



Town of Coupeville

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**TOWN OF COUPEVILLE
PLANNING COMMISSION MEETING
AGENDA
Remote: Go-To-Meeting
April 6, 2021
6:00 pm**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CHANGES AND APPROVAL OF AGENDA

ELECTION OF OFFICERS FOR 2021

APPROVAL OF MINUTES

Approval of minutes from the September 17, 2019 special meeting

DISCUSSION ITEMS

- Planning Commission Rules and Procedures
- Privately initiated Comprehensive Plan Amendment request to revise the 2004 Memorandum of Agreement (MOA) Special Planning Area to transfer three dwelling unit credits from MOA “Area B” to “Area A”.
- Status of the Comprehensive Plan Update

NEW BUSINESS

AUDIENCE INPUT – *See Note*

ADJOURNMENT

NOTE: Under our Declaration of Emergency, due to the COVID 19 pandemic, the Town of Coupeville will be holding Planning Commission meeting remotely. The public will be able to access the meetings in real time, by phone or by video (see below). Audience members wishing to be heard during the Audience Input portion of the meeting are asked to join the remote meeting at least five minutes before the meeting is scheduled to start.

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**TOWN OF COUPEVILLE
PLANNING COMMISSION MEETING
MINUTES
September 17, 2019
6:00 p.m.**

PRESENT

Chair Carol Moliter, Commissioners Michelle Cook, Ricardo Reyes, Andrew Warford and Gary Armstrong.

STAFF PRESENT

Planning Director Owen Dennison, Recording Secretary Claudia Golden

CHANGES AND APPROVAL OF AGENDA

The agenda for the regular Planning Commission meeting of September 17, 2019, was approved with staff recommended change; move the deliberation on the Shoreline Master Program amendments to precede the discussion item.

APPROVAL OF MINUTES

The minutes for the regular Planning Commission meeting of August 6, 2019, were approved as amended.

PUBLIC HEARING

Chair Moliter provided a description of the role of the Commission, its legal basis and process, and the standards and guidelines on which its decisions are based. She asked commissioners to declare any conflicts of interest or bias regarding the discussion item on the agenda. Hearing none she opened the floor to Staff.

Planner Dennison discussed zoning maps hand-outs, referring to specific zoning areas in relation to the lot at NE Haller and NE Front. Planner Dennison described the proposed amendments to the Shoreline Master Program (SMP) and its inconsistencies with areas of Town Code. Planner Dennison explained the 4 shoreline environments and the reasons for initiating the amendments with respect to the aforementioned lot within the Historic Urban shoreline environment and Historic/Limited Commercial land use designation. Staff proposed amendments to the regulations for commercial use (CTC 16.30.370), supported by Attachments A & B.

Questions were asked and answered. Issues of the inconsistencies between Town Code and SMP were discussed.

Chair Moliter opened the floor for public comment, hearing none, Chair Moliter closed the public comment portion of the hearing and opened Commissioner discussion.

No comments or questions from the Commission, Chair Moliter asked for a motion

MOTION

Commissioner Warford moved to approve the SMP amendments as presented., motion was seconded. *Motion passed unanimously.*

DISCUSSION ITEMS

Proposed amendments to Chapter 16.13, Ebey’s Landing National Historic Reserve Design Review and Community Development Standards.

Planner Dennison described the proposed potential amendments to Chapter 16.13 of the Coupeville Town Code (CTC). Planner Dennison explained distinguishes in the process elements within Chapter 16.13 CTC and the Ebey’s Landing Historical Reserve Design Guidelines as well as the U.S. Secretary of the Interior’s standards.

Planner Dennison provided a description of a Certificate of Appropriateness and its exemptions, then explained the review levels when it is determined that a Certificate of Appropriateness is not required. Planner Dennison presented the Draft Amendments to Chapter 16.13 to the Commission, for discussion.

Commissioners discussed, clustering, types of farming, radius and percentages for building, and definitions.

Questions were asked and answered.

ADJOURNMENT

The meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Claudia Golden, Recording Secretary

Owen Dennison, Planning Director

**TOWN OF COUPEVILLE PLANNING COMMISSION
RULES OF PROCEDURE**

WE, THE MEMBERS of the Planning Commission of the Town of Coupeville, State of Washington, pursuant to RCW 35.63.040, do hereby adopt, publish and declare the following Rules of Procedure.

I. NAME AND FUNCTIONS

The official name shall be "The Town of Coupeville Planning Commission". The primary functions of the Planning Commission (hereinafter "Commission") are to research, obtain public input, debate, and give counsel to the Town Council in the preparation and revision of the Comprehensive Plan and land use regulations, and to perform other duties set forth in RCW 35.63 as directed by the Town Council.

II. MEETINGS

- A. All meetings of the Commission and its committees shall be held in accordance with the Open Public Meeting Act, Chapter 42.30 RCW.
- B. All meetings shall be held at the Island County Annex Hearing Room, unless otherwise directed by the Chair of the Commission. Regular meetings shall be held on the first Tuesday of each month beginning at 6:00 P.M. and shall be open to the public. Special meetings shall be at the call of the Chair or a majority of the Commission members in accordance with the provisions of RCW 42.30.80.
- C. Commissioner participation in all regular and special meetings of the full Commission is expected. When a Commissioner must miss a meeting of the full Commission, the member should notify the Chair and/or the Town Planner as soon as possible prior to the meeting. In the event a Commissioner misses three consecutive regular meetings, or when a Commissioner's conduct adversely affects the business of the Commission, the Chair may request the Town Council review that Commissioner's value to the planning effort. Commissioners may be removed from office by the Town Council for neglect of duty, inefficiency or malfeasance in office.
- D. Individual citizens, representatives of organized groups, and neighboring jurisdictions are encouraged to present issues of concern. The public shall be provided an opportunity to speak or comment at some time during every regular and special meeting.
- E. When a regular meeting day falls on a legal holiday, the Commission will convene at the call of the Chair in accordance with the special meeting provisions of RCW 42.30.080.
- F. If no matters over which the Commission has jurisdiction are pending on its calendar, a meeting may be canceled at the call of the Chair after consultation with the Town Planner.

