

**TOWN OF COUPEVILLE
PLANNING COMMISSION**

Regular Meeting

June 2, 2026

6:00pm

CALL TO ORDER

At 6:00pm, Commission Chair Upchurch called the meeting to order and read the Land Acknowledgement

PRESENT

Chair Susan Upchurch, Commissioners Von Summers, Ricardo Reyes, Michelle Cook, and Brandon Roos

STAFF PRESENT

Community Planning Director Josh Pitts, and Assistant Planner Lisa Walsh

PUBLIC INPUT

- Michelle Connor addressed the Commission with concerns regarding the MOA and the transfer of building credits from one subarea to another without the consent of all the property owners. Connor requested a change to some of the proposed language in the 2025 Comprehensive Plan update.
- Pat Morse addressed the Commission regarding the dwelling unit cap in the MOA and the transferred dwelling credits from Subarea B to Subarea A. Morse asks that credits not be moved back to Subarea B in order to keep the dwelling unit cap at 108 – the original amount.
- Julie Lloyd addressed the Commission to request that the Town allow for mixed-use live/workspace zoning for buildings on Front St. Lloyd cited examples in Seattle and Friday Harbor where this type of zoning has been successful.
- Jimmie Froehlich addressed the Commission regarding the issue of reassigned dwelling credits in the MOA. Froelich lives in one of the homes built on one of the two reassigned credits. Froelich asks that the Town provide a legal affirmation of clean title for his parcel, so he may cleanly sell or refinance his home in the future.
- Cecilia Bartram addressed the Commission with concerns about the clearing of the wooded parcels on NW Third, citing the “retain maximum tree coverage possible” text in the MOA.
- Debra Stroh addressed the Commission regarding concerns over the MOA and dwelling credit transfers. Stroh raised concerns about the dwelling credit chart in the draft Comprehensive Plan update, stating that it causes more confusion and misinformation. Stroh asked that the letter sent from the Town to all MOA owners also be included in the Comprehensive Plan update.
- Linda Wandro addressed the Commission regarding the donated beautification of the Johnson Lot, and asked that the updates to the Johnson Lot include bathroom facilities.

PUBLIC HEARING

At 6:32pm Commission Chair Upchurch opened the Public Hearing on Conditional Use Permit CUP-26-001. Chair Upchurch asked the Commission if anyone had a conflict of interest. There being no conflict of interest, Chair Upchurch turned the floor over the Assistant Planner Walsh to present on the Conditional Use Permit. After the presentation, Chair Upchurch opened the floor to public comment.

- Applicants Mr. and Mrs. Lawrence addressed the Commission to provide additional explanation of the project.
- Gianna Holle addressed the Commission in support of the Conditional Use Permit. Holle mentioned how the applicant has been working to clean up the parcel and that their commitment to the care of the property shows that they will be good neighbors.

After receiving public comment, Chair Upchurch opened the floor to the Commission to give comment or ask clarifying questions. There being none, Chair Upchurch closed the Public Hearing at 6:45pm.

NEW BUSINESS**CUP-26-001**

Action: A motion was made by Commissioner Reyes, seconded by Commissioner Summers, to recommend approval of Conditional Use Permit Application CUP-26-001 and forward the Planning Commission's recommendation to the Town Council for final consideration and action. *The motion passed unanimously.*

DISCUSSION**2025 Comprehensive Plan Periodic Update**

Community Planning Director Pitts led the Commission in a discussion about work that has been done toward the 2025 Comprehensive Plan Periodic Update since receiving comments from the Department of Commerce. The discussion went over the elements that have been discussed in Planning Commission meeting since early 2026. Commissioners gave comments and asked clarifying questions.

CTC Title 16 – Development Regulations

Community Planning Director Pitts led a discussion with the Commission about updating the Town's Development Regulations to align with the updated Comprehensive Plan. Code updates include permanent supportive housing, density bonuses for affordable housing, updated definitions, and more.

PUBLIC INPUT

Michelle Connor addressed the Commission regarding the MOA dwelling unit allocation chart in the Comprehensive Plan Appendix. Connor believes the Town's chart is incorrect and requests it be revalued and corrected based on her assessment.

ADJOURNMENT

At 8:10pm, Chair Upchurch adjourned the meeting.

