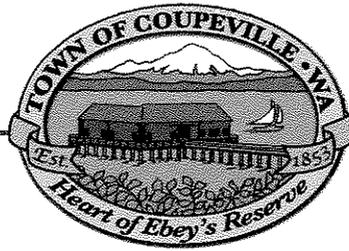


TOWN OF COUPEVILLE

4 NE Seventh
PO Box 725
Coupeville WA 98239
360.678.4461 • 360.678.3299 Fax



NANCY CONARD Mayor

LARRY KWARSICK Planner

DAVID PENROD Town Marshal

JUDY THOMAS Clerk Treasurer

MALCOLM BISHOP Public Works Director

TOWN OF COUPEVILLE ORDINANCE 677

An ordinance amending the Town of Coupeville's development regulations by amending various sections of Title 13 and Title 16 of the Coupeville Town Code relating to clearing and grading regulations, types of allowed, accessory, and conditional uses in the HLC, TC, and GC zoning districts, building height in the HLC zoning district, and land use permit review authority, amending the Comprehensive Plan Future Land Use Map and the Official Zoning Map, adopting findings of fact, and amending Chapters 13.20, 16.06, 16.08, 16.12, 16.16, 16.20, and 16.24 of the Coupeville Town Code, was passed October 13, 2009 by the Town Council. A full text of the Ordinance 677 will be mailed upon request; and can viewed on the Town's website at www.town.coupeville.wa.us.

TOWN OF COUPEVILLE
Coupeville, Washington

ORDINANCE NO. 677

AN ORDINANCE of the Town Council of the Town of Coupeville, amending the Town's development regulations by amending various sections of Title 13 and Title 16 of the Coupeville Town Code relating to clearing and grading regulations, types of allowed, accessory, and conditional uses in the HLC, TC, and GC zoning districts, building height in the HLC zoning district, and land use permit review authority, amending the Comprehensive Plan Future Land Use Map and the Official Zoning Map, adopting findings of fact, and amending Chapters 13.20, 16.06, 16.08, 16.12, 16.16, 16.20, and 16.24 of the Coupeville Town Code.

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 36.70A); and

WHEREAS, RCW 36.70A.130(2)(b) allows all jurisdictions planning under the Growth Management Act to amend their comprehensive plans once per calendar year, an option exercised by the Town of Coupeville in August 1997, November 1998, November 1999, September 2000, July 2003, and March 2008; and

WHEREAS, in accordance with the Implementation Guidelines approved with the Comprehensive Plan in 1994 and in order that the Plan respond to new information, changed growth philosophies, citizen initiatives or other identified needs, the Council adopted Resolution 05-01, establishing a review procedure for annual amendments to the Plan; and

WHEREAS, the 2005 open period for citizen-sponsored proposals to amend the Coupeville Comprehensive Plan ran from February 1, 2005 to March 31, 2005 and drew two applications for map amendments and one request to eliminate Planned Area #2; and

WHEREAS, staff proposed additional amendments to the Comprehensive Plan and development regulations, including amendments to the Comprehensive Plan Future Land Use Map and the Official Zoning Map, amendments to the assignment of review authority, amendments to various provisions of the text of the Zoning Code to correct errors and to ensure consistency with the adopted Comprehensive Plan and Shoreline Master Program Plan policies, and amendments to the Town's clearing and grading regulations; and

WHEREAS, the proposals were introduced to the public at a workshop of the Planning Commission and subsequently were reviewed by the Planning Commission in a series of public meetings; and

WHEREAS, the Planning Commission discussed its 2005 work program on January 4, 2005 and, following the closure of the open period for submittal of proposed amendments, held public workshops on April 5, 2005, May 3, 2005 and June 7, 2005, held a public meeting on July 5, 2005, and held a public hearing on specific amendments on November 1, 2005; and

WHEREAS, the Coupeville SEPA Responsible Official issued and distributed a Notice of Determination of Nonsignificance and Adoption of Existing Environmental Documents on August 12, 2005; and

WHEREAS, the draft amendments recommended by the Planning Commission were forwarded to the Department of Community, Trade, and Economic Development (CTED) on November 10, 2005 to begin the mandatory 60-day comment period in RCW 36.70A.10, and the comment period concluded on January 11, 2006 without comments from CTED; and

WHEREAS, the draft amendments related to regulation of Forest Practices were also forwarded to the Departments of Natural Resources and Ecology on November 10, 2005 to begin the mandatory 60-day comment period in RCW 76.09.240(2), and the comment period concluded without objection or comment by the Departments; and

WHEREAS, upon receipt of the Planning Commission's recommendations, the Town Council suspended the review of the proposals in order to prioritize the completion of the Shoreline Master Program (SMP), the adoption of a Critical Areas ordinance, and the amendment to the Town's Flood Hazard Prevention Standards; and

WHEREAS, following the final adoption of the SMP, the Town Council held three public workshop sessions to discuss the 2005 recommendations of the Planning Commission; and

WHEREAS, the Town Council desires to amend and expand the Planning Commission's recommendations to include the prioritization of the use of Low Impact Development standards within the Town's Surface Water Management Standards; and

WHEREAS, on September 29, 2009 the Coupeville SEPA Responsible Official issued an addendum to the prior SEPA analysis and DNS which evaluated the likely potential environmental impact of the amendments and additions proposed by Town Council; and

WHEREAS, since changes to the Planning Commission's recommendations necessitate a public hearing with due and proper notice as required by law, the Town Council held a public hearing on October 13, 2009 and reviewed the recommendations of the Planning Commission, public comments, public testimony, other documents and information in the public record relevant to consideration of the 2005 Comprehensive Plan amendments, and approved the amendments as set forth below;

NOW THEREFORE, the Coupeville Town Council does hereby ordain as follows:

Section 1. The report and findings of the Planning Commission are adopted as set forth in the

attached Exhibit A, and summaries and purpose statements of the amendments are adopted as set forth in the attached Exhibit B.

Section 2. The Comprehensive Plan Future Land Use Map and the Official Zoning Map are amended as set forth in the attached Exhibit C. The revised Comp Plan and Official Zoning Map, as amended by the elimination of Planned area #2 and the parcel specific rezone actions are attached as Exhibit D. The amendments are summarized as follows:.

- a. Amend Comp Plan map to eliminate Planned Area 2;
- b. Amend Comp Plan and Zoning maps to change the designation of prior Planned Area #2 from Low Density Residential to High density Residential for the portion adjacent to Third Street NE – and to Public/Quasi-public for the portion adjacent to the hospital;
- c. Amend Comp Plan and Zoning maps to change the designation of Assessor's Parcel #R13233-004-3960 (Miriam's) from RM-9600 to Town Commercial pursuant to previously approved Ordinance # 628;
- d. Amend Comp Plan and Zoning maps to change the designation of what was previously the Montana Property (Lot 5 of the Plat of Ryan's Woods – Assessors Parcel S8058-00-00005-0) from Medium Density to Low Density Residential;
- e. Amend Comp Plan and Zoning maps to change the designation of the Krueger Farm Open Space from MOA to Public/Quasi-public ;
- f. Amend Comp Plan and Zoning maps to change the designation of a 25 foot addition to the Town Hall parcel from Town Commercial to Public/Quasi-public;
- g. Amend Comp Plan and Zoning maps to eliminate the zoning designations for the Port of Coupeville Dock; and
- h. Amend Comp Plan and Zoning maps to include the shoreline designations approved in the Shoreline Master Program.

Section 3. Chapter 16.20 of the Coupeville Town Code is hereby amended by amending CTC 16.20.010, 16.20.020, 16.20.030, 16.20.040, and 16.20.070 to read as follows:

16.20.010 Purpose.

The purposes of this chapter are to promote the public health, safety, and general welfare; to preserve and enhance the Town's physical and aesthetic character by preventing the indiscriminate removal or destruction of trees and ground cover, and major movements of earth; to minimize surface water runoff and erosion, and the siltation of stormwater conveyance systems; to minimize the need for additional storm drainage and runoff quality remediation facilities; to retain forest cover for wind protection and noise abatement; and to promote building and site development practices that are consistent with the Town's natural topographic and vegetational features. Pursuant to RCW 76.09.240, the Town is required to adopt regulations setting standards for those Class IV forest practices resulting in development and conversion of the land to a non-forest land use, which regulations are to be administered and enforced by the Town.

16.20.020 Permit required.

No person shall engage in or cause land clearing or grading in the Town without first having obtained a proper permit from the building inspector Public Works Director subject to the provisions set forth hereinafter.

16.20.030 Definitions.

The definitions and interpretational rules set forth in Section 16.04.050 of these Development Regulations and in Ordinance No. 500, the stormwater management ordinance, with the following additions, shall apply to this chapter:

"Bulkhead" means a seawall or rock embankment constructed along the waterfront to protect the land behind it from erosion by waves and tidal action of the sea.

"Classes of forest practices" means the four classifications of forest practices activities defined in WAC 222-16-050. The class of forest practices is determined by considering several factors including but not limited to the type of activity proposed (e.g., harvesting, thinning, etc.), its scale, the affected environment, and future use of the site.

"Class IV forest" practices means a forest practice on lands platted after January 1, 1960, as provided in Ch. 58.17 RCW, on lands that have or are being converted to another use, on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development.

"Clearing" means the removal of living trees and/or groundcover from the surface of the planet.

"Conversion, forest lands" or "forest lands conversion" means any Class IV general forest practices as defined by RCW 76.09.050. Also included are Class I forest practices involving timber harvesting or road construction, which are not directly associated with and supportive of commercial forest product production. In general terms, "forest lands conversion" refers to the cutting and removal of trees for the purpose of converting forest land to nonforestry use.

"Development" means any human-induced change to improved or unimproved real property including but not limited to the construction of buildings or other structures, placement of manufactured home/mobile, mining, dredging, clearing, filling, grading, paving, excavation, drilling operations, or the subdivision of property.

"Earth" means the natural mineral and organic material forming the soil and its underlying substance. For the purposes of this chapter, earth shall include sand, gravel, and ledge rock.