III. ELECTION OF OFFICERS

- A. The officers of the Commission shall consist of a Chair and a Vice-Chair elected from and by the appointed members of the Commission and such other officers as the Commission may, by majority vote, approve and appoint.
- B. The election of officers shall take place once each year on the occasion of the first meeting in April of each calendar year. The term of each officer shall run until the subsequent election, provided, however, that any officer may be removed at any time for cause by a vote of the majority of the Commission entered on record.

IV. CHAIRPERSON, COMMITTEES, CONDUCT OF MEETINGS

- A. The Chair shall preside over the meetings of the full Commission and exercise the powers usually incident to the office, retaining, however, to herself/himself as a member of the Commission, the full right to have his own vote recorded in deliberations of the Commission.
- B. The Chair, with permission of the Commission, shall have the power to create standing or temporary committees of one or more members, charged with such duties, examinations, investigations and inquiries relative to one or more subjects of interest to the Commission. No standing or temporary committee shall make any recommendation except to the full Commission. Committees shall report on their meetings to the Commission at its next regular or special meeting.
- C. The Chair shall take appropriate action to ensure that meetings are conducted in an equitable, orderly, and expeditious manner.
- D. The Vice-Chair shall, in the absence of the Chair, perform the duties incumbent upon the Chair. The Chair and the Vice-Chair both being absent, the members present shall elect for the meeting a temporary Chair who shall have full powers of the Chair if there is a quorum.
- E. The format for public hearings conducted by the Commission should be as follows:
 - 1. The Chair or a staff member shall read or paraphrase the purpose of the hearing and, if applicable, advise the Commission and the public of the criteria that they must consider in the course of their review.
 - 2. The Chair shall ask the Commission if any member has a conflict of interest between the public trust and private interests in the matter at issue. Any Commissioner who discloses such must excuse themselves from the meeting and leave the hearing room until the matter has been decided.
 - 3. The Chair shall identify any documents received by the Commission prior to the public hearing and ask staff whether any additional public or agency correspondence bearing on the matter has been received.
 - 4. The Chair shall ask for the staff report to the Commission, which may include staff's recommendation.
 - 5. The Commission may request clarification from staff on the proposal or staff's analysis or recommendation.
 - 6. The Chair shall open the public comment period and ask for the first speaker. A

sign up list may be posted or circulated before the meeting to determine the number of persons desiring to speak, which may be weighed against the amount of time available for the public meeting. A stated amount of time may be allocated to the hearing, and each person who has requested to comment shall be given an equal amount of time to speak. If the time allocated for the hearing is exhausted without all present having an opportunity to speak, the hearing shall be continued to a date certain by action of the Commission.

7. Each person providing comment shall speak from the podium to ensure comments are on the record. The Chair shall request that all speakers state their full name and mailing address. All comments should be directed to the Commission. Commissioners may request clarifications from staff.
8. Each person providing comment shall speak from the podium to ensure comments are on the record. The Chair shall request that all speakers state their full name and mailing address. All comments should be directed to the Commission. The Chair may request clarifications from staff.
9. When everyone who wishes to speak has had an opportunity, at the discretion of the Chair, all persons who have already spoken may provide additional comment.
10. Any questions by Commission members to any member of the audience or the applicant should be asked prior to the closing of the hearing. Once the hearing is closed, no additional public comment shall be taken, and the Commission shall direct questions to the staff only.
11. Commission members should be recognized by the Chair before asking questions or providing comment. This allows for the Chair to specifically recognize the Commission member by name who is about to speak, so that the record accurately reflects who has spoken.
12. Commission members shall avoid whispered conversations during the course of the hearing. In addition to being discourteous to the current speaker, these conversations may not be audible on the audio recording and may jeopardize the record of the hearing if they cannot be interpreted.
13. Commission members shall not engage in electronic communication during meetings.
14. Following the close of public comment and the conclusion of Commissioners' clarifying questions to staff, the Commission may bring a motion. Any motion for action should include a statement of findings, which may be adoption by reference if a statement of findings has been published. If new or revised findings are proposed, it is helpful to draft these in advance of making a motion. If the motion is seconded, the Chair shall repeat or summarize the motion and name the Commissioners who made and seconded the motion for the record. Discussion of the motion should follow. The Chair may call upon each member to state their reasons for or against the particular motion. At the conclusion of the discussion, the Chair shall call for a verbal vote upon the motion.
15. At the conclusion of the vote the Chair shall announce the final vote for the record. For example "motion passes unanimously" or "motion passes 4 to 3".
16. It is preferable that deliberations on an application be completed during the same

meeting as public comment; however, it is not mandatory and the deliberation may be continued to a date certain in the future. If additional information is deemed necessary or productive to reach a conclusion on compliance with applicable criteria, the item may be tabled and the Chair may hold open the written record to a date certain. When the Commission does not intend to make a decision on the proposal immediately following closure of public comment and no additional information is necessary to augment the record, the Chair shall announce that no further written or oral information will be considered prior to Commission action.

17. At the conclusion of the vote and the announcement of the decision, the Chair should advise the audience that the recommendation will be forwarded to the Town Council, and further public comment, either written or oral, will be governed by the Town Council's rules and procedures.

- F. The format for discussion items on the Commission's agenda are typically less structured than for public hearings.
1. Public comment on a discussion item may be allowed during the Commission's discussion or at a specified time on the agenda, as determined by the Chair. Time limitations on public comment may also be established by the Chair to provide time for all speakers and to facilitate the Commission's discussion. Members of the public may only speak if acknowledged by the Chair. If audience dialogue becomes disruptive, the Chair may recess the meeting or request the meeting be adjourned.
 2. The Commission shall not take formal action on items published as discussion items on the agenda for special meetings. The Commission may take action on items published as discussion items at regular meetings, provided that the agenda is amended prior to its approval by a majority of the Commission during approval of the agenda. Direction to staff, indications of preference, straw polls, and similar informal actions are not considered formal actions by the Commission.