Respectfully submitted,

COMMUNITY PLANNING DIRECTOR



Deputy Clerk Chris Jolly



Josh Pitts

I move that the Planning Commission recommend to Town Council that Volume II of the Comprehensive Plan Update be revised to:

(1) Replace *Exhibit 4: Land use patterns* on page 6 with attached chart accurately documenting credits consumed and extinguished since the MOA was established on January 13, 2004. Thereby ensuring that the MOA cap of 108 dwelling credits is not violated and that every owner of yet-to-be-developed SFR lots in Subareas B and F retain development credits for their parcels;

(2) Affirm that the MOA runs with the land, binds the Town and all successor property owners, and may be amended only with successor consent as provided in §1.8; *that*

(3) Remove or revise any plan language that would, as a matter of comp plan policy, foreclose a constructive remedy for property owners affected by the unauthorized credit transfer and associated Subarea A development as well as clearing of the Division 4 lots in Subarea F, which the community contends is inconsistent with the MOA's requirement of maximum tree retention under §1.3.2.

Specifically, remove the last two paragraphs on Page 6:

"In 2023, building permits associated with the transferred credits were issued in good faith and were not challenged through available administrative or legal appeal procedures. Pursuant to Washington's Land Use Petition Act (LUPA), codified in Chapter 36.70C RCW, parties have 21 days following issuance of a land use decision to file a petition challenging permit approvals. Because no timely challenge was filed, the residential units constructed under those permits remain legally established.

However, because the transfer of dwelling unit credits occurred without the required consent of all affected property owners and the Town, the dwelling unit credit allocations for Subarea A and Subarea B remain at their original totals of 12 and 25 credits respectively."

(4) Direct Town staff to work with affected property owners to develop a recorded instrument affirming clean title for the good-faith purchasers whose Subarea A parcels carry an unsatisfied building-permit condition recorded at Short Plat 038/16 (AFN 4417181).

MOA Sub Area	Original Dwelling Unit Credits	Credits Used or Extinguished	6/1/2026 Remaining Dwelling Unit Credits	Commentary
A	12	14	0	*2 more than permitted by MOA S1.8 were built in Subarea A. "Transferred" from Subarea B
B	25	7	16	-5 built SFR homes -2 subdivided SFR lots – Kelso/Lyle *2 "Transferred to Subarea A
C	12	12	0	Preserved with a conservation easement through the Whidbey Camano Land Trust and deeded to the Town. 12 credits extinguished per conservation easement and non-transferable per MOA.
D	20	20	0	Completely developed with 20 townhouses on west side of Wilkes St. An empty lot on the east side of Wilkes St. remains undeveloped as open space.
E	13	0	13	Parcel R13233-118-3290 is an undeveloped split zoned parcel partially inside and outside the MOA boundary owned by Island County.
F	19	9	10	-5 built SFR homes – Sandberg/Bartram/ /Encinas/Encinas III/ Drabek -2 SFR home under construction – Amerine/Encinas Jr. -2 subdivided SFR lots – C Stuurmans/ S Stuurmans
G	7	7	0	Preserved with a conservation easement through the Whidbey Camano Land Trust and deeded to the Town. 7 credits extinguished per conservation easement and non-transferable per MOA.
H	0	0	0	Owned by the Town of Coupeville for open space and drainage purposes.
I	0	0	0	Owned by the Town of Coupeville for open space.
TOTAL	108	69	39	



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Concerned Citizens for Coupeville | Ebay's National Historic Reserve, WA

Public Comment — Comprehensive Plan Update (Volume II)

Memorandum of Agreement Provisions (Vol. II, p. 7)

Date: June 2, 2026

To: Town of Coupeville Planning Commission

Re: Comprehensive Plan Update, Volume II — Memorandum of Agreement (MOA), Special Planning Area; Island County Auditor AFN 4204586

The undersigned are successor owners of property within the Coupeville Memorandum of Agreement (MOA) Special Planning Area. We submit this comment for the record on the Comprehensive Plan Update, Volume II, and to participate in the Comprehensive Plan process.

We appreciate the Town's May 1, 2026 confirmation that the MOA runs with the land and binds both the Town and the successor owners — which makes the Town and the community co-enforcers of the same agreement. We write in that spirit.

We do not seek removal of the two Subarea A homes

To be clear at the outset, the community has not asked, and does not ask, that the Town remove the two homes built in Subarea A. The plan's discussion of the Land Use Petition Act and "legally established" permits therefore addresses a concern no one has raised. Our concern is the credit accounting and a constructive remedy.