"Embankment" means an artificial structure consisting of the placement of earth above the pre-existing surface.

"Erosion" means the physical removal of earth from pre-existing surfaces by natural processes involving the mechanical action of wind, water, and the force of gravity.

"Excavation" means the artificial and deliberate removal of earth from pre-existing surfaces by human agency.

"Filling" means the construction of an embankment or the raising of the surface in a depression by the placement of earth.

"Grading" means alteration of the pre-existing surface by the placement or removal of earth.

"Ground cover" means living shrubs, grasses, sedges, and other vegetation with trunk or stem size smaller than four inches in diameter established on the surface.

"Grubbing" means the removal of stumps and roots of trees and shrubs.

"Forest land" as defined in the Washington State Forest Practices Act, Ch. 76.09 RCW, means all land which is capable of supporting a merchantable stand of timber and is not actively used for a use which is incompatible with timber growing.

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to the growing, harvesting, or processing of timber, including but not limited to: road and trail construction; harvesting, final and intermediate; pre-commercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control.

Native vegetation includes native, undisturbed areas or rehabilitation of previously disturbed areas that consist of trees, plants, forest litter, and understory indigenous to the Pacific Northwest or near natives that are suitable for the Pacific Northwest climate. Invasive species, such as Himalayan Blackberry or Scotch Broom, are not native species. For the purposes of this chapter, native vegetation is defined by a tree density of no less than one tree unit per 600 square feet.

"Non-conversion" means any Class II, Class III, or Class IV-Special Forest Practice as defined by WAC 222-16-050, where land is being retained for uses consistent with timber growing. Examples include but are not limited to the cutting and removal of trees and the replanting for commercial forest production.

"Siltation" means deposition of soil, sand, and gravel on the surface or in stormwater conveyance systems as a result of erosion in tributary areas and transport by runoff water.

"Tree" means an erect woody plant whose stem measures four inches or more in diameter measured three feet above the surface on the up-slope side.

16.20.040 Applicability and exemptions.

A. Clearing Permit. A clearing permit shall be required for all clearing activities and for all Class IV forest practices and all forest land conversions, except as exempted below:

1. Removal of trees and ground cover in emergency situations involving immediate danger to life or property, or substantial fire hazard as determined, if time permits, by a fire marshal or law enforcement officer on duty;

2. Removal of trees or ground cover that are dead or diseased, as adjudged by the ~~building inspector or an arborist, forester or other professional approved by the building inspector~~ Public Works Director prior to removal;

3. Removal of trees or ground cover on parcels of one-half acre or less already occupied by a residence or other structure, or already devoted to some ongoing active beneficial use, where the purpose of removal is for general property or utility maintenance or landscaping, and not for new construction;

4. Public and private rights-of-way and easements being cleared in connection with Town-approved engineering plans for funded and scheduled street improvements or utility installations, or for the maintenance of existing facilities;

~~5. Forest lands carrying a permit under the Washington State Forest Practices Act, provided a copy of said permit has been filed with the Town at least fifteen (15) days before clearing is scheduled to begin and has been accepted with or without conditions by the building inspector;~~

65. No separate permit shall be required under this chapter if an application has been approved for a building permit, preliminary short plat, preliminary long plat, preliminary binding site plan, or final planned unit development. However, the requirements imposed by this chapter shall be incorporated as conditions in such approved permit, plat or development. Where such property is concerned, only areas where roads and common improvements are to be constructed can be cleared of trees and ground cover prior to final plat approval, and only then after preliminary plat project approval has been granted and engineering plans for utilities and road construction have been approved by the Town.

B. Grading Permit. Grading activity shall be subject to the provisions of the current edition of the ~~Uniform International Building Code, Appendix, Chapter 70,~~ and the following additional requirements.

1. A permit shall be required for:

a. Any excavating or filling in excess of two one hundred (100) cubic yards, separately or in conjunction, over the duration of the permitted operation;

b. Any excavation or filling of sensitive areas as defined in Section 16.0434.050 of this title, "~~environmentally sensitive-critical areas~~" of the Coupeville Development Regulations;

c. Any property or activity subject to the jurisdiction of the Shoreline Management Act.

2. A permit shall not be required for:

a. Grading incidental to work covered by a building permit;

b. Grading in public or private rights-of-way or easements done in connection with Town-approved engineering plans for the construction of streets, drainage works, and other utilities and public works projects; or for the repair, replacement, or reconstruction of such facilities; subject, however, to the requirement that disposal of excavated material outside the project area must either occur at an approved public site, or at a private site for which the owner has obtained a valid permit from the appropriate jurisdictional entity;

c. Exploratory excavations performed as a prerequisite for septic drainfield approval;

d. Grading incidental to the construction or repair of a bulkhead for the protection of an existing single-family residence, provided that the owner has an exemption from a shoreline management substantial development permit;

e. Grading done in emergencies for the protection of life and private or public property.

16.20.070 Standards for clearing and grading activities.

All land clearing activities shall be conditioned by the Town to ensure that the following standards have been met: Land grading and clearing associated with the regulated development of the property shall not occur until such time as the permit/authorization for development has been granted by the Town.

A. Clearing or grading will not create or contribute to landslides, soil creep, or subsidence, or hazards associated with strong ground motion and soil liquefaction;

B. Clearing or grading will not create or significantly contribute to flooding, erosion, siltation, or other forms of pollution in a watercourse;

C. Clearing and grading operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time, consistent with the approved build-out schedule;

D. No clearing or grading shall be permitted within a previously-established vegetated buffer area;

E. Slash shall be burned or removed from the cleared site within six months of the completion of the operation;

F. Clearing and grading operations shall be performed in accordance with all applicable laws, rules, and regulations pertaining to air and water pollution, noise control, and wildlife habitat protection;

G. Clearing and grading shall not be detrimental to the health and appearance of vegetation outside but adjacent to the area designated for such operations in the approved plan;

H. Clearing and grading will be undertaken in a manner which, in the opinion of the ~~building inspector~~, Public Works Director will preserve and enhance the aesthetic character of the Town.

Section 4. Chapter 16.08 of the Coupeville Town Code is hereby amended by amending CTC 16.08.050 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 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	Above Not at street level residential west of Main Street (mixed use)	Parking facilities
Personal services	Parking facilities	Hotels east of Main Street
Clubs, lodges, and fraternal organizations		Outdoor storage and display
Bed and breakfast inns		Microbreweries
Single-family dwellings east of Main Street		Moorage facility/ marina
<u>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 of Main Street</u>		Marine fueling station Marine research facilities
<u>Marine fueling station</u> <u>Marine research facilities</u>		
<u>Marine repair and sales</u>		
<u>Moorage facility/ marina</u>		Marine repair and sales

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)	Above <u>Not at street level</u> 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
Guest houses		Duplex residences
		Veterinary clinics

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)	Above Not at street level residential (mixed use)	Light industrial
Theaters		Adult businesses
Hotels		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
		Drive-up businesses
		Veterinary clinics
		Hotels
		Mini-storage ware- houses

Section 5. Chapter 16.06 of the Coupeville Town Code is hereby amended by amending CTC 16.06.020 and 16.06.050 to read as follows:

16.06.020 Assignment of review authority.

It is the purpose of this section to designate the specific responsibilities for land use administration within the Town of Coupeville.

A. Town Planner. The town planner may act administratively for certain prescribed actions.

1. Authority. With the exception of Chapter 16.24, the development standards, the Coupeville town planner is responsible for the administration of Title 16 of the Coupeville Town Code.

2. Administrative Interpretations. In response to a clearly identified written request, or as needed, the town planner shall interpret the meaning or application of the Coupeville development regulations. This interpretation shall be in writing and a complete record of administrative interpretations shall be maintained by the town clerk-treasurer.

3. Administrative Approvals. The town planner shall act on requests or applications listed under Section 16.06.050(A), (B) and (C).

B. Public Works Director. The public works director may act administratively for certain prescribed actions.

1. Authority. The public works director is responsible for the administration of Chapter 16.24, the development standards, of the Coupeville Town Code.

2. Administrative Interpretations. In response to a clearly identified written request, or as needed, the public works director shall interpret the meaning or application of the Coupeville development regulations. This interpretation shall be in writing and a complete record of administrative interpretations shall be maintained by the town clerk-treasurer.

3. Administrative Approvals. The public works director shall act on requests or applications listed under Section 16.06.050(A) and (C).

C. Town Council. In addition to its legislative responsibilities, the Coupeville town council shall review and act on the following:

1. Recommendations of the planning commission;
2. Appeal of planning commission decisions;
3. Appeal of administrative determinations;
4. Appeal of administrative approvals as set forth in Section 16.06.050(A), (B) and (C);
5. Appeal of design review board decisions;
6. Appeal of a SEPA determinations of significance.

D. Coupeville Planning Commission. The planning commission shall review and make recommendations on the following applications and requests:

1. Amendments to the comprehensive plan;
2. Amendments to Title 16, the Coupeville development regulations;
3. Applications listed under Section 16.06.050(D)(2) and (4);
- ~~4. Appeal of SEPA determinations of nonsignificance of the underlying land use action;~~
4. Amendments to the shoreline master program;
5. Other actions as requested or remanded by the town council.

E. Design Review Board. The design review board shall review and act on the following applications and requests:

1. Applicable actions listed under Section 16.12.080(A)(2) and (3), Applicability and Exemptions;
2. Applications for sign permits.

16.06.050 Review and approval.

The purpose of this section is to establish procedures through which a timely decision can be reached on land use applications and requests as required under RCW 36.70B.110. For projects not exempt from review under SEPA, the Town adopts the optional DNS process under WAC 197-11-355.

A. Administrative Approval Without Notice of Application. The town planner or public works director may approve, approve with conditions or deny the following applications without issuing a notice of application, except in cases where the request is associated with an application which does require notice:

1. Boundary line adjustments;
2. Extensions of time for approved actions;
3. Minor amendments to approved permits. "Minor" shall be defined as changes which do not affect overall project character, increase the number of lots, dwelling units or density, or decrease the amount or quality of public improvements or open space;

4. Building and utility actions exempt from SEPA review;
5. Shoreline exemptions;
6. Right-of-way use permits;
7. Clearing and grading permits exempt from SEPA review;
8. Interpretations of Title 16 requirements;
9. Design review board actions.

