interest, education, or background in agriculture) in the reserve.

3. Preference shall be given for tTwo (2) members who shall own a contributing building or structure within the reserve.
4. Preference shall be given for oOne (1) member who shall owns and operates a commercial business within the reserve.
5. Preference shall be given for aAt least two (2) 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 (1) of these professional representatives may live outside of Island County.
6. ~~Ideally, the remaining members should reside in or own property within the reserve.~~
- 6.7. 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 or have the desired professional experience.

D. Terms.

1. ~~The initial~~ appointments to the HPC shall be ~~staggered.~~
 - a. ~~Two (2) members shall be appointed for one (1) year.~~
 - b. ~~Two (2) members shall be appointed for two (2) years.~~
 - c. ~~Two (2) members shall be appointed for three (3) years.~~
 - d. ~~Two (2) members shall be appointed for four (4) years.~~
 - e. ~~One (1) member, the jointly appointed member, shall be appointed for five (5) years. Thereafter, the terms shall be for three (3) years. The town and county shall each appoint or reappoint a representative member each year. during each period.~~
2. ~~Following the initial appointment of members, membership on the HPC shall be limited to two (2) full consecutive three (3) year terms. Reappointment after two (2) full consecutive terms may be made after at least a one (1) year absence.~~

3.2 Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms. 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 Trust 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 Chapter 84.26 RCW and WAC 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) or adjacent property;
6. Provide comments to 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 state law and this section.
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 under this section.

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Exhibit B

BOARD FINDINGS OF FACT

The Board of Island County Commissioners approves of and incorporates in full the Findings of Fact and Legislative Intent of the Planning Commission, attached hereto at Attachment A.

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Exhibit B – Attachment A

Planning Commission Findings of Fact & Legislative Intent

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**ISLAND COUNTY
PLANNING & COMMUNITY DEVELOPMENT**

ISLAND COUNTY PLANNING COMMISSION

Darin Hand, Chairperson

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FAX: (360) 679-7306 ■ P. O. Box 5000, Coupeville, WA 98239-5000

Internet Home Page: <https://www.islandcountywa.gov/planning>

~ FINDINGS OF FACT AND LEGISLATIVE INTENT ~

TO: Board of Island County Commissioners

FROM: Island County Planning Commission

DATE: May 20, 2019

REGARDING: Revisions to ICC 17.04A.060 related to Ebey's Landing Historic Preservation Commission

SUMMARY/BACKGROUND

The Board of Island County Commissioners has identified Island County zoning code updates as one of their highest priorities and has placed it on the work plan for Planning and Community Development both in 2018 and in 2019. One of the components to the comprehensive zoning code update project, is the Ebey's Landing Code (ICC 17.04A).

For the last few years, the Board of Island County Commissioners have struggled with appointing four members to the Historic Preservation Commission (HPC). HPC currently has six members appointed (three from the County (one of the three is a provisional appointment), three from the Town and one shared appointee.) Staff has struggled with getting a quorum of five people when there are only six to seven members appointed on the HPC. There have been times where the HPC meetings were proposed two to three weeks in advance, to get a quorum which delayed projects and extending review times.

The changes proposed to Island County Code 17.04A.060 include the following:

1. Reducing the number of the HPC from nine members to seven, which will reduce the quorum from five members to 4 members.
2. Amending the composition of the HPC to preferences made to expertise and experience and removing shall statements of the composition of the HPC. For example, ICC

17.04A.060.C.3 requires that two members shall own a contributing building or structure within the Reserve or to have two members with a background in agriculture.

3. Removing the original appointment schedule to ensure that the appointments were staggered and removed the term limits.
4. Clarify that a quorum shall consist of the majority of the entire membership of the HPC.
5. Establish consistency between the Town of Coupeville Code 16.13.060 and Island County Code 17.04A.060. The HPC is a joint membership and the requirements for the joint HPC should have the same language.

At their meeting on April 23, 2019, the BOCC approved the moving forward with this section of code.

FINDINGS AND CONCLUSIONS

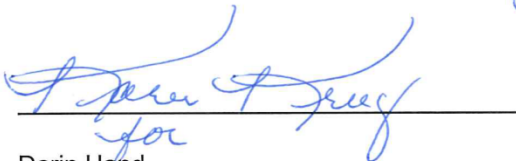
1. Island County conducts planning activities in accordance with Chapter 36.70 of the Revised Code of Washington (RCW), the Planning Enabling Act.
2. The planning process and the Island County Comprehensive Plan are further governed by RCW 36.70A, the Growth Management Act. (GMA).
3. On October 16, 1972, the Board of Island County Commissioners created a Historic Preservation District for Island County to protect the Ebey's Landing National Historical Reserve.
4. On October 3, 2011 the Board of Island County Commissioners adopted Ordinance No. C-84-11, which created the Historic Preservation Commission.
5. Joint planning efforts between Town of Coupeville and Island County identified changes to Island County Code 17.04A.060 which included a recommendation from the Steering Committee to:
 - a. Reduce the number of members from nine to seven;
 - b. Revise the composition of the membership to reflect both the smaller membership and allow for more flexibility in appointments;
 - c. Remove outdated information on the initial appointment schedule;
 - d. Remove term limits; and
 - e. Add a definition of quorum for clarity.
6. The Island County Board of Commissioners placed this work program item on the 2019 work plan item identified as Ebey's minor code cleanups as part of Phase 1 of the larger Code Cleanup project.
7. On November 21, 2018, the Board of Island County Commissioners discussed code revisions related to Ebey's Landing National Historical Reserve and approved a scope of work for this project (GMA Item #13766).

8. The Planning Commission held a work session on January 14, 2019 and May 13, 2019, to discuss the proposed Ebey's code revisions.
9. Pursuant to ICC 17.14C.180 and Washington Administrative Code Sections 197-11-800 (6), Island County, acting as Lead Agency, finds that the proposed code revisions are minor and procedural only, and are SEPA exempt.
10. The Planning Commission finds the proposed amendments are consistent with the Island County Comprehensive Plan and do not require an amendment to the Comprehensive Plan.
11. The Planning Commission finds that on May 3, 2019, the draft amendments were transmitted to the Department of Commerce for review/notice as required by Chapter 26.70A RCW.
12. The Planning Commission finds that the code changes serve the best interest of residents and members of the development community because the proposed amendments will reduce confusion, increase flexibility, and reduce the potential for cancellation of meetings due to lack of quorum, which will allow for more timely review of development proposals.

CONCLUSION

The Island County Planning Commission has reviewed and held a public hearing on the proposed changes to Chapter 17.04A ICC, and hereby recommends that the Board of County Commissioners adopt an ordinance to incorporate the proposed amendments, enclosed hereto as Exhibit A into Island County Code.

Respectfully submitted through the Island County Planning Department to the Board of Island County Commissioners, this 20th day of May 2019 by,



Darin Hand
Chair, Island County Planning Commission

Enclosures:

- Exhibit "A" – Amendments to the Island County Code 17.04A.060