The credit accounting must preserve the MOA's 108-unit cap

The MOA caps the Special Planning Area at 108 dwelling units and prohibits the transfer of dwelling-unit credits between subareas (§1.3.5). Subarea A was allotted 12 credits and now contains 14 homes — two built on credits the Town acknowledges were moved from Subarea B without the required authorization. That transfer (Resolution No. 22-06) was never adopted as an MOA amendment with successor consent under §1.8.

The current draft would restore Subarea B to its full 25 credits while the 14 Subarea A homes stand. The result is a cumulative 110 units — two above the MOA's own cap. The Town cannot both hold every subarea to its original total and leave 14 homes in a subarea allotted 12; that arithmetic exceeds the cap by two, to the benefit of the party that made and already benefited from the transfer.

The Town's own 2023 Comprehensive Plan table accounted for this correctly: it carried Subarea B at 15 remaining credits and noted that two credits had been transferred to Area A. We ask that the updated plan do the same — account the two Subarea A homes against Subarea B's remaining credits — preserving the 108-unit total.



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The plan should not foreclose a constructive remedy

Five homes immediately about the additional Subarea A development and have lost the open-space benefit the subarea credit caps were meant to protect; the affected owners have experienced readily appraisable value impacts. Separately, the Division 4 clearing in Subarea F to the property lines is difficult to reconcile with the MOA's requirement of "maximum tree retention" (§1.3.2) and its preference for retention of native land cover over formal landscaping (§1.4).

We cannot restore what was cleared or unbuild the homes, and we do not ask for that. But a fair remedy restores what was consumed. The remaining intact forested parcel in Subarea F is the natural place to concentrate a constructive remedy: permanent protection of that forest both repairs the Subarea F clearing and preserves open space in lieu of what Subarea A lost. Paired with the corrected credit accounting, that is an equitable outcome for the Town, the property owners, and the neighbors. We ask that the Comprehensive Plan not be written in a way that forecloses this remedy.

Innocent purchasers and title

At least one of the two Subarea A homes was sold to a good-faith purchaser. Short Plat No. 038/16 (AFN 4417181) carries a condition recorded on its face barring building permits until the Town Council adopted an ordinance amending the MOA to reallocate a unit to Subarea A. No such ordinance was adopted, and a Comprehensive Plan table change is not that ordinance; the condition remains unsatisfied on the public record. Declaring the homes "legally established" does not cure this for the affected owners. We ask the Town to support a recorded title-affirmation instrument for these parcels as part of resolving the credit question.

Requested actions

1. Revise Vol. II, p. 7 to account the two Subarea A homes against Subarea B's remaining credits — consistent with the 2023 Comprehensive Plan table — preserving the MOA's 108-unit cap; do not restore Subarea B to a count that, together with the 14 existing Subarea A homes, exceeds 108.
2. Remove any plan language that would foreclose a constructive remedy for the affected owners.
3. Affirm that the MOA remains in effect, runs with the land, binds the Town and all successors, and may be amended only with successor consent under §1.8 — consistent with the Town's May 1, 2026, letter.
4. Recommend that the Town pursue a constructive remedy concentrated on the remaining intact Subarea F forest parcel — permanent protection in lieu of the open space lost — paired with the corrected credit accounting.
5. Support a recorded title-affirmation instrument for the good-faith purchasers in Subarea A.

We appreciate the Commission's attention and welcome the opportunity to work with the Town toward a durable, equitable outcome. This comment is submitted for the record by twenty-six undersigned successor owners to the MOA.



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Respectfully submitted by the following twenty-six successor-owners.

Susan Asplin	305 NW Wilkes Street
David Asplin	305 NW Wilkes Street
William Lyle	507 NW Wilkes Street
Catherine Lyle	507 NW Wilkes Street
Duncan Kelso	601 NW Wilkes Street
Glena Kelso	601 NW Wilkes Street
Gary Pursell	603 NW Wilkes Street
Andrea Rudenko	401 NW Krueger Street
Kami Hutchins	218 NW 3RD Street
James Froehlich	218 NW 3RD Street
Robbie Drabek	215 NW 3RD Street
Cecilia Bartram	203 NW 3RD Street
Michele Adams	506 A NW Krueger Street
Tracy Adams	506 A NW Krueger Street
Taber Noble	222 NW Wilkes Street
Allison Noble	222 NW Wilkes Street
Jett Gulbronsen	502 A NW Krueger Street
Mark Levensky	502 B NW Krueger Street
Michelle Connor	502 B NW Krueger Street
Pat Morse	502 C NW Krueger Street
Bob Schutt	506 E NW Krueger Street
Donna Schutt	506 E NW Krueger Street
Nancy Angell	506 D NW Krueger Street
Roger Elleson	506 C NW Krueger Street
Deanna Ellefson	506 C NW Krueger Street
Joanna Roomes	506 B NW Krueger Street