B. Administrative Approval With Notice of Application. The town planner or public works director may approve, approve with conditions or deny the following requests, subject to the notice of application procedure listed under Section 16.06.030(F), Notice of Application:

1. Building and utility actions subject to review under SEPA;
2. Clearing and grading permits subject to review under SEPA.
3. Preliminary short subdivisions.

C. Administrative Approval Subject to Public Notice. The town planner or public works director may grant preliminary approval to the following applications or requests, subject to the public notification requirements under Section 16.06.040(A), Notice of Administrative Approval:

1. Sign variance;
 2. Class II home occupations.
- D. Planning Commission Review and Recommendation.

1. Staff Report. The Town planner shall prepare a staff report on the proposed action which summarizes town staff and environmental review, and which evaluates the action for consistency with the Coupeville development regulations, comprehensive plan and other adopted plans and regulations. The report shall contain staff findings, conclusions and a recommendation for action.

2. Open Record Public Hearings. The planning commission shall conduct an open record public hearing on the following legislative actions:

- a. Amendments to the comprehensive plan;
- b. Amendments to Title 16, the Coupeville development regulations;
- c. Amendments to the Shoreline Master Program.
- d. Request for parcel-specific zoning change.
- e. Planned unit development overlay districts.
- f. Preliminary long subdivisions.
- g. Shoreline development permits, shoreline conditional use permits, shoreline variances.
- h. Conditional use permits.
- i. Variances.

~~3. Recommendation. For the proposed actions listed under Section 16.06.050(D)(2), the planning commission shall pass a recommendation, including supporting findings and conclusions, and shall forward this recommendation to the town council for consideration.~~

~~4. Public Meetings. The planning commission shall conduct a public meeting on the following proposed actions, for the purpose of obtaining public comments, considering the facts germane to the proposed action and evaluating consistency with adopted plans and regulations. The commission may forward a recommendation on these actions to the town council for inclusion in the project application file.~~

- ~~a. Request for parcel specific zoning change.~~
- ~~b. Planned unit development overlay districts.~~
- ~~c. Preliminary long subdivisions.~~
- ~~d. Shoreline development permits.~~
- ~~e. Draft environmental impact statements.~~
- ~~f. Conditional use permits.~~
- ~~g. Variances.~~
- ~~h. Mobile home parks.~~

E. Town Council Review and Action. Upon receiving a recommendation from the planning commission or notice of any matter requiring the council's attention, the council shall perform the following actions as appropriate:

1. Make a decision on a planning commission recommendation;
2. Hold an open record public hearing and make a decision on the following matters:

~~a. Proposed actions listed under subsection (D)(4) of this section, planning commission public meeting actions;~~

- ~~ba. Appeal of administrative interpretations,~~
- ~~eb. Appeal of administrative approvals,~~
- ~~ec. Appeal of SEPA determinations of significance,~~
- ~~ed. All legislative actions listed under subsection (D)(2) of this section,~~
- ~~fe. Other matters not prohibited by state law;~~

3. Hold a closed record hearing and make a ruling on the following matters:

- ~~a. Appeal of a planning commission decision,~~
- ~~ba. Appeal of a design review board decision.~~

F. Town Council Decisions. The town council shall make its decision by motion, resolution or ordinance as appropriate.

1. A council decision under subsections (E)(1) and (2) of this section shall include one of the following actions;

- a. Approve as recommended;
- b. Approve with additional conditions;
- c. Modify, with or without concurrence by the applicant, provided that the modifications do not enlarge the area or scope, increase the density or building size, or significantly increase potential environmental impacts;

- d. Deny (reapplication allowed after one year);
- e. Deny without prejudice (reapplication allowed);
- f. Remand for further proceedings;

g. If, after considering a preliminary plat or preliminary binding site plan at a public meeting, the Council deems a change in the planning commission's or design review board's recommendation approving or disapproving the preliminary plat or binding site plan is necessary, the Council shall adopt its own recommendations and approve or disapprove the preliminary plat or binding site plan. Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.

2. A council decision under subsection (E)(3) of this section shall include one of the following actions:

- a. Grant the appeal in whole or in part;
- b. Deny the appeal in whole or in part;
- c. Remand for further proceedings.

Section 6. Chapter 16.16 of the Coupeville Town Code is hereby amended by amending CTC 16.16.100 read as follows:

16.16.100 Final approval of plats and short plats.

A. Review Procedures.

1. Final Plat Review. When a complete application for final plat approval has been submitted to the Town, the staff shall review the application and make a written report and recommendation to the town council to either approve or disapprove the final plat. If the final plat complies with the requirements of preliminary approval and the terms of the Coupeville development regulations, the town planner and town engineer shall sign the final plat, attesting to its compliance. Action by the council to approve a final plat shall be by formal motion made at a public meeting. Final approval does not require a hearing or public notice. When a final plat is approved by the council, the mayor shall sign the plat indicating the action of the council. Approval shall be effective upon recording of the final plat with the Island County auditor.

2. Final Short Plat Review. When a complete application for final short plat approval has been submitted, the staff shall review the application and either approve or disapprove the final short plat. ~~Action to approve a final short plat shall be administrative and may be appealed to the town council in accordance with Section 16.08.060 of this title.~~ If the final short plat complies with the requirements of preliminary approval and the terms of the Coupeville development regulations, the town planner, town engineer and mayor shall sign the final short plat, attesting to its compliance. ~~Approval shall be effective upon expiration of any appeal periods and upon recording of the final short plat with the Island County auditor.~~

B. Public Notice. There is no requirement for public notice for consideration of or action to grant final approval of plats or short plats.

Section 7. Chapter 16.12 of the Coupeville Town Code is hereby amended by amending CTC 16.12.050 to read as follows:

16.12.050 Height structures.

This section establishes maximum allowable heights by zoning district, and provides for exemptions for customary appurtenances.

A. Maximum Height by Zoning District. The table below establishes a maximum allowable height for all zoning districts in the Town of Coupeville.

Zoning District	Maximum Height (feet)
Residential reserve (RR)	28
Low density residential (LDR)	28
Medium density residential (RM-9600)	28
High density residential (RH)	28
Historic/limited commercial (HLC)	28 <u>except that the height of new structures lying north of Front Street and lying between Alexander and North Main Streets shall not exceed 35 feet, or 28 feet above street grade, whichever is less. The 35 feet is measured from vertical datum which in this case is the average height between the street level and the toe of the bluff at the water's edge.</u>
Town commercial (TC)	28
General commercial (GC)	28
Public/quasi-public (P)	28

B. Exemptions. The height limitations contained in this title do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above the roof level, provided, however, that no structure or portion of any structure hereafter erected shall interfere with Federal Aviation Administration Regulations on airport approaches.

C. Measuring Height. Height shall be measured from the vertical datum as defined in the "Definitions" section of this title.

Section 8. Chapter 13.20 of the Coupeville Town Code is hereby amended by amending CTC 13.20.020 to add a definition of "Low Impact Development (LID)", and by amending subsections A and B of CTC 13.20.060 and subsections A and B of CTC 13.20.080, to read as follows:

13.20.020 Definitions.

Low Impact Development (LID) means "a stormwater management and land development strategy that can be applied to projects at the individual parcel or subdivision scale. This strategy emphasizes conservation and the use of on-site natural features combined with engineered, small-scale hydrologic controls to closely mimic pre-development hydrology".

13.20.060 General requirements.

A. Stormwater Management Manuals Adopted. The latest edition of Ecology's Stormwater Management Manual for Western Washington which includes low impact development techniques and the latest edition of Low Impact Development (LID) Technical Guidance Manual for Puget Sound is are adopted by reference and are hereinafter referred to as the manual and LID manual. The LID Mmanual contains detailed guidance on how best to design, construct and maintain low impact development practices.

B. Stormwater Best Management Practices (BMPs) for Quality Control.

1. General. BMPs shall be used to control pollution from stormwater. BMPs shall be used to comply with the standards in this chapter. BMPs are in the manual.

2. Experimental BMPs. In those instances where appropriate BMPs are not in the manual, particularly for discharges to Penn Cove, experimental BMPs are encouraged in an effort to improve stormwater quality technology. Experimental BMPs must be approved in accordance with the process outlined in the manual.

3. When new, replaced, or new plus replaced impervious surfaces total 2,000 square feet or more, or disturb 7,000 square feet or more of land, a Construction Stormwater Pollution Prevention Plan (SWPPP) shall be submitted as part of the Stormwater Site Plan. The SWPPP shall:

a. Include a narrative and drawings.

b. Clearly reference all BMPs in the narrative and marked on the drawings.

c. Include documentation to explain and justify the pollution prevention decisions made for the project.

d. Include sediment and erosion control BMPs consistent with the BMPs contained in chapters 3 and 4 of Volume II of the Stormwater Management Manual for Western Washington (2005 or as amended), and/or other equivalent BMPs contained in technical stormwater manuals approved by the Washington State Department of Ecology.

e. Include implementation of Low Impact Development surface water controls as determined by the Town to be feasible consistent with the LID Guidance Manual for Puget Sound(2005 or as amended).

13.20.080 Large development minimum requirements.

A. New Development.

1. Persons responsible for new development that includes the creation or addition of five thousand (5,000) square feet, or greater, of new impervious surface area, and/or land-disturbing activity of one acre or greater, shall comply with Minimum Requirements #1 through #10 in subsections C through L of this section. Compliance shall be demonstrated through the implementation of an approved stormwater site plan consisting of a large parcel ESC plan, a stormwater rate control plan using LID development and flow control techniques as a priority and a PSQC plan, as determined applicable by the Public Works Director.

2. Persons responsible for new development that includes the creation or addition of five thousand (5,000) square feet, or greater, of new impervious surface area, and land-disturbing activity of less than one acre shall comply with Minimum Requirements #2 through #10 in subsections D through L of this section and Small Parcel Minimum Requirements found in Section 13.20.070 of this Section. Compliance shall be demonstrated through the implementation of an approved stormwater site plan that includes a small parcel erosion and sediment control plan and a PSQC plan.