V. QUORUM AND VOTING

- A. A simple majority of the total members of the Commission shall constitute a quorum for the transaction of business. Any action taken by a majority of those present, when those present constitute a quorum, at any regular or special meeting, shall be deemed and taken as the action of the Commission, subject to the exception set forth in Paragraph B. below.
- B. No action by the Commission may be taken of the Comprehensive Plan and zone changes and official controls, i.e. legislative actions, without the affirmative vote of a majority of the total members of the Commission.
- C. Voting will be by "ayes" and "nays", except where State Law, these Rules, or the Commission may require a ballot or roll call vote. The Chair shall announce the final vote for the record. A roll call vote shall be required on the call of any member. A member abstaining from voting must so announce his or her abstention and the reasons therefore; and these shall be part of the record of the proceedings. Any time a member present does not record his or her vote, it automatically is recorded as a vote with the majority.

VI. JOINT MEETINGS AND RECOMMENDATIONS TO THE TOWN COUNCIL

- A. Joint meetings with the Town Council may be scheduled by the Mayor.
- B. The Commission shall conduct such meetings and hearings as are required by Coupeville Town Code and may make findings and conclusions therefrom. The Commission is solely responsible for formulation of the findings and conclusions that support their recommendations. The Commission shall adopt, or modify and adopt, Findings and Conclusions proposed by Town staff or shall direct the Town staff to prepare other Findings based on the record to support the recommendation.
- C. The right of a Commissioner to speak to or address members of the Town Council shall not be restricted. The Town Planner shall transmit the Findings and Conclusions to the Town Council with such comments and recommendations as deemed necessary.

VII. BEHAVIOR AND ETHICS GUIDELINES

- A. Members will conduct themselves at meetings in a manner as courteous and respectful manner. Members will be considerate of all individuals, attitudes, and differences of opinion.
- B. Members of the Commission shall be governed by the provisions of Chapter 42.23 RCW in the ethical performance of their duties.
- C. Any member of the Commission who in his or her opinion has an interest in any matter before the Commission that would prejudice his or her actions shall so publicly indicate and shall step down and refrain from voting and any manner of participation with respect to the matter in question to avoid any possible conflict of interest.

VIII. AGENDAS

As staff resources allow, an agenda shall be prepared by the Town Planner, in consultation with the Chair for each regular and special meeting and shall be mailed to all Commissioners and the local press not later than four days prior to a meeting, provided that, when deemed necessary, the agenda for a special meeting and notice thereof may be provided with as little as 24 hours written notice to the members and local press.

IX. STAFF, SECRETARY, AND RECORDS

- A. The Town Planner shall serve as staff to the Commission.
- B. The Secretary of the Commission shall be a member of the Town of Coupeville staff, appointed by the Mayor.
- C. The Secretary shall keep a record of the attendance and proceedings of all meetings of the Commission and, when requested, its committees. The record of the proceedings shall include all oral and written comments and exhibits received at the regular and special meetings. These records shall remain in the custody of the Town and shall be retained in the office of the Town Clerk-Treasurer.
- D. The proceedings of all regular and special meetings shall be recorded and such record shall be retained according to statutory retention schedules.

E. Summary minutes shall be prepared for all regular and special meetings and approved, subject to additions and corrections, at the next regular meeting.

X. RULES OF ORDER

The latest edition of Robert’s Rules of Order is to be followed in all matters not addressed herein.

XI. AMENDMENT

The Rules of Procedure may be amended or temporarily suspended at any regular meeting of the Commission by a majority vote of the entire membership.

APPROVED AND ADOPTED THIS ____ DAY OF _____ 2019

TOWN OF COUPEVILLE
PLANNING COMMISSION

_____	Chair
_____	Vice-Chair
_____	Member
_____	Member
_____	Member



STAFF REPORT

DATE: April 1, 2021 (Updated)

TO: Planning Commission

FROM: Donna Keeler, Planning Director

RE: Discussion: Comprehensive Plan Update Status and Proposed Amendments

The purpose of this agenda item is to discuss the status of the Town of Coupeville's Comprehensive Plan Update and pending proposals to amend the Town's Comprehensive Plan. The Town is planning under the State Growth Management Act which provides two mechanisms for updating comprehensive plans and development regulations:

- Mandatory "periodic updates" every eight years. Cities and counties must complete periodic review and necessary updates for their entire comprehensive plan and development regulations, including those related to critical areas and natural resource lands.
- Optional annual amendments – Optional amendments allow cities and counties, if desired, to adopt a package of changes to the comprehensive plan and development regulations no more than once per year.

Periodic Update Status

The Town of Coupeville's current Comprehensive Plan was revised in 2011 and formally adopted in 2012. The next major update was scheduled to occur in 2016, however due to unforeseen circumstances, the update was delayed and has not occurred. To that end, staff is developing a work plan for the Comprehensive Plan Update. Over the next year the Planning Commission and Town staff will work closely on this effort, including initiating a public outreach program and proposing revisions to elements of the Comprehensive Plan for approval by the Town Council. Elements that will be reviewed and potentially updated include the following:

- Land Use Element (Required)
- Housing Element (Required)
- Capital Facilities Plan (Required)
- Utilities Element (Required)
- Transportation Element (Required)
- Shoreline Master Program (Required)
- Historic Preservation Element (Optional)
- Economic Stability Element (Optional)
- Natural Systems Element (Optional)
- Government Economy and Services (Optional)

Optional Annual Amendments

In June of 2019 Town staff discussed the potential for optional Comprehensive Plan amendments with the Planning Commission and the Town Council. One such proposed amendment included the privately initiated amendment listed below. At that time, Town Staff's preference was to incorporate any private amendments into the overall Comprehensive Plan update scheduled to be completed in 2020. Shortly thereafter, based on the recommendation of the Planning Commission, the Town Council voted to delay considering annual and/or private amendments requests, in anticipation of an upcoming Comprehensive Plan update. However, given further delays to the Comprehensive Plan update due to the outbreak of the Coronavirus (Covid-1) Pandemic and personnel changes, staff believes it is reasonable to allow consideration of privately initiated and other amendments this year.

