

TOWN OF COUPEVILLE
Coupeville, Washington

ORDINANCE NO. 683

AN ORDINANCE of the Town Council of the Town of Coupeville, Washington, relating to interim tree protection, amending Sections 16.20.020 and 16.20.040, of Chapter 16.20 of the Coupeville Town Code to implement interim tree protection regulations.

WHEREAS, it is in the public interest to maximize the retention of trees, as trees provide considerable benefit to the Town in reducing storm water runoff and pollution, absorbing air pollutants, providing wildlife habitat, absorbing carbon dioxide, providing shade, stabilizing soil, and enhancing property value; and

WHEREAS, the Town is concerned about tree removal on sites that are not undergoing development, leading to site disturbances that are inconsistent with Comprehensive Plan goals that have been adopted to protect and enhance Coupeville's historic, cultural, environmental and aesthetic character; and

WHEREAS, the lack of sufficient regulations on sites not undergoing development undermines the long-term goals for tree retention and preservation and encourages tree removal prior to the application of a development permit; and

WHEREAS, it is necessary for the Town to adopt interim regulations that temporarily limit grading and the removal of trees prior to the adoption of permanent regulations that address tree removal practices that compromise the Town's ability to achieve its stated goals for tree retention and protection; and

WHEREAS, prior to the interim regulations, the application of grading and tree removal regulations were limited to developing lots. This broadly applicable limitation was intended to maintain existing conditions on a lot until a regulated development proposal is submitted; and

WHEREAS, the Town of Coupeville seeks to implement the following Comprehensive Planning Policies:

HP 3.2 Enact policies and regulations to preserve trees on private and public lots, especially in crucial areas such as Madrona Way, Parker Road and Main Street.

LU 6.1 Ensure compatibility of land uses with natural features and systems, such as topography, geology, soil suitability, surface water, ground water, frequently flooded areas, wetlands, climate, scenic and cultural resources, and vegetation and wildlife.

LU 6.5 Prohibit unnecessary disturbance of natural vegetation in new development and encourage retention of trees and other vegetation.

NS 1.2 Encourage retention of existing trees and native vegetation in proposed developments.

WHEREAS The Town of Coupeville is within the Ebey's Landing National Historical Reserve, a unit of the National Park, and

WHEREAS, the Town is currently working in a collaborative effort with the Ebey's Historic Reserve Trust Board and Island County to establish a unified long range vision, consistent design requirements, and a unified Code within the boundary of the Ebey's Landing National Historical Reserve and this work has not been completed at the time of this legislation; and

WHEREAS, the primary goal of this interim regulation is to prevent haphazard removal and destruction of trees and tree cover, in order to preserve the ecological health, aesthetic character, and a quality of life in Coupeville. Tree and vegetation retention provides substantial benefits, including but not limited to, erosion prevention, reductions in storm-water runoff, preservation of fish and wildlife habitat, improved water and air quality, energy conservation, reductions in the development impacts on the stormwater drainage system and hydrologic resources, and to provide a better transition between adjacent land uses. This Interim regulation seeks to conserve trees, tree cover, and native species to ensure that these benefits continue to be realized by current and future generations until such time as the collaborative and comprehensive effort with Island County and the Ebey's Landing National Historical Reserve Trust Board is complete and the uniform code and design manual adopted.

WHEREAS, pursuant to WAC 197-11-880, the SEPA Responsible official has determined that this ordinance is exempt from SEPA review as an emergency ordinance; and

WHEREAS, the Town has legal authority to establish interim measures pursuant to the authority granted by, among other authority, Article 11, Section 11 of the Washington State Constitution, and the Growth Management Act (Chapter 36.70A RCW) , and RCW 36.70A.390,

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF COUPEVILLE, as follows:

Section 1. The Recitals above are adopted as Findings of Fact.

Section 2. Sections 16.20.020 and 16.20.040 of Chapter 16.20 of the Coupeville Town Code are amended as follows:

Section 16.20.020 - Permit required. Coordination of Permits Necessary

No person shall engage in or cause any predevelopment land clearing or grading in the Town. Except as authorized under Section 16.20.040, land clearing or grading shall only occur in association with the review and approval of the underlying permit or development proposal for an authorized future principal or conditional use and development in order to ensure conformity with community design standards and environmental policies of the Town. No person shall engage in or cause any land clearing or grading without first having obtained a proper permit from the Public Works Director subject to the provisions set forth hereinafter.

Section 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:

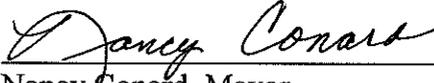
1. Removal of trees and ground cover in emergency situations involving immediate danger to life or property, or substantial fire hazard as determined, if time permits, by a fire marshal or law enforcement officer on duty;

2. Removal of trees or ground cover that are dead or diseased, as adjudged by an arborist, forester or other professional approved by the 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. No separate permit shall may 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, conditional use permit, or final preliminary 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 approval, and only then after preliminary approval has been granted and engineering plans for utilities and road construction have been approved by the Town.

Section 3. Based upon the Findings of Fact the Town Council has determined that an emergency exists and adopts this interim regulation under the authority of RCW 36.70A.390. The interim regulation is effective immediately for a period of six months. As required by RCW 36.70A.390 the Town Council schedules a public hearing on September 14, 2010 at 6:30 PM. This interim regulation may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provisions to other persons or circumstances is not affected.

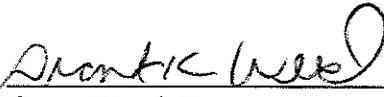
PASSED by the Town Council of the Town of Coupeville and **APPROVED** by the Mayor this 27th day of July 2010.



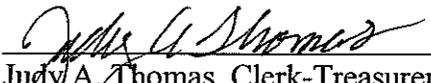
Nancy Conard, Mayor

APPROVED AS TO FORM

ATTEST:



Grant Weed, Town Attorney



Judy A. Thomas, Clerk-Treasurer