3. This section does not apply to the construction of individual, detached, single-family

residences and duplexes. Those types of new development are included in Section 13.20.070, Small parcel minimum requirements.

B. Redevelopment.

1. Where redevelopment of five thousand (5,000) or more square feet occurs:

a. New development minimum requirements #1 through #10 in subsections C through L of this section shall apply to that portion of the site that is being redeveloped, and source control BMPs shall be applied to the entire site, including adjoining parcels if they are part of the project.

2. In addition to the above requirements, where one or more of the following conditions apply, a stormwater management plan using LID development and flow control techniques as determined applicable by the Public Works Director as a priority, shall be prepared that includes a schedule for implementing the minimum requirements to the maximum extent practicable for the entire site, including adjoining parcels if they are part of the project:

a. Existing sites greater than one acre in size with fifty (50) percent or more impervious surface.

b. Sites that discharge to a receiving water that has a documented water quality problem. Subject to local priorities, a documented water quality problem includes, but is not limited to water bodies:

i. Listed in reports required under section 305(b) of the Clean Water Act, and designated as not supporting beneficial uses;

ii. Listed in Section 304(I)(A)(i), 304(I)(A)(ii), or 304(I)(1)(B) of the Clean Water Act as not expected to meet water quality standards or water quality goals;

iii. Listed in Washington State's Non-point Source Assessment required under section 319(a) of the Clean Water Act that, without additional action to control non-point sources of pollution cannot reasonably be expected to attain or maintain water quality standards.

c. Sites where the need for additional stormwater control measures have been identified through the watershed ranking process under Ch. 400-12 WAC, or through Growth Management Act planning.

Section 9. Chapter 13.20 of the Coupeville Town Code is hereby amended by amending CTC 13.20.030 and 13.20.070 to read as follows:

13.20.030 General provisions.

A. Abrogation and Greater Restrictions. It is not intended that this Section repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail.

B. Interpretation. The provisions of this Section shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this Section.

C. Priority. The stormwater management techniques adopted in the Low Impact Development Technical Guidance Manual for Puget Sound and Ecology's Stormwater Management Manual for Western Washington are the priority management strategy for the Town and shall be used instead of or in conjunction with conventional stormwater management techniques as applicable to the site and the nature of development as determined by the Public Works Director. The use of all reasonable and appropriate low impact development measures shall be required prior to consideration of conventional stormwater management methods.

D. Coordination of Programs. In the implementation of programs to reuse stormwater,

including regional groundwater recharge or agricultural reuse as examples, the Town may waive all or part of the flow control requirements of CTC Ch. 13.20 CTC, provided that conveyance and collection systems are adequately sized for post development peak flows. Under such circumstances Best Management Practices (BMPs) for Quality Control will still be required.

E. Alternatives to Flow Control. In association with the coordination of programs and as an alternate to on-site detention, upon the approval of the Public Works Director the applicant may contribute to the Town a sum of money equivalent to the estimated costs for furnishing and installing the sized detention facility for the proposed development. The cost estimate for the detention facility submitted by the applicant shall be reviewed by the Public Works Director for accuracy. This estimate, with any modifications by the Public Works Director, shall be the sum of money contributed to the Storm Water Drainage fund.

13.20.070 Small parcel minimum requirements.

A. Persons responsible for new development of small parcels (characterized in subdivision (1) through (3) of this subsection) shall be required to control erosion and sediment during construction and control surface water discharge through the implementation of residential LID techniques. They must permanently stabilize soil exposed during construction. They must also comply with Small Parcel Requirements 1 through 5 below:

1. Individual, detached, single-family residences and duplexes.
2. Creation or addition of less than five thousand (5,000) square feet of impervious surface area.
3. Land disturbing activities of less than one acre.
4. Compliance shall be demonstrated through the implementation of an approved small parcel erosion and sediment control plan.

B. Small Parcel Requirement #1--Construction Access Route. Construction vehicle access shall be, whenever possible, limited to one route. Access points shall be stabilized with quarry spall or crushed rock to minimize the tracking of sediment onto public roads.

C. Small Parcel Requirement #2--Stabilization of Denuded Areas. Soil Stabilization. All exposed soils shall be stabilized by suitable application of BMPs, including but not limited to sod or other vegetation, plastic covering, mulching, or application of granular base on areas to be paved. All BMPs shall be selected, designed and maintained in accordance with the manual. From October 1st through April 30th, no soils shall remain unstabilized for more than two days. From May 1st through September 30th, no soils shall remain unstabilized for more than seven days.

D. Small Parcel Requirement #3--Protection of Adjacent Properties. Adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate BMPs.

E. Small Parcel Requirement #4--Maintenance. All erosion and sediment control BMPs shall be regularly inspected and maintained to ensure continued performance of their intended function.

F. Small Parcel Requirement #5--Other BMPs. As required by the director, other appropriate control methods and BMPs to mitigate the effects of increased runoff shall be applied.

Section 10. Chapter 16.24 of the Coupeville Town Code is hereby amended by amending CTC 16.24.040 to read as follows:

16.24.040 Plans for construction of streets, utilities, and drainage structures

A. In General.

1. Conformity. The arrangement, character, extent, width, grade and location of all streets shall conform to the official map and comprehensive plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the official map or comprehensive plan, the arrangement and other design standards of streets shall conform to the provisions found herein.

2. Arrangement.

a. Major streets shall be properly integrated with the existing and proposed system of major streets and highways.

b. Collector streets shall be properly related to the public transit system, to special traffic generating from facilities such as schools, churches and shopping centers, to population densities and to major streets into which they feed.

c. Minor streets, which include local access and/or cul-de-sac streets, shall be laid out to conform as much as possible to topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, and to require the minimum amount of street necessary to provide convenient, safe access to property.

3. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining areas.

4. Projection of Streets. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets.

5. Streets to be Carried to Property Lines. When a new subdivision adjoins unsubdivided land subject to being subdivided, then the dedication of new streets shall be carried to the boundaries of the tract proposed to be subdivided.

6. Limited Access Highways. Where a subdivision borders on or contains a limited access highway right-of-way, the planning commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land as for park purposes in residential districts or for commercial or industrial purposes in other districts.

7. Street Names. Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. House numbers shall be assigned in accordance with the house numbering system of the Town. All names and numbers shall conform to the adopted street naming numbering policy.

8. Alleys.

a. Commercial and Industrial. Alleys shall be provided in all commercial and industrial districts, except that the planning commission may waive this requirement where other definite and assured provisions are made for service access such as off-street loading and parking consistent with and adequate for the uses proposed.

b. Residential. Alleys shall not be approved in residential areas unless necessary because of topography, or other exceptional circumstances, or when implementing Low Impact Development plans.

c. Dead-end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.

9. Half Streets.

a. Half Streets shall be discouraged in the plan of a proposed subdivision, however, they may be permitted by the planning commission and town council in cases where the future dedication of the remaining half of the street can be anticipated. Whenever a tract to be subdivided borders on an existing half

half street, the other part of the half street can be anticipated. Whenever a tract to be subdivided borders on an existing half street, the other part of the half street shall be dedicated within such tract unless a said dedication is deemed unnecessary or undesirable by the planning commission and town council.

b. When a half street is permitted by the planning commission and town council, said half street shall be developed subject to the requirements of these regulations, provided that said improvements shall be offset at least one foot from the property line, dividing said half street. Additional improvements beyond those required in Section 16.24.060 of this Section may be required by the planning commission and town council.

B. Design.

1. Width. The right-of-way of all streets shall be of the width specified on the official map or master plan; or, if no width is specified, they shall be not less than the width specified below, unless necessitated by unusual topographic, physical or design features:

a. Arterials: Eighty (80) feet.

b. Collectors: Sixty (60) feet, unless reduced by the Town Council in association with the approval of projects which implement Low Impact Development standards.

c. Local:

i. Local Access: Sixty (60) feet, unless reduced by the Town Council in association with the approval of projects which implement Low Impact Development standards.

ii. Cul-de-sac: Forty (40) feet for lengths up to four hundred (400) feet, fifty (50) feet for lengths up to six hundred (600) feet.

2. Cul-De-Sac or Dead-End Streets. Streets designed to have one end permanently closed shall be not longer than six hundred (600) feet, four hundred (400) feet or less being preferable, and shall be provided at the closed end with a circular turnaround having a minimum curb radius not less than forty-five (45) feet. Off-street or T-type turnarounds providing equivalent turning radius may be substituted. Any cul-de-sac over six hundred (600) feet shall require a variance.

3. Grade. The grade of major and collector streets shall not exceed ten (10) percent and the grade of all other streets shall not exceed fifteen (15) percent unless necessitated by exceptional topography and approved by the planning commission.

4. Horizontal Curves. The minimum sight distance with clear visibility, measured along the center line, shall be provided, of at least one hundred thirty-five (135) feet on major streets, seventy-five (75) feet for collector streets and fifty (50) feet on minor streets.

5. Vertical Curves. All changes in street grades shall be connected by vertical curves of a minimum length equivalent to four times the algebraic difference in the rate of grade for major streets and collector streets and one-half of this minimum length for all other streets.