Under State law, the adoption of comprehensive plan amendments can only occur once a year and must be part of a "docket" adopted by the Town Council. Docketing is a legislative action, and as such, is at the discretion of the Town Council. Prior to creating a docket, the Town is required to establish a public participation plan to provide interested parties an opportunity to submit proposed amendments and participate in the amendment review process. Once an amendment is received, the Town may determine if a proposal should receive further review and consideration as part of the Comprehensive Plan amendment process.

As Comprehensive Plan amendments can only occur once per year, a docket approved by the Town Council needs to include all comprehensive plan amendments for consideration in a given year. RCW 36.70A.47(2) requires that comprehensive plan amendment procedures allow interested persons, including applicants, citizens, agencies and others to suggest amendments of comprehensive plans and development regulations. These suggestions must be docketed.

Pending Comprehensive Plan Amendment Proposals to date include:

1. Privately initiated request for the re-allocation of development rights within the Memorandum of Agreement (MOA) land use and zoning district.

In 2004, the Memorandum of Agreement "district" (attached) was incorporated into the Town's Land Use Map and Zoning Map. The approximately 33-acre area is generally located between NW Sixth Street and State Route 20 west of N. Main Street. Land use regulation within the district is controlled by a memorandum of understanding (attached) between the Town and Cecil and Cheryl Stuurmans. The MOA designation and zone is divided into nine subareas, each with a fixed residential allocation of residential units and a range of allowed land uses with a total build-out of 108 dwelling units. Four subareas are currently owned by the Town and in use as public open space. Land uses for the remaining five subareas were identified for various combinations of single-family, cottage housing, multifamily, and commercial uses in the MOA. The only subarea with commercial potential was sold to Island County in 2018 for future use as a satellite campus for administrative County functions. Of the subareas remaining under the ownership of Cecil and Cheryl Stuurmans, only two have remaining development capacity under the current MOA. These are Subareas B and F. Subarea A is built-out under the development units of the MOA. However, there is remaining platted lot of about 18,000 square feet within Subarea A that is currently vacant.

According to Section 1.3.5 of the MOA, the number of dwelling units allowed in any particular subarea is not transferrable to any other subarea. MOA Section 1.8 states that amendments to the MOA shall only be

considered as a Comprehensive Plan amendment, subject to approval of the owner and the Town. This provision clearly envisions the possibility the MOA can be legislatively amended, which in staff's view, may include increasing the development potential and land use mix of any subarea.

In February of 2015 Mr. Stuurmans submitted an email to Town Staff requesting a Comprehensive Plan amendment to transfer three development credits, each equivalent to one residential unit, from MOA *Area B* to MOA *Area A* to construct three dwelling units on the above mentioned vacant parcel. Documentation provided by Mr. Stuurmans indicated the Town was willing to consider a request at that time, however to my knowledge there was no formal submission with necessary information for the Town Council to consider. Since then Mr. Stuurmans has periodically approached Town staff about the possibility of amending the Comprehensive Plan, but again, there is no indication of formal document submittal. As noted above, in 2019 the Town Council discussed the potential for Comprehensive Plan amendments, however the Council voted to delay consideration of such until the Update of the Plan.

On November 4, 2020 staff received an email request from Mr. Stuurmans requesting a Comprehensive Plan Amendment to revise the MOA as noted above. Subsequently, staff requested formal submittal of a Comprehensive Plan Amendment Application and accompanying documents which were submitted on December 28, 2020. Given the delay with the Comprehensive Plan update, Staff believes it is appropriate to consider this request at this time.

2. Revisions to the Shoreline Master Program following a periodic review (currently underway).

In 2020 the Town was awarded a grant from the Department of Ecology in the amount of \$12,500 to conduct a periodic update of the Shoreline Master Program (SMP), an element of the Comprehensive Plan. Fully aware the grant amount was not enough to carry out the task, the Town Council authorized an additional \$7,500 in the 2021 budget for a total of \$20,000 to solicit professional services to assist with this effort.

Following the grant award, the Town entered into a formal agreement with the Department of Ecology and signed a contract with a consulting firm, The Watershed Company, to assist the Town with the periodic review update. Over the next few months the Planning Commission will play a key role in the SMP periodic review by soliciting public input and providing recommended amendments to the Town Council for potential adoption before the end of the year.

Given past delays with the Comprehensive Plan Update, staff requests direction from the Planning Commission as to whether it is appropriate to prepare a public participation plan and 2021 annual review docket for comprehensive plan amendments. The docket, to be reviewed by the Planning Commission and approved by the Town Council, will include a timeline for public notification to allow interested persons, staff, agencies and others to suggest other amendments to the comprehensive plan or development regulations.



*After recording return to:
Town of Coupeville
P.O. Box 725
Coupeville, WA 98239*

Memorandum of Agreement

*Grantor: Cecil Stuurmans and Cheryl K. Stuurmans, husband and wife
Grantee: Town of Coupeville, a municipal corporation
Legal Description: Sec. 33, Twp32 N, Rge. 1 E
Additional Legal Description is on Page 7 of Document
Assessor's Tax Parcel Number: R13233-164-3100*

THIS AGREEMENT is made and entered into this 13th day of January, 2004, by and between the TOWN OF COUPEVILLE, a municipal corporation of the State of Washington, hereinafter referred to as the "TOWN" and Cecil Stuurmans and Cheryl K. Stuurmans hereinafter referred to collectively as the "OWNER."

Introduction

- 1.1 **Purpose** – Pursuant to Town Ordinance No. 637, adopted July 22, 2003, the Town deleted what was previously referred to Town Planned Area 3 and changed the future land use designation and zoning of Planned Area 3 and the 33.02 acres between Main and Broadway north of State Route 20, owned by Owner and described hereinafter, from Medium Density Residential to the future land uses and zoning described in this binding Memorandum of Agreement. The purpose of this Memorandum of Agreement (hereinafter "MOA") is:
- 1.1.1 to acknowledge the maximum future residential capacities, open space, land uses, and development policies within this Special Planning Area; and
 - 1.1.2 to establish certain other agreements between the parties all consistent with Town Ordinance No. 637.