May 5, 2026

Julie Lloyd
19162 SR 20
Coupeville, WA 98239

Town of Coupeville Council Members
4 NE 7th St.
Coupeville, WA 98239

Dear Town of Coupeville Council Members,

We are Julie and George Lloyd owners and business occupant of 15 Front St NW since 1992 and would like to request a change of occupancy to the rear of our building at 15 Front Street to a zero commute, work live type occupancy.

This is a changing brick and mortar environment. Allowing live and workspaces, whether a workshop, studio, gallery or other entrepreneurial endeavor, will increase the utility of historic commercial buildings. To allow owners or employees to live in the rear, work in the front of commercial buildings. A specialized combined residential and commercial space designed for artists, creatives and entrepreneurs to live, create, and showcase their work within the same environment.

Mixed use commercial zone, occupant business owner or employee. Recent WA SB6026 increases live/workspace units in commercial historic districts. City, town planning under the GMA adopts policy that encourages live/workspace including ADU's.

A live/workspace in a historic building has long worked in revitalized areas of Seattle, Ballard and Wallingford neighborhoods while the Friday Harbor Atelier building and other successful mixed use workspace hubs work well in developed Historic Arts Districts. It works well as highly desirable live/workspace providing retail and atelier. Historic buildings offer specialized affordable live work options for professionals, entrepreneurs and artists.

To allow this to happen, zoning must allow commercial and residential combined use. These spaces are highly desirable and popular in historic districts.

We see no reason that it would not work in ours. It may well result in more traffic after hours in the Front St. area.

Thank you.

Respectfully,

Julie Lloyd

June 2, 2026

Submitted to the Town of Coupeville Planning Commission

Jimmie (James) Froehlich
jimmiesitka@gmail.com

Kami Hutchins
kamisitka@gmail.com

Good evening. My name is Jimmie Froehlich. My partner Kami Hutchins and I own a house and live at 218 NW 3rd Street in Coupeville. We bought our home in good faith. We are not developers, and we did not create the problem I'm about to describe — but it now sits on our title.

Our home was built in Subarea A on one of the two credits at issue tonight. The short plat in our chain of title — Short Plat 038/16 — carries a condition recorded on its face: that no building permit could issue on this lot until the Town Council adopted an ordinance amending the MOA to add a unit to Subarea A. That ordinance was never adopted. A Comprehensive Plan table change is not that ordinance. So the condition on our title has never been satisfied, and it is still on the public record.

For us, that is not abstract. It is a question a future lender, title company, or buyer will find — and it affects our ability to refinance or sell the home we live in.

Declaring the homes “legally established” in the Comp Plan does not fix this for us.

What would fix it is a recorded instrument affirming clean title to our parcel, as part of resolving the credit question.

I ask the Commission to keep homeowners like us in mind, and to support a path that includes that remedy. I also support the broader settlement my neighbors are seeking.

Thank you.

June 2, 2026

My name is Debra Stroh. I live in Peaceful Valley. I'm not a MOA homeowner.

In May 2026, just a few short weeks ago, Town and the Town attorney finally acknowledged the MOA is a legal document filed against the land, runs with the land and cannot be changed without **ALL** MOA homeowners agreeing to that change. A comma cannot be added to or removed from this document without **ALL** MOA homeowners in agreement with it.

Not too long ago, Town allowed the original property owner of the MOA to move 2 credits from Subarea B to Subarea A, which is **specifically** prohibited in the MOA, Section 1.3.5. Town allowed the Developer to use those 2 credits to build 2 homes in Subarea A. A section that had already been fully built out per the MOA on land that was to **remain green**. Town had language added to the comp plan to try to "justify" these actions. Question: Who benefitted from these actions?

Now, just a few weeks after Town's May 2026 letter to all the MOA homeowners acknowledging the MOA agreement runs with the land and requires **ALL** MOA homeowners to agree to **ANY** modifications, we find **AGAIN** Town using the draft 2045 Comp Plan to justify past actions.