6. Intersections.

a. Rounded. Property lines at street intersections shall be rounded with a maximum radius of twenty (20) feet or of a greater radius where the planning commission determines it to be necessary.

b. Jogs. Streets with center line offsets of less than one hundred twenty-five (125) feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

C. Plans for Construction of Streets, Utilities and Drainage Structures. The designing engineer shall submit to the town engineer plans and specifications for street, utility and drainage structures for the proposed development. The plans and specifications shall include a vicinity map, and a plan and profile consisting of the following:

1. Plan/Profile. A plan and profile of the proposed construction shall be submitted to the town engineer for approval prior to construction and shall include:

Plan:

- a. Street alignment in stations of one hundred (100) foot intervals;
 - b. Bearing on street centerline;
 - c. Radius of horizontal curves;
 - d. Proposed right-of-way width limits;
 - e. Label all streets and adjoining subdivisions;
 - f. Typical roadway sections, including utility locations;
 - g. Existing and proposed drainage structures, showing type and size of culverts with the direction of flow indicated;
 - h. Street cross section, showing utilities, pavement width, sidewalks, etc.;
 - i. Suggested scales: One inch equals fifty (50) feet; or one inch equals one hundred (100) feet.
- Profile:

- a. Original Ground Line. The ground lines for road extending to the perimeter of any developments shall be extended a sufficient distance beyond the perimeter to include any change in contours which would affect the profile of the proposed street, which would affect the profile of the proposed street, which extension shall in no event be less than two hundred (200) feet;
- b. Stationing in intervals of one hundred (100) feet;
- c. Proposed grade line showing percent grade and vertical curves;
- d. Elevation datum;
- e. Horizontal scale shall be the same as the plan; vertical scale shall be at the ratio of ten-to-one (10 to 1) with horizontal scale.

D. Sidewalks, Curbs and Gutters.

1. Sidewalks.

a. The Portland cement sidewalk shall be constructed in accordance with APWA Specifications. Concrete shall meet the requirements of APWA Specifications, with a twenty-eight (28) day compressive strength of three thousand (3,000) psi. Maximum slump shall not exceed three and one-half inches.

b. Joint filler shall be in conformance with APWA Specifications, three eighths inch thickness and shall be placed as detailed on the plans.

c. Thickness shall be a full six inches thick at driveway sections.

2. Curb and Gutter.

a. The integral Portland cement concrete curb and gutter shall be constructed in accordance with APWA Specifications, with a twenty-eight (28) day compressive strength of three thousand (3,000) psi.

b. Curb and gutter shall be APWA cement concrete, Type "A" monolithic, all as detailed in APWA Standard Plan No. 1. Depressed section for driveway shall be similar to APWA Type "C", except grade point shall be reduced from two inches to three inches to one and one-half inches to two inches. Two No. 4 reinforcing bars shall be used at all driveway sections.

c. Where water is carried on the surface through an intersection, there shall be a cement concrete inverted gutter section provided as detailed in ~~Figure 16.24.040F~~ the Town's Standard Specifications.

3. a. No concrete for sidewalks or curb and gutter shall be poured against dry form or dry subgraded. All concrete delivery receipts shall be inspected by the Town.

b. After troweling and before jointing or edging, the surface of the sidewalks, curbs and gutters shall be lightly brushed in a transverse direction with a soft brush to give a broom finish. All work must be finished to the lines and grades shown on the plans, all as directed by the engineer.

c. Curbing and protection of sidewalks, curbs and gutters shall conform to APWA

Specifications.

d. The manholes, valve boxes and monument cases shall be adjusted to grade in the following manner: Prior to surfacing with asphalt concrete, the manholes, monument cases and valve boxes shall be temporarily adjusted to the approximate grade of the crushed surfacing, top course layer. The street may then be paved. As soon as the street is paved past each manhole, valve box and monument case, the asphalt concrete mat shall be scored around the location of the manholes, valve boxes or monument cases. After rolling has been completed and the mat has cooled, it shall be cut along the scored lines.

e. The manholes, valve boxes and monument cases shall then be raised to finished pavement grade and the annular spaces filled with Portland cement concrete to give a smooth, finished appearance.

4. Minimum pavement widths for arterials, streets, cul-de-sacs, sidewalks, curbs and gutters shall be as indicated the Town's Standard Specifications on Figures 16.24.040A through F of this section as follows:

~~Figure 16.24.040A Residential Street Details~~

~~Figure 16.24.040B Collector Arterial Street Details~~

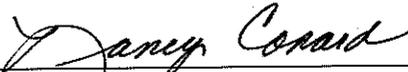
~~Figure 16.24.040D Planter and Barrier Curb Details~~

~~Figure 16.24.040E Street Visibility Requirements~~

~~Figure 16.24.040F Commercial Approach Details~~

Section 11. This ordinance will be in full force and effect upon publication by summary in the official newspaper.

PASSED by the Town Council of the Town of Coupeville and APPROVED by the Mayor this 13th day of October 2009.



Nancy Conard, Mayor

APPROVED AS TO FORM

ATTEST:

Grant Weed, Town Attorney



Judy A. Thomas, Clerk-Treasurer

Approved: _____

Published: _____

Effective Date: _____

EXHIBIT A
Planning Commission Findings of Fact and Conclusions of Law

November 12, 2005

From: Town of Coupeville Planning Commission
To: Mayor and Town Council
Subject: 2005 Comprehensive Plan and Zoning Amendments.

BACKGROUND:

By Resolution of the Town Council, the Town announced and advertised an open period for citizen-sponsored amendments to the Coupeville Comprehensive Plan and Development regulations. During the same period the and as an ongoing planning effort, the Town received a grant from the Department of Ecology to update the Shoreline Master Program. This work is in process and carried forward to 2005.

The open period ran from February 1, 2005 to March 31, 200. At the same time, the Planning Commission developed its own 2005 work program and asked that the Town Planner provide input and suggestions into the program. The open period resulted in 4 specific requests, i.e.

1. A rezone of Lot 5 in the Plat of Ryan's Woods – Medium Density Residential to Low Density Residential;
2. A rezone of parcels R13233-183-5050 and R13233-147-4920. This had an associated request to eliminate Planned Area #2 from the Land Use Element of the Comp Plan and the Future Land Use Map – The rezone was from Low Density residential to Public Quasi Public and High Density Residential; and
3. The elimination of Planned Area #1 from the Land Use Element of the Comp Plan and the Future Land Use Map.

In addition the Planner recommended the following parcel specific land use designation/rezone actions:

1. Rezone the Town's Krueger Farms open space from MOA to Public Quasi Public;
2. Include the MOA zone designation to include subareas, within Title 16;
3. Rezone a portion of the Town's ownership adjacent to Town Hall from Town Commercial to Public Quasi Public.
4. Delete the Comp Plan designation and zoning designation for the overwater wharf owned by the Port of Coupeville's Wharf;
5. Amend the zoning map to depict the correct zoning for the Meyer's property which was the subject of a contract rezone which changed the zoning from Medium Density residential to commercial.

The Planner recommended the following 2005 work program activities:

1. In association with the SMP prepare and adopt a Critical Areas ordinance and responds to FEMA's request to update the Town's Flood Hazard Prevention standards. These 3 items will be addressed together as the Town was under contract with DOE to produce final documents by the end of 2005.
2. Amendments to clearing and grading standards contained in Title 13. The purposes of the proposed amendments were to establish a grading permit threshold consistent with the Town's environmental policy. Currently the Town requires environmental review at the 100 cubic yard threshold however a grading permit is not required until one reaches 200 cubic yards. Since SEPA decisions can not be issued independent of a permit one or the other threshold must change. Pursuant to RCW 76.09.240 the Town is required to adopt regulations setting standards for those Class IV forest practices resulting in development and conversion of the land to a non-forestland use. Class IV forest practices regulations shall be administered and enforced by the Town.
3. Amendments to various provisions of Title 16, i.e.
 - a. As a technical correction to the code, allow guest houses (not at street level) and hotels within the HLC zone west of North Main Street per a prior adopted ordinance not reflected in the text of the current code
 - b. Allow water-dependent uses consistent with new guidelines for SMP development and the SMA;
 - c. Reflect in the zoning code the Comprehensive Plan restrictions on the type of commercial uses allowed along SR 20.
 - d. Amend the height standards for parcels within the Historic Limited Commercial zone lying northerly of Front Street to be consistent with the SMA proposal;
 - e. Direct all appeals of environmental determinations to the Town Council as the single administrative appeal opportunity allowed under SEPA;
 - f. Update the Town's SEPA regulations (CTC 16.36) consistent with Revisions to WAC 197-11 and RCW 36.70.A.
 - g. Assign the Planning Commission the responsibility for conducting public hearings on legislative and quasi-judicial land use decisions; and
 - h. Provide for administrative appeal of short plats at the preliminary approval stage and not at final approval.
4. Amendments to the Town's Transportation Element and Park and Recreation Element to include the Level of Service Standards for Parks sine the Town had acquired the Krueger Farms Open space

By separate action the Planning Commission forwarded recommendations to the Town Council on the SMP, CAO, and Flood Hazard Prevention proposals. This recommendation and the associated Findings of Fact and Conclusion of Law relate to the remaining elements of the 2005 work program.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. RCW 36.70A.130(2)(b) allows all jurisdictions planning under the Growth Management Act to amend their comprehensive plans once per calendar year, an option exercised by the Town of Coupeville in August 1997, November 1998, November 1999,

September 2000; and July 2003 consistent with the Implementation Policies of the Comprehensive Plan, and

2. In accordance with the Implementation Guidelines of the Comprehensive Plan and in order that the Plan respond to new information, changed growth philosophies, citizen initiatives or other identified needs, the Council adopted Resolution 05-01, establishing a review procedure for annual amendments to the Plan; and
3. The Planning Commission discussed their 2005 work program on January 4, 2005; and
4. Staff proposed additions to the work program including amendments to the Comprehensive Plan; to include the Comprehensive Plan Future Land Use map and zoning maps and the Transportation and Park and Recreation Elements; amendments to the assignment of review authority; amendments to the Town's SEPA procedures; amendments to various provisions of the text of the Zoning ordinance to correct errors or to ensure consistency with the guidelines for developing the Shoreline Master Program Plan policies; and amendments to the Town's clearing and grading regulations to assume regulatory control of Class IV Forest Practices Permits; and
5. The Planning Commission held public workshops on April 5, 2005, May 3, 2005 and June 7, 2005; held a Public meeting on July 5, 2005; and
6. The Coupeville SEPA Responsible Official issued and distributed a Notice of Determination of Nonsignificance and Adoption of Existing Environmental Documents on August 12, 2005 with a 15-day comment period and 15 day appeal period;
7. The Planning Commission held a public hearing on the specific amendments on November 1, 2005; and following due and proper consideration of public testimony received and following their own deliberations the Planning Commission unanimously approved a motion to forward the amendments specified in Exhibit A attached hereto to the Town Council with their recommendation of approval. 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; and
8. Based on its review of the requirements of Chapter 36.70A RCW, the analysis and proposed revisions, the recommended findings on review and proposed revisions, and the public comments received, the Planning Commission finds and declares that the review and needed revisions have been prepared in conformance with applicable law, including Chapter 36.70A RCW, Chapter 43.21C RCW.