The hereinafter described property encompassed by the Special Planning Area is referred to as the "the Owner's Property" or "the Property" unless otherwise indicated. Because of the contribution that this area makes to the cultural landscape of Ebey's Landing National Historical Reserve and the area's proximity to existing and planned public facilities and services, this MOA uses smart growth planning to transfer 90% of the existing development

rights from culturally significant parts of the Property to denser subareas more geographically appropriate to meet Coupeville's long-term housing needs.

1.2 Geographic Applicability – The Special Planning Area is contained entirely within Island County parcel number R13233-164-3100, as described by the legal description attached to this MOA as Exhibit 1. Within the boundaries of this parcel, the MOA does not apply to that area in the southeastern corner with a Future Land Use Map designation of Commercial. The Special Planning Area and the excluded commercial area are further defined and illustrated on the Generalized Future Land Use Map attached to this MOA as Exhibit 2.

1.3 Generalized Future Land Use Map – The Generalized Future Land Use Map for the Special Planning Area establishes approximate boundaries for future land uses in this area within four broad categories – mixed density residential, mixed density residential/priority acquisition areas, mixed use residential and commercial and greenbelt/open space. Each of these designations is described below:

1.3.1 Mixed Density Residential – Four Special Planning Area subarea designations that promote a mix of residential densities, including single family, cottage and high density residential. A maximum of 69 dwelling units shall be built within this classification of future land use. In specific subareas, maximum numbers of dwelling units are established for a particular category of residential density. Future development will emphasize quality architecture, site design, and construction, as well as utilizing low impact development practices. These subareas correspond to Map Areas A, B, C, and D in Exhibit 2.

1.3.2 Mixed Density Residential/Priority Acquisition Areas – Two Special Planning Area subarea designations that promote a mix of residential densities, including single family, cottage and high density residential. A maximum of 26 dwelling units shall be built within this classification of future land use. Future development will emphasize quality architecture, site design, and construction, as well as utilizing low impact development practices. Maximum tree retention (with accommodation for water views) and careful placement of structures and site improvements are hallmarks for future development. In addition, because of their outstanding woodland character, these two subareas are considered to be first priority for potential acquisition by the Town for open space purposes. A development moratorium of two years following the Effective Date is established for these subareas (see below). These subareas correspond to Map Areas F and G in Exhibit 2.

1.3.3 Mixed Use Residential and Commercial – A Special Planning Area subarea designation that promotes a mix of residential and commercial uses within a design context aligned with the older character districts in the Historic Preservation Element. Mixed use occupancies (ground floor commercial with residential upper floors) are hallmarks of this subarea. A maximum of 13 dwelling units shall be built within this classification of future land use. Where this area coincides with existing woodlands, future development shall respect this environment and strive to maximize tree and native ground cover retention. This subarea corresponds to Map Area E in Exhibit 2.

1.3.4 Greenbelt/Open Space – A Future Land Use Map classification that is intended to identify existing public parks, recreation and open spaces within the Urban Growth Area. Within the Special Planning Area, this subarea designation identifies areas that will be dedicated in fee to the Town of Coupeville and maintained by the Town as open space



following dedication. Allowances will be made by the Town within this designation to locate walking paths, stormwater facilities and one street connection between North Main Street and Broadway (no other streets will be located in these subareas). These subareas correspond to Map Areas H and I in Exhibit 2.

1.3.5 **Special Planning Area Subareas** – The subareas within the Special Planning Area are further described in the chart below. In total, nine subareas are delineated to establish the maximum number of dwelling units that shall be constructed within each subarea, up to an area-wide maximum of 108 dwelling units. The number of dwelling units allowed in any particular subarea shall not be transferred to any other subarea.

SPECIAL PLANNING AREA			
Future Land Use Characterizations by Subarea			
Refer to Exhibit 2 for Map Area Locations			
Map Area	Acreage	Dwelling Units	Development Character Goals
A	2.61	12	These areas are designated for mixed density residential development to include single family residences, cottages and high density. Area A is intended for single family and high density development only, with no more than six being high density. Area B is intended for a mix of all three housing types, with no more than ten high density. Area C is intended for single family and cottage development only. Area D is intended for high density or cottage development only.
B	4.37	25	
C	2.80	12	
D	2.85	20	
Subtotal	12.63 (38%)	69	
E	1.97	13	This area is designated for mixed-use development - residential and commercial.
Subtotal	1.97 (6%)	13	
F	5.03	19	These areas are designated for mixed density residential use at overall single-family density. Up to half of the future dwelling units may be developed as cottage or high density.
G	1.56	7	
Subtotal	6.54 (20%)	26	
H	0.17	Open Space	These areas will be dedicated to the Town of Coupeville and maintained as open space by the Town following dedication, with the exceptions noted above.
I	11.71	Open Space	
Subtotal	11.88 (36%)	0	
TOTAL	33.02	108	The buildout maximum capacity of the Special Planning Area is established at 108 dwelling units.

1.3.6 **Map Interpretation** – The Generalized Future Land Use Map for the Special Planning Area adopted as Exhibit 2 to this MOA is intended to provide a framework for future development applications. Subarea boundaries and acreage totals shall be interpreted as close approximations, as opposed to precise geographical descriptions. Minor field adjustments may be necessary and desirable and will be addressed during future short and/or long plat reviews.

1.3.7 **Public Improvements** – The cost for all public improvements necessary to serve future development within the Special Planning Area, including, but not necessarily limited to, streets, water and sewer utilities and stormwater facilities, shall be borne by the Owner.



1.3.8 **Relationship of MOA to Comprehensive Plan** – The Coupeville Comprehensive Plan Future Land Use Map has been amended to reflect adoption of the MOA. All future development applications within the Special Planning Area shall be consistent with the MOA. No application will be considered that is inconsistent with any part of the MOA.