Based on the verbiage and chart in the draft 2045 comp plan, Town uses this document to justify actions. Page 6 states that: "The Town was under the impression that amendments to the MOA were to occur between Town and the original property owner"...the Town was unaware that amendments to the MOA required approval from all property owners subject to the agreement"...Town did not become aware of the appropriate amendment process until 2026." "In 2023 building permits associated with transferred credits were issued in good faith..." The problem with these statements are:

1. The **recorded MOA document strictly prohibits** transferring credits from one section to another. So, one cannot stand behind the "in good faith" statement to justify the actions.
2. Town and the original property owner had not amended the recorded document to allow transferring between subareas, so the original section of the MOA stands prohibiting these actions. Thus, the draft 2045 comp plan verbiage "Town was under the impression that amendments to the MOA were to occur between Town and the original property owners" does not justify the actions as Town and the original property owners had not amended the agreement allowing these transfer actions.

Page 5 of the draft 2045 Comp Plan shows a chart (chart on Page 6) states "The table below (Exhibit 4) shows the nine subareas within the MOA boundary and their status, and their updated dwelling unit credits (account for developments completed, in the

permitting process, or planned) at the time this Comprehensive Plan was adopted.” The problem with statement and chart is that the chart uses the original chart from the MOA agreement. The original MOA agreement states 12 credits for Subarea A and -0- credits remaining. It states 25 credits for Subarea B and 20 credits remaining. To make this chart accurate and factual the chart should show Subarea A the original 12 credits and 14 credits used for an over usage of 2 credits. Subarea B should show the original 25 credits less 5 credits used for building within Subarea B, less 2 credits for subdivided SFR lots (Kelso and Lyle) and less the 2 credits transferred to Subarea A with a remainder of 16 credits available – not 20. Subarea F shows the original 19 credits of which 9 have been used leaving 10 credits available.

Slipping this language into the draft 2045 comp plan is trying to justify actions that were not allowed by the MOA agreement period. “Good faith” is meaningless when the agreement strictly prohibits the actions. The supposed “updated chart” only causes confusion and misinformation by not showing what has actually happened to date and what is truly available in credits within each Subarea section. This confusion can cause permits to be issued that would exceed the cap of the 108 dwelling unit credits agreed upon in the MOA. The chart needs to state clearly what credit units are available per Subarea as of June 1, 2026.

In the May 12, 2026 Town council meeting, Town stated “they made a mistake,” that “they were falling on their sword,” inferring Town had learned a lesson and this wouldn’t happen again. Yet here we see basically a month later, Town is going down the same road.

Town asks we “trust” them. Based on this latest action I ask, “How can we?”

The language that has been slipped into the draft 2045 comp plan needs to be immediately removed. The Town’s May 1, 2026 letter to all the MOA homeowners needs to be incorporated into the draft 2045 comp plan, so that these prior actions cannot occur again in the future. A true and accurate chart of credits showing what actually is available in each remaining subareas should be included in the draft plan.

I’m asking my statement be given to the Mayor, Council and Town attorney.

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June 1, 2026

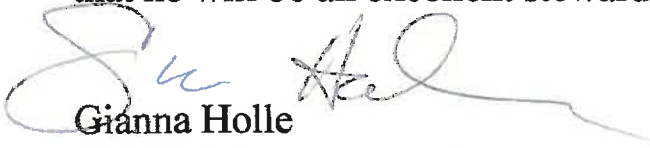
Dear Planning Commissioners,

My name is Gianna Holle, I live in the Town of Coupeville at 1359 NE Hawthorne and I am the neighbor to the applicant, Mark Lawrence. I share approx. 286 linear feet border with this property of 980 NE Pennington Loop.

I am here to give my strong support for the approval of the application for the construction of the 3,567 sq ft accessory structure as referenced in Use Permit – CUP-26-001. This development is a thoughtful and appropriate improvement to the property given the size of the parcel and the property's location. The final development will complement the neighborhood and its surroundings.

Mark Lawrence and the Town of Coupeville have done an excellent job in informing us of their construction plans and future use of this property. I appreciate their transparency and information on the future building in this low density residential area located in Ebbys area 2.

Mark Lawrence has already made significant progress in the demolition and cleanup of the large single-family residence that previously occupied the property and had become uninhabitable. He has also removed substantial amounts of garbage, debris, abandoned vehicles, tires, camping equipment, and other refuse from the site. These efforts have greatly improved the condition and appearance of the property. Based on the care and commitment he has demonstrated; I am confident that he will be an excellent steward of the land and a valued neighbor.



Gianna Holle
1359 NE Hawthorne Pl
Coupeville