EXHIBIT B

SUMMARY AND PURPOSE OF TITLES 13 AND 16 AMENDMENTS

The following is a summary of the amendments to Titles 13 and 16 of the Coupeville Town code:

1. Zoning

- a. Include guest houses (not at street level) and hotels within the Historic Limited commercial zone west of North Main Street;
- b. Modify building heights north of Front Street consistent with adopted Shoreline Plan.
- c. Reflect Comprehensive Plan restrictions on the type of commercial uses allowed along SR 20 in the General and Town Commercial zones, i.e. profession services.
- d. Reflect water-dependent uses as principal uses consistent with new Shoreline Master Program in the Historic Limited Commercial zoning district and Town Commercial zoning district west of Alexander Street, and

2. Assignment of Review Authority

- a. Direct all appeals of quasi-judicial environmental determinations to the Town Council as the single administrative appeal opportunity allowed under SEPA;
- b. Assign the Planning Commission with the responsibility to hold hearings on Quasi-judicial matters, with a Town Council review at a Public Meeting. This currently is the case for plats/binding site plans as required under state law; and
- c. Provide for appeal of administratively approved short plats at the preliminary approval stage and not at final approval stage.

3. Clearing and Grading/Surface Water:

- a. Include provisions for local control of Class IV Forest Practices as permitted by State law;
- b. Clearing and grading activities along Parker Road in the Low Density and Residential Reserve zones shall preserve a buffer consisting of native vegetation of at least 50% of the existing vegetation (both shrubs and trees) for a width of at least 75 feet;
- c. Reduce grading threshold from 200 cubic yards to 100 cubic yards to conform to existing SEPA standard;
- d. Prioritize the use of Low Impact Development Stormwater Management requirements.

The following are purpose statements for the amendments to Titles 13 and 16 of the Coupeville Town Code:

Clearing and Grading Permit Process

The purpose of the proposed amendment to establish a grading permit threshold consistent with the Town's environmental policy. Currently the Town requires environmental review at the 100 cubic yard threshold however a grading permit is not required until one reaches 200 cubic yards. Since SEPA decisions can not be issued independent of a permit one or the other threshold must change. Since 100 cubic yards is equivalent to 10 dump truck loads of material it is recommended that the grading permit threshold decrease to match the current SEPA threshold. Pursuant to RCW 76.09.240 - Class IV forest practices the Town is may adopt regulations setting standards for those Class IV forest practices

resulting in development and conversion of the land to a non-forestland use. Class IV forest practices regulations shall be administered and enforced by the Town. Purpose

Zoning

The purpose of the proposed amendment to:

- Include guest houses (not at street level) and hotels within the HLC zone west of North Main Street;
- Allow water-dependent uses consistent with new Shoreline Plan;
- Reflect Comprehensive Plan restrictions on the type of commercial uses allowed along SR 20.

Assignment of Review Authority.

The purposes of the proposed amendment to:

- direct all appeals of environmental determinations to the Town Council as the single administrative appeal opportunity allowed under SEPA;
- Consistent with State Law assign the Planning Commission as the entity conducting public hearings on legislative and land use decisions;
- provide for administrative appeal of short plats at the preliminary approval stage and not at final approval.

Building Height.

The purposes of the proposed amendment to allow for consistent building heights for new or replacement structures within the HLC zone lying northerly of Front Street and to amend the standards to be consistent with new Shoreline Plan

Stormwater Management.

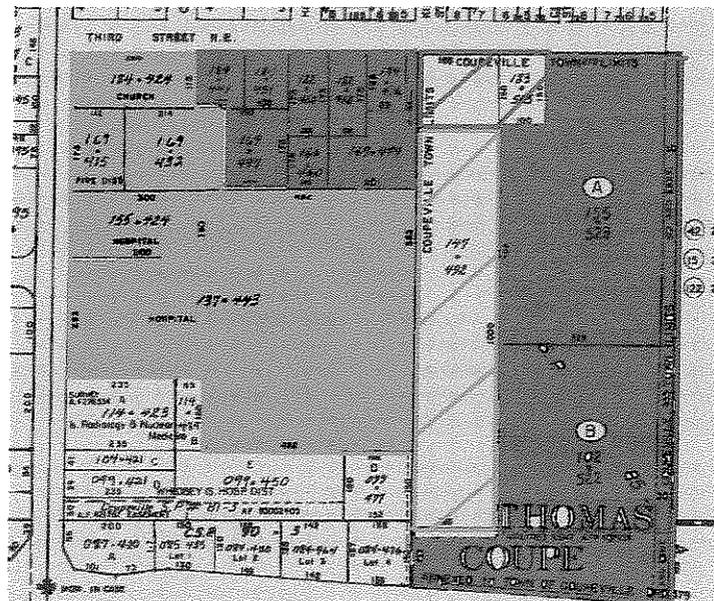
The purpose of the proposed amendments is to require use of all reasonable and appropriate low impact development measures prior to consideration of conventional stormwater management methods. The proposed amendments would set such priority.

EXHIBIT C

The purpose of the Comp Plan and Zoning Map Amendments is described below and depicted as crossed hatched areas on the official Assessor's Map of the area. The summary legal description of the parcels involved follow each proposal. The amended Comp Plan and Official Zoning Maps are contained in Exhibit D.

Planned Area # 2 Rezone

The bulk of Planned Area #2 was purchased by the Hospital District with the exception of one privately owned parcel, R13233-183-5050, along Third Street NE, between the hospital parcel and the Carriage property. The larger parcel, R13233-147-4920, was acquired by Whidbey Island Public Hospital District in 2004. The parcel is 3.8 acres in size. The property is contiguous to the existing hospital and provides for the logical expansion of hospital services to the community. Any future expansion of the hospital will be subject to environmental and design review. The five parcels westerly of Planned Area #2 (lying southerly of Third Street NE) are already zoned High Density. The parcel to the east is also zoned High Density residential. The property north of Third Street NE is zoned RM 9600. Currently 2 homes could be constructed. With the rezone, 5 additional dwelling units might be possible.



Summary Legal Description - Planned Area # 2 Rezone

Zoned Public - Quasi Public

Parcel 1:

That portion of the Thomas Coupe Donation Land Claim in Section 33, Township 32 North, Range 1 East of the Willamette Meridian, described as follows:
Beginning at the point 66.00 feet Due South and 752.20 feet Due East of the Southwest corner of Block 40 of the Plat of Coupeville, as per plat recorded in Volume 1 of Plats, Page 1, Records of Island County, Washington;
Thence Due East 165.00 feet;
Thence Due South 1,000.00 feet;
Thence Due West 165.00 feet;
Thence Due North 1,000.00 feet to the Point of Beginning.
Except the North 289.50 feet thereof.

Zoned High Density Residential

Parcel 2:

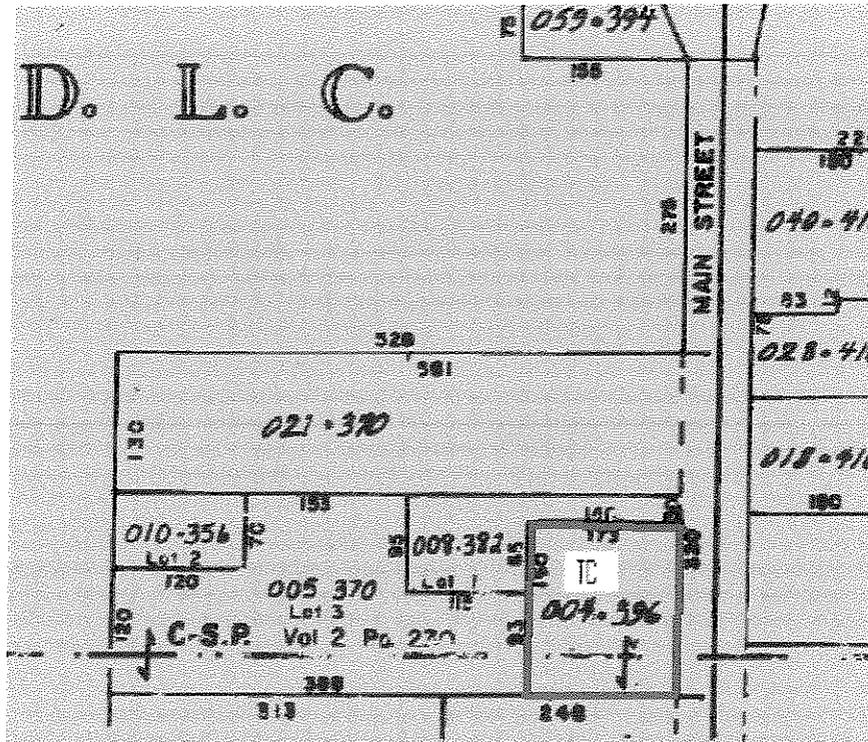
The North 289.50 feet of the following described parcel:

That portion of the Thomas Coupe Donation Land Claim in Section 33, Township 32 North, Range 1 East of the Willamette Meridian, described as follows:
Beginning at the point 66.00 feet Due South and 752.20 feet Due East of the Southwest corner of Block 40 of the Plat of Coupeville, as per plat recorded in Volume 1 of Plats, Page 1, Records of Island County, Washington;
Thence Due East 165.00 feet;
Thence Due South 1,000.00 feet;
Thence Due West 165.00 feet;
Thence Due North 1,000.00 feet to the Point of Beginning.