1.3.9 **Relationship of the MOA to the Development Regulations** – All future development applications within the MOA coverage area are subject to applicable review procedures and requirements in effect at the time of application, including, but not limited to, subdivision review, SEPA review, concurrency review, design review and engineering review. The relationship between the housing type descriptions in the MOA and the implementing zoning district regulations in Title 16 of the Coupeville Town code are as follows:

1.3.9.1 Single family residential is implemented by the RM-9600 zoning district. Lot Size Averaging pursuant to Section 16.16.070.C.4 of the Town Code is allowed.

1.3.9.2 Cottage residential will be implemented by a new section of Title 16 to be developed and adopted within one year of the Effective Date of this MOA.

1.3.9.3 High density residential is implemented by the RH zoning district.

In the event of conflicts between the Coupeville Development Regulations and the provisions of this MOA, the MOA shall take precedent.

1.3.10 **Development Moratoria** – The following development moratoria are agreed with respect to specific subareas within the Special Planning Area:

1.3.10.1 It is agreed that the property owner will not submit and the Town will not accept a project development application of any kind within Areas F and G, the Priority Acquisition Areas, for a period of two years from the effective date of this MOA.

1.3.10.2 It is agreed that the property owner will not submit and the Town will not accept a project development application of any kind within Areas C, D and E for a period of one year from the effective date of this MOA.

1.4 **Design Considerations** – Excellence in site and architectural design is strongly encouraged in all of the development subareas. Retention of native land cover is preferred over formal landscaping, especially in areas abutting the public open space subareas. Development proposals within the subareas designated for residential development shall be subject to design review by the Design Review Board. Street design should reinforce the characteristic cross-section seen in the historic plats of Coupeville. Pedestrian emphasis, open swales rather than curb and gutter and native land cover preservation should be hallmarks of the public rights of way. Low impact development practices will be implemented in conjunction with future development.

1.5 **Open Space Dedication** – Within one year of the Effective Date of this MOA, the subareas shown on Exhibit 2 as Area H and Area I will be dedicated by the Owner to the Town of Coupeville by Statutory Warranty Deed, free of all encumbrances and liens other than those approved by the Town prior to recording of the Deed. The Town shall bear all costs associated with the survey, subdivision and recording of these dedications. Because of this dedication of open space, future subdivision applications within any of the subareas shall be exempt from the open space requirements of CTC 16.16.070(M).



- 1.6 **Private Open Space and Recreational Amenities** – Except for open space dedicated to the Town under section 1.5 above, the responsibility for ownership and maintenance associated with any private open space set aside or private recreational amenity created within any of the Special Planning Area subareas shall rest solely with the property owners within the subarea where the facility is located, and not with the Town.
- 1.7 **Sequence of Future Development** – Apart from the moratoria described in subsection 1.3.10 above, nothing in this MOA shall require any order be followed with respect to subarea development, nor shall any interpretation be made that requires that any one subarea be developed to its maximum capacity before any other subarea is developed.
- 1.8 **Amending the MOA** – Amendments to the MOA shall only be considered as a Comprehensive Plan amendment, subject to the approval of both the Owner (or their successors and assigns) and the Town.
- 1.9 **Limitations** – This MOA establishes generalized locations and maximum densities for future residential development and open space land uses only. It shall not be construed as granting approval for any specific development application within any of the future land use subareas.
- 1.10 **Effective Date** – This document will be recorded with the Island County Auditor's Office and the provisions contained herein will run with the land. The effective date of this MOA shall be the date of recordation of the MOA ("Effective Date").

IN WITNESS WHEREOF, the parties have caused this agreement to be executed this 8 day of JANUARY, 2004

OWNERS:



Cecil Stuurmans



Cheryl K. Stuurmans

TOWN OF COUPEVILLE



Mayor

ATTEST:



Clerk-Treasurer

APPROVED AS TO FORM:



Town Attorney



STATE OF WASHINGTON)
)
) ss:
COUNTY OF ISLAND)

I certify that I know or have satisfactory evidence that Cecil Stuurmans and Cheryl K. Stuurmans are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes therein mentioned in this instrument.

Dated: 1-8, 2004.



B. J. Bishop
Print Name: B. J. Bishop
Notary Public for the State of Washington
Residing at: Freeland
My Commission Expires: 12/9/2006

STATE OF WASHINGTON)
) ss.
COUNTY OF ISLAND)

I certify that I know or have satisfactory evidence that Nancy Conard and Linda Marsh signed this instrument, on oath stated that they were authorized to execute the instrument, and acknowledged it as the legal representatives of the Town of Coupeville to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 22 day of January, 2004.



Janice E. Vaughan
Print Name: Janice E. Vaughan
Notary Public for the State of Washington
Residing at Coupeville
My commission expires: 4-20-04

EXHIBIT "1"

Legal Description

A portion of the J. Alexander Donation Land Claim in Section 33, Township 32 North, Range 1 East of the Willamette Meridian, Town of Coupeville, Island County, Washington, being also a portion of Lot 2 of Coupeville Short Plat No. 85/1, as recorded in Volume 1 of Short Plats, page 337, and Tract D of Coupeville Short Plat 79/3, as recorded under Auditor's File No. 353585, records of Island County, said portion being more particularly described as follows: Beginning at the Southwest corner of said Lot 2; thence along the boundaries of said Lot 2; said Tract D; PEACEFUL VALLEY P.U.D. as recorded in Volume 13 of Plats, pages 64 and 65, under Auditor's File No. 89015354; Replat of PEACEFUL VALLEY, DIV. 1, as recorded in Volume 13 of Plats, page 75, under Auditor's File No. 91002995; PEACEFUL VALLEY P.U.D. REPLAT, as recorded in Volume 13 of Plats, page 79, under Auditor's File No. 92004951; and Plat of KRUEGER FARMS as recorded in Volume 13 of Plats, page 157, under Auditor's File No. 97003116; records of Island County, the following courses and distances:

North 02° 41' 48" West 175.42 feet; thence North 09° 56' 11" West 50.89 feet; thence North 01° 22' 26" East 77.74 feet; thence South 88° 37' 47" East 200.00 feet; thence North 01° 22' 26" East 544.14 feet; thence North 88° 37' 34" West 200.00 feet; thence North 01° 22' 26" East 220.00 feet; thence South 88° 37' 34" East 175.00 feet; thence North 01° 22' 26" East 245.00 feet; thence North 88° 37' 34" West 34.33 feet; thence North 01° 11' 53" East 351.93 feet; thence South 88° 48' 07" East 80.00 feet; thence North 01° 11' 53" East 125.00 feet; thence South 88° 48' 07" East 125.00 feet; thence South 01° 11' 53" West 322.05 feet; thence South 88° 48' 07" East 45.00 feet; thence South 01° 11' 53" West 122.50 feet; thence South 88° 39' 48" East 164.03 feet; thence South 79° 12' 28" East 91.33 feet; thence North 43° 19' 26" East 134.54 feet; thence South 88° 39' 48" East 40.00 feet; thence North 01° 20' 12" East 70.00 feet; thence South 88° 39' 48" East 180.00 feet; thence North 01° 20' 12" East 245.00 feet; thence South 88° 39' 48" East 95.00 feet; thence North 01° 20' 12" East 118.86 feet; thence South 88° 39' 48" East 80.00 feet; thence South 01° 20' 12" West 334.26 feet; thence South 88° 39' 48" East 123.71 feet; thence South 01° 20' 12" West 483.45 feet; thence North 88° 39' 48" West 15.55 feet; thence South 01° 20' 12" West 500.00 feet; thence North 88° 39' 48" West 4.00 feet; thence South 01° 20' 12" West 300.00 feet; thence North 88° 39' 48" West 2.00 feet; thence South 01° 20' 12" West 94.00 feet; thence North 88° 39' 48" West 54.71 feet; thence South 01° 20' 12" West 152.19 feet to the North right-of-way margin of S.R. 20; thence North 88° 38' 50" West along said North margin, a distance of 1,135.56 feet to the Point of Beginning.

EXCEPT that portion thereof described as follows:
Commencing at the Northwest corner of aforesaid Replat of PEACEFUL VALLEY, DIV. 1, according to the Replat thereof recorded in Volume 13 of Plats, page 75, under Auditor's File No. 91002995, records of Island County; thence along the North boundary of said Replat

Exhibit 1 – Page 1 of 2 pages



South 88° 39' 48" East 2.00 feet to the East boundary of aforesaid Tract D of Coupeville Short Plat No. 79/3; thence northerly along said East boundary the following courses and distances:

North 01° 20' 12" East 89.92 feet to the True Point of Beginning; thence continuing
North 01° 20' 12" East 210.08 feet; thence
South 88° 39' 48" East 4.00 feet; thence
North 01° 20' 12" East 55.00 feet; thence leaving said East boundary
North 88° 39' 48" West 167.50 feet; thence
South 01° 20' 12" West 265.08 feet; thence
South 88° 39' 48" East 163.50 feet to the True Point of Beginning.

ALSO EXCEPT that portion thereof described as follows:

Commencing at the Northwest corner of the Replat of PEACEFUL VALLEY, DIV. 1, according to the Replat thereof recorded in Volume 13 of Plats, page 75, under Auditor's File No.

91002995, records of Island County; thence along the North boundary of said Replat South 88° 39' 48" East 2.00 feet to the East boundary of aforesaid Tract D of Coupeville Short Plat No. 79/3; thence northerly along said East boundary the following courses and distances:

North 01° 20' 12" East 300.00 feet; thence
South 88° 39' 48" East 4.00 feet; thence
North 01° 20' 12" East 55.00 feet to the True Point of Beginning; thence leaving said East boundary
North 88° 39' 48" West 167.50 feet; thence
North 01° 20' 12" East 60.00 feet; thence
South 88° 39' 48" East 167.50 feet to aforesaid East boundary; thence
South 01° 20' 12" West along said East boundary, a distance of 60.00 feet to the True Point of Beginning.

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ISLAND COUNTY AUDITOR

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EXHIBIT "2"