Parcel 3:

Beginning at 66' south and 917.2 feet east of the S.W. Corner of Block 40 of Coupeville; thence East 100 feet; thence south 150 feet; thence west 100 feet, and thence north 150 feet to the point of beginning. (See deed Auditor's File # 4117819)

Rezone from Medium Density Residential to Town Commercial – Miriam’s
 By Ordinance # 628 the Council approved a contract rezone of subject property.



Summary Legal Description - Ordinance # 628 Rezone

The South 160 feet of the East 140 feet of the following described tract:

That portion of the John Alexander Donation Claim Nos. 48 and 57, in Section 33, Township 32 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at a point 1310 feet North of the Northwest corner of the John Crockett Donation Claim;

thence North 320 feet;

thence West 561 feet;

thence South 320 feet;

thence East 561 feet to the point of beginning;

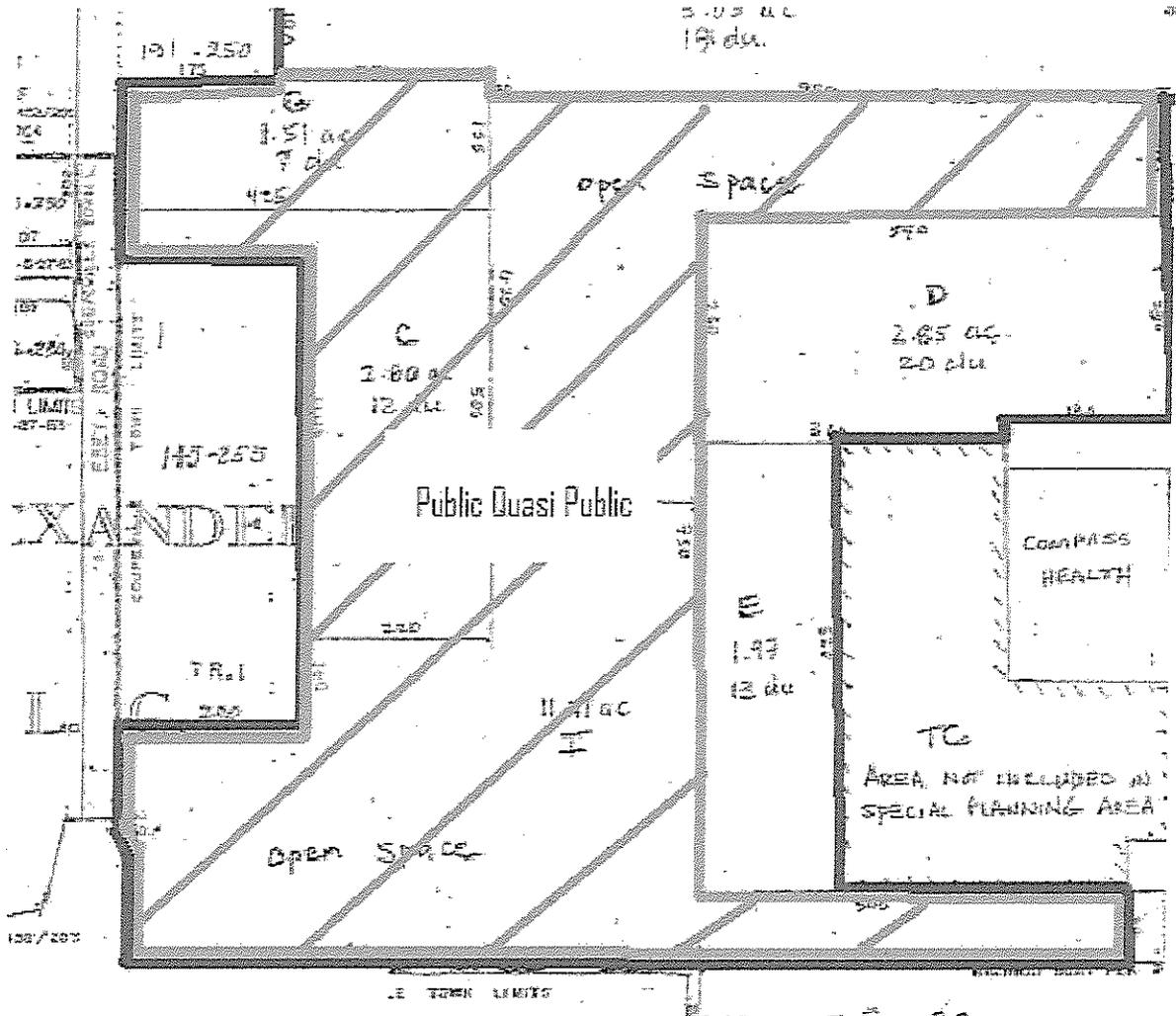
EXCEPT Main Street along the East line of said tract;

EXCEPT the South .2 feet thereof;

EXCEPT that portion, if any, lying South of the line running East and West which is 345 feet North of the Northeast corner of a tract conveyed to Mary Ann Padden by deed recorded in Volume 10 of Deeds, page 528, records of Island County, Washington.

Situated in Island County, Washington.

Krueger Farms Open Space Rezone to Public Quasi Public

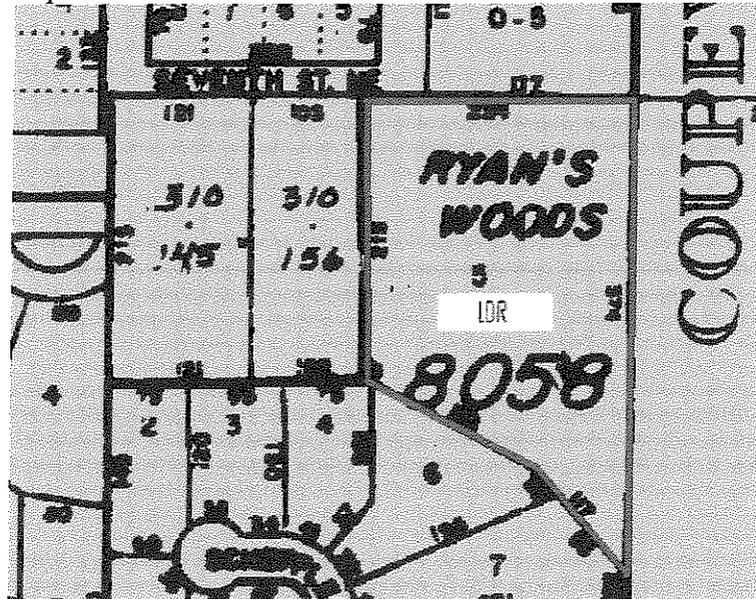


Summary Legal Description – Open Space Rezone

Tract A as depicted on Coupeville Short Plat 04/01.R13233-164-3100 and recorded in Volume 4 of Short Plats at pages 68 and 69 under AF" 4121169, records of Island County Washington

“Montana” Rezone from Medium Density Residential to Low Density Residential – Assessor’s Map

The property is currently platted and zoned RM 9600. The parcel is in excess of the ½ acre lot size in the LDR zone. The rezone would set aside the development potential of the property and match the parcel size with the density of the LDR zone. Lot #5 is currently 74,000 square feet in size and has a development potential in the medium density residential zone of 8 lots. Under the proposal the lot would have no more than a 3 lot potential or 5 less units than under the current zone designation.



Summary Legal Description –Montana Rezone

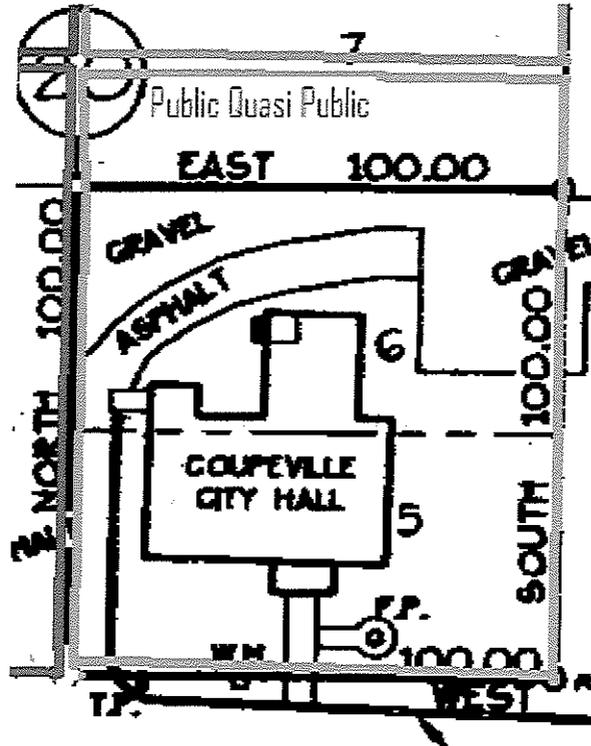
Lot 5, Plat of Ryan's Woods, as per plat recorded in Volume 13 of Plats, page 66, records of Island County, Washington.

Together with the West 30.00 feet of the North 373.80 feet of the South 493.80 feet of Tract 6, Coupeville Homestead Tract, according to the plat thereof, recorded in Volume 1 of Plats, page 3, records of Island County, Washington.

Situate in the County of Island, State of Washington.

Town Hall Rezone from Town Commercial to Public Quasi- Public

The Town expanded the town hall parking lot and adjusted the boundary of the Town Hall lot to match the expanded lot boundary.

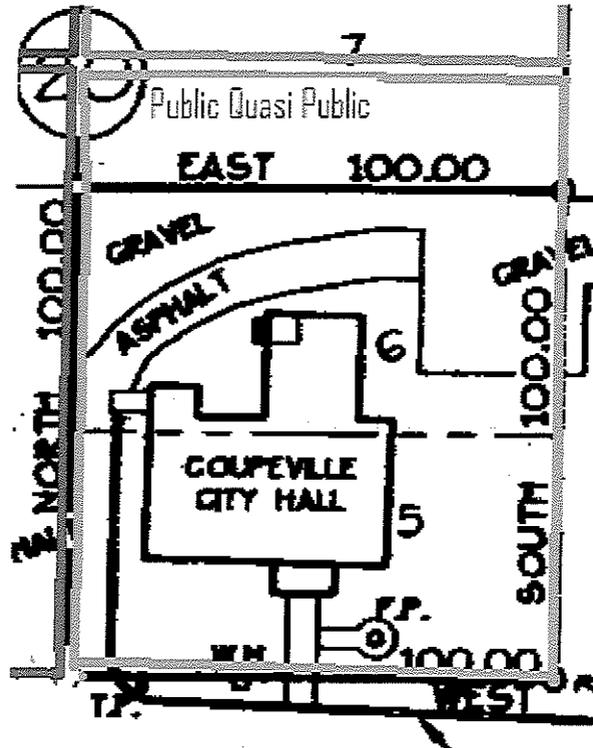


Summary Legal Description –Town Rezone

The south 25 feet of Lot 7, Block 20, Plat of Coupeville, according to the plat thereof, recorded in Volume 1 of Plats, page 2, records of Island County, Washington.

Town Hall Rezone from Town Commercial to Public Quasi- Public

The Town expanded the town hall parking lot and adjusted the boundary of the Town Hall lot to match the expanded lot boundary.

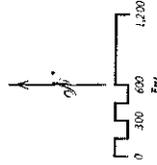
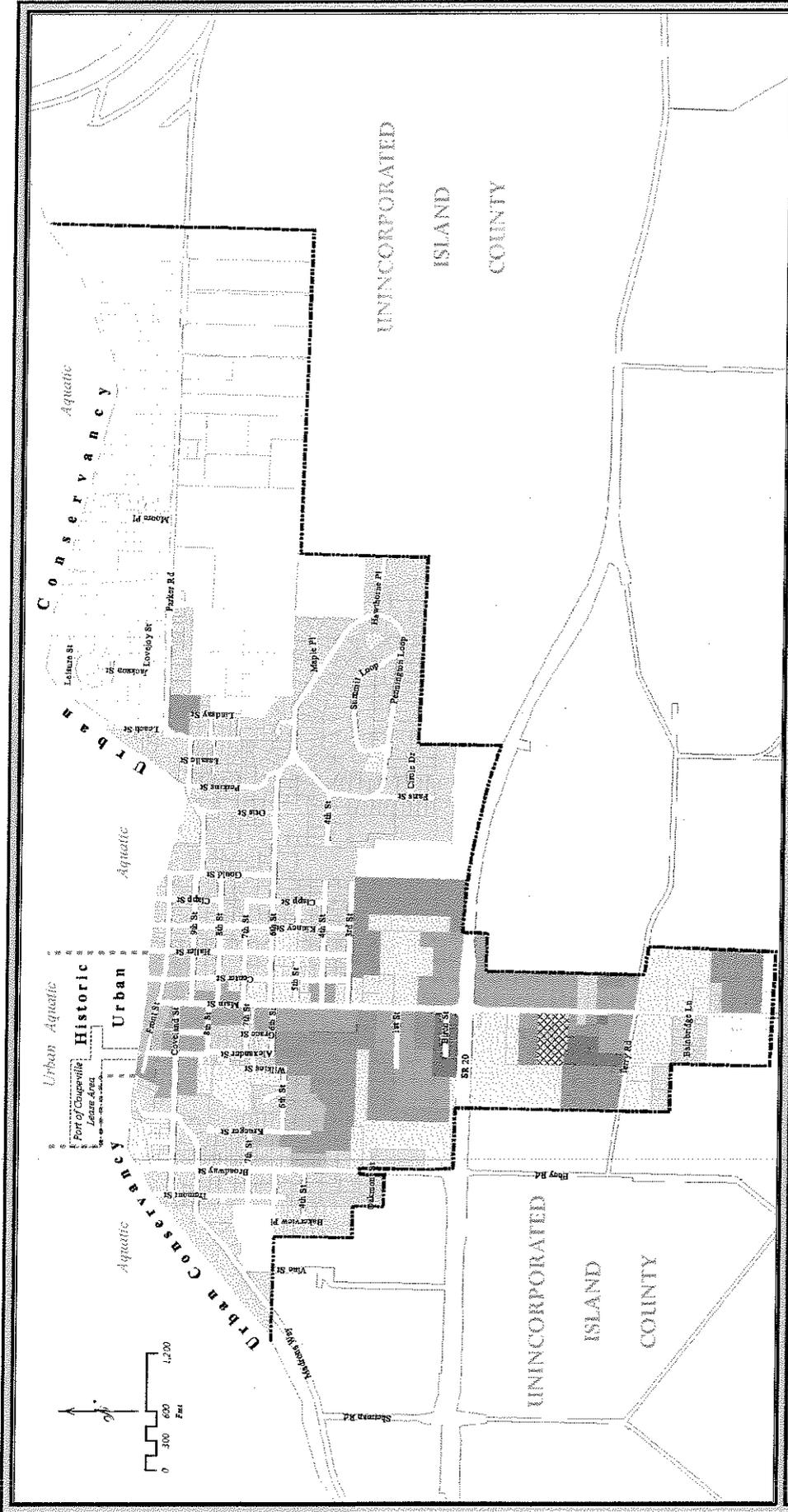


Summary Legal Description –Town Rezone

The south 25 feet of Lot 7, Block 20, Plat of Coupeville, according to the plat thereof, recorded in Volume 1 of Plats, page 2, records of Island County, Washington.

Exhibit D

Amended Comp Plan and Official Zoning Maps - Attached

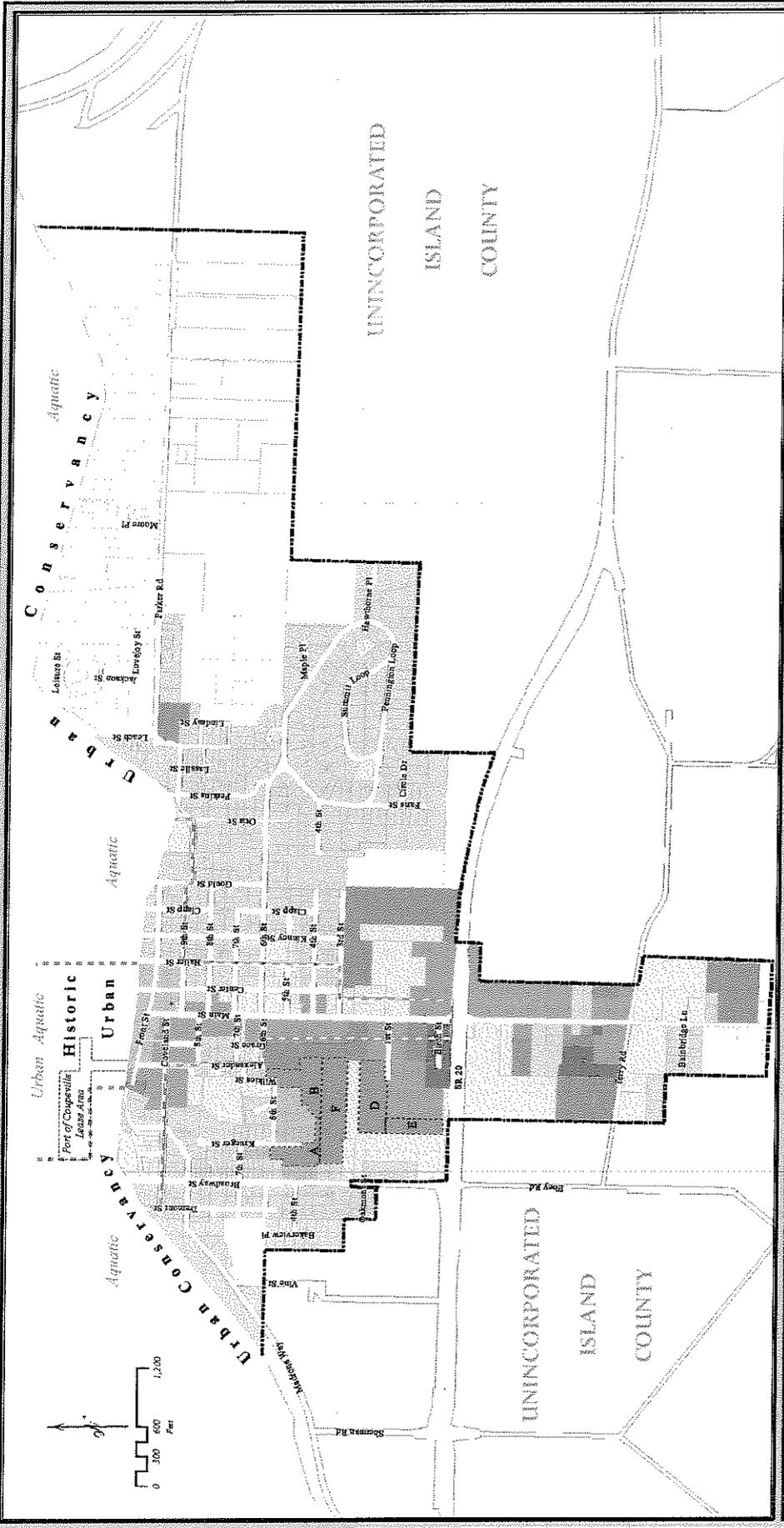




**Town of Coupeville
Comprehensive Plan
Land Use Designations
2009**

Legend

--- Town Limits	■ Rural Reserve	■ General Commercial	■ Planned Area #1
□ Existing Roads	■ Low Density Residential	■ Historic/Limited Commercial	
□ Parcel Boundaries	■ Medium Density Residential	■ Public/Quasi-Public	
□ Shoreline Environments	■ High Density Residential	■ Planned Unit Development	
□ Historic Restoration Overlay	■ Town Commercial	■ Memorandum of Agreement	




Town of Coupeville
Zoning
 2009

The information provided on this map is intended for general planning purposes only. For other uses, information should be verified by County records or licensed surveyor.
 This map is periodically updated. Check with the Town of Coupeville for the most current information.

Legend		Zoning	
--- Town Limits	RR	TC	PUD
Existing Roads	LDR	GC	MOA
Parcel Boundaries	RM-9600	HLC	
Shoreline Environments	RH	P	
Historic Restoration Overlay			