Generalized Land Use Maps with Subareas

EXHIBIT 2

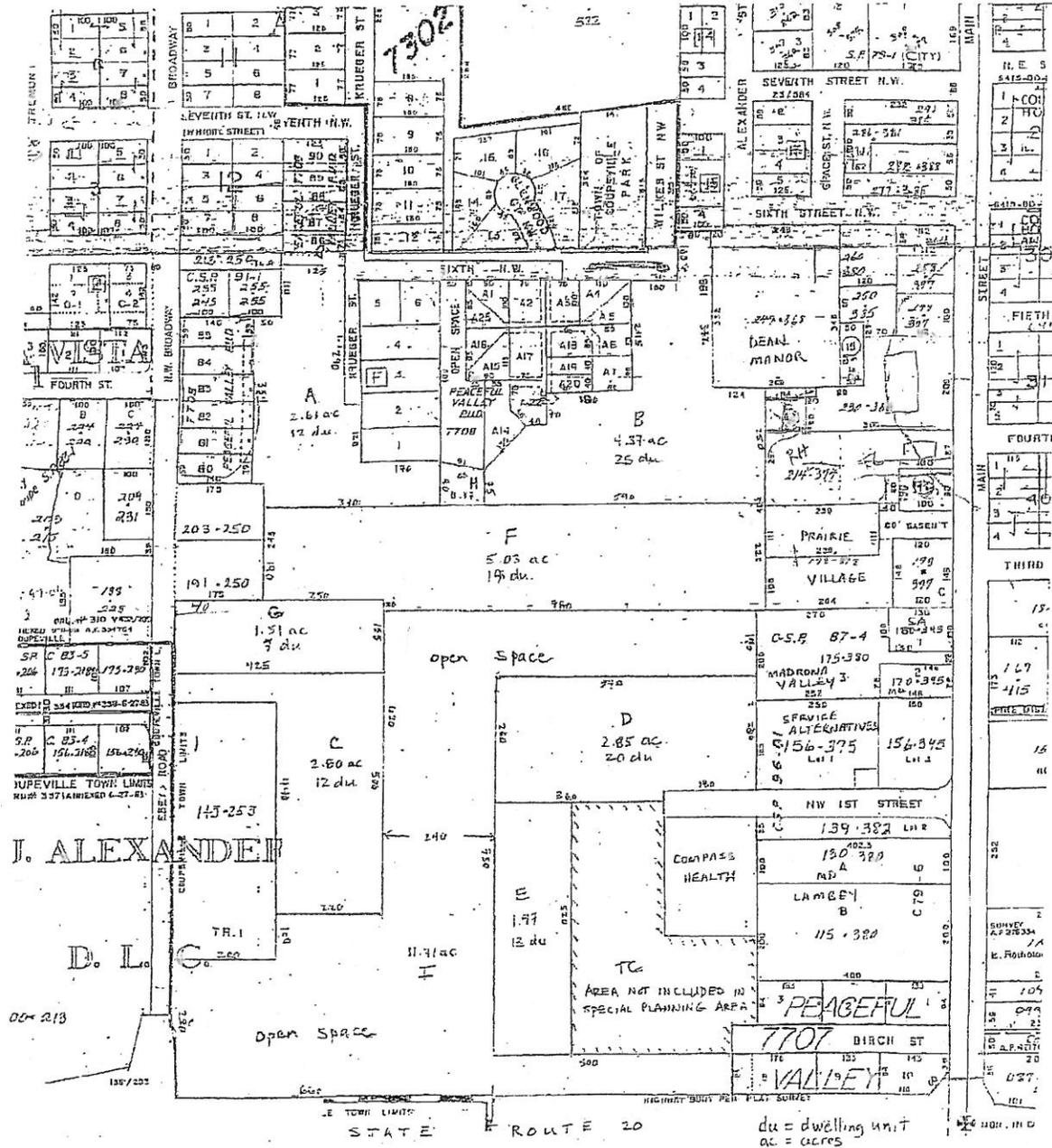
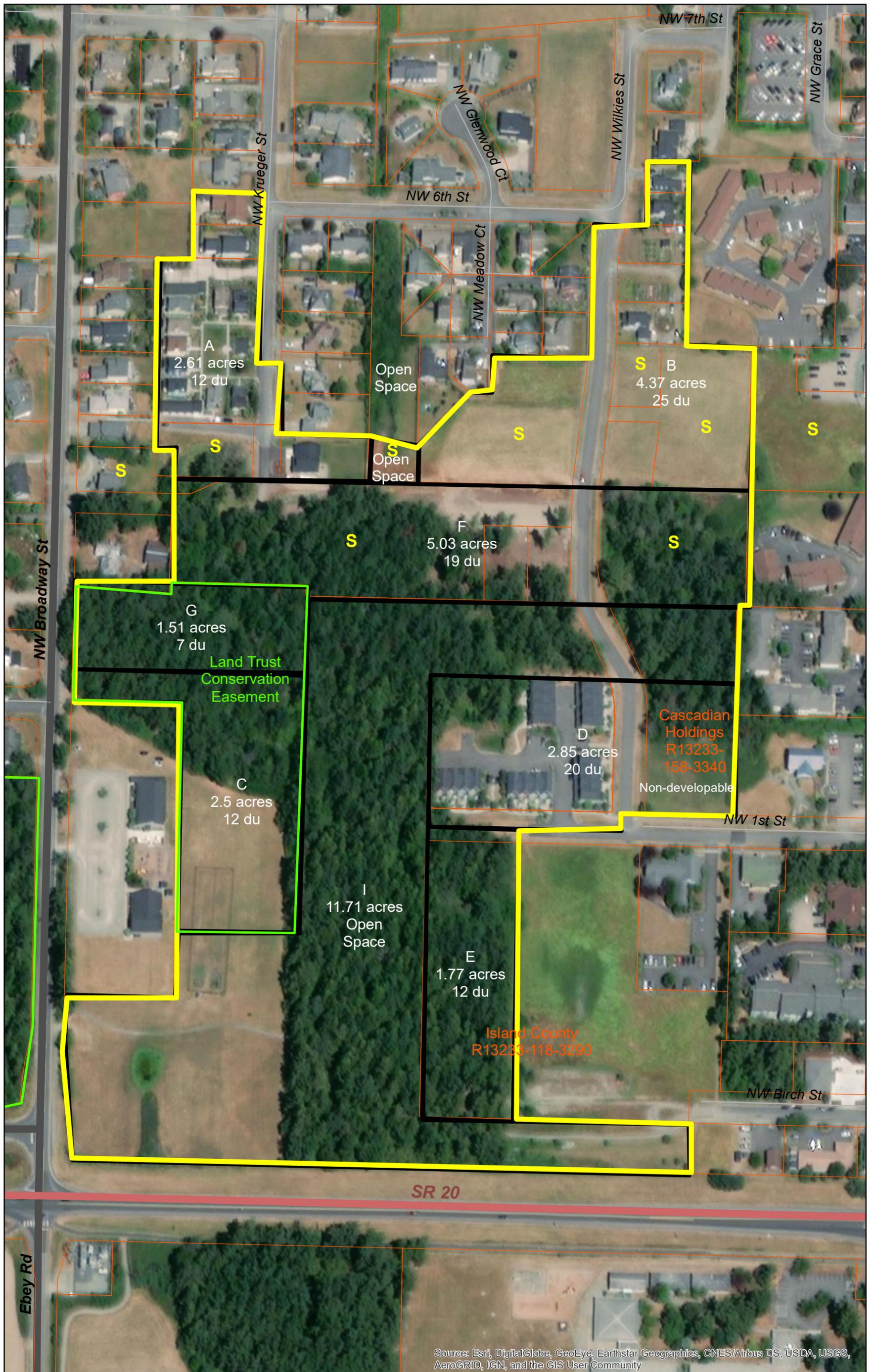


Exhibit 2 - Page 1 of 1 page





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Property boundaries are taken from Island County GIS tax parcel maps. These boundaries are approximate and may not match on-the-ground fencelines or actual survey markers.

