

DEC 06 1993

ORDINANCE NO. 3815

An ordinance of the Town of Coupeville, Washington, relating to land use, and to that project commonly known as the Peaceful Valley Planned Unit Development (PUD), and amending Ordinance No. 412 and amendments thereto, which established the Peaceful Valley PUD, by deleting certain real property from the PUD, rezoning said real property, and subjecting said real property to certain limitations on its use.

WHEREAS, Town of Coupeville Ordinance No. 412 and amendments thereto established the project known as the Peaceful Valley Planned Unit Development (PUD), defined the project area, and changed the zoning of that area to PD (Planned Unit Development District) zoning, adopted a development concept, and set specific conditions pertaining to the development of the project; and

WHEREAS, the Town has received an application requesting a Major Modification to the Peaceful Valley PUD, said modification consisting of the deletion from the PUD of the real property described in Attachment A; and

WHEREAS, said application also requested that the zoning of the real property so deleted from the PUD, be changed from the Planned Unit Development (PUD) zoning district, to the Medium Density Residential (RM-9600) zoning district; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C and implementing local ordinances, an environmental checklist was submitted by the applicant to the Town, reviewed by the responsible official, and a Determination of Non-Significance issued by the Town; and

WHEREAS, notice has been given and public hearings held thereupon, by the Town Planning Commission and the Town Council; and

WHEREAS, the Town Council has adopted a motion indicating its intent to approve the application with conditions; and

WHEREAS, the property owners have entered into a concomitant zoning agreement with the Town, acknowledging the conditions adopted by the Town Council in the above-referenced motion, and agreeing to be bound by these conditions; and the signed agreement has been recorded with Island County.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Coupeville as follows:

Section 1. The real property within the Town of Coupeville described in Attachment A is hereby deleted from the Peaceful Valley PUD.

Section 2. The real property within the Town of Coupeville described in Attachment A is hereby reclassified (rezoned) from the Planned Unit Development (PUD) zoning district, to the Medium Density Residential (RM-9600) zoning district.

Section 3. This rezone is granted subject to the conditions of approval, listed in Attachment B, adopted by the Town Council on July 31, 1993 in its motion of intent to rezone said real property.

Section 4. Town of Coupeville Ordinance No. 412 and amendments thereto, are hereby amended to reflect the above changes in project area, zoning and development conditions.

Section 5. The Town Planning Director is directed to amend the official Coupeville Zoning Map to conform with this ordinance. Copies of this ordinance shall be filed with the Town Clerk.

Section 6. This ordinance shall be in full force and effect upon posting and recording with the Auditor of Island County, Washington.

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PASSED by majority vote of the Coupeville Town Council in regular, open meeting this 8th day of NOVEMBER, 1993.

SIGNED IN AUTHENTICATION thereof this 8th day of NOVEMBER, 1993.

W. L. Jones
Mayor

Attest:

Carol Wildraege
Town Clerk

ATTACHMENT A
LEGAL DESCRIPTION
PEACEFUL VALLEY REZONE # 93-02

PARCEL A:

LOT 2 AND 3, TOWN OF COUPEVILLE SHORT PLAT NO. 85-1 AS RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 337 ISLAND COUNTY, WASHINGTON.

EXCEPT PORTIONS THEREOF LYING WITHIN PEACEFUL VALLEY P.U.D. AS RECORDED IN VOLUME 13 OF PLATS, PAGE 64 AND 65, AND THE REPLAT OF BLOCK F OF SAID PEACEFUL VALLEY P.U.D. AS RECORDED IN VOLUME 13 OF PLATS, PAGE 79, ISLAND COUNTY, WASHINGTON.

PARCEL B:

THAT PORTION OF THE JOHN ALEXANDER D.L.C IN SECTION 33, T. 32 N., R. 1 E.W.M., ISLAND COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF BLOCK 15 OF THE ALEXANDER'S PLAT OF GLENWOOD AS RECORDED IN VOLUME 2 OF PLATS, PAGE 7; THENCE S 88°39'48" E 80.00 FEET; THENCE S 01°20'12" W 198.15 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 01°20'12" W 136.11 FEET; THENCE S 88°39'48" E 123.71 FEET; THENCE S 01°20'12" W 483.45 FEET; THENCE N 88°39'48" W 15.55 FEET; THENCE S 01°20'12" W 500.00 FEET; THENCE N 88°39'48" W 4.00 FEET; THENCE S 01°20'12" W 423.00 FEET; THENCE S 88°39'48" E 404.00 FEET TO THE WEST LINE OF MAIN STREET; THENCE S 01°20'12" W ALONG SAID WEST LINE 54.75 FEET; THENCE S 26°20'44" W 75.66 FEET TO THE NORTH LINE OF STATE HIGHWAY 20; THENCE N 88°38'50" W ALONG SAID NORTH LINE 971.97 FEET; THENCE N 01°20'12" E 1665.60 FEET; THENCE S 88°39'48" E 495.80 FEET TO THE POINT OF BEGINNING.

EXCEPT A PORTION THEREOF LYING WITHIN PEACEFUL VALLEY P.U.D. AS RECORDED IN VOLUME 13 OF PLATS, PAGE 64 AND 65, AND THE REPLAT OF BLOCK F OF SAID PEACEFUL VALLEY P.U.D. AS RECORDED IN VOLUME 13 OF PLATS, PAGE 79.

ALSO EXCEPT A PORTION THEREOF LYING WITHIN THE REPLAT OF PEACEFUL VALLEY DIV. NO. 1 AS RECORDED IN VOLUME 13 OF PLATS, PAGE 75.

AND ALSO EXCEPT A PORTION THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 8 OF THE REPLAT OF PEACEFUL VALLEY DIV. NO. 1 AS RECORDED IN VOLUME 13 OF PLATS, PAGE 75 THENCE N 01°20'12" E ALONG THE WEST LINE OF SAID LOT 8 A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING; THENCE N 88°39'48" W 274.29 FEET; THENCE N 01°20'12" E 535.00 FEET; THENCE S 88°39'48" E 335.00 FEET; THENCE S 01°20'12" W 78.81 FEET; THENCE N 88°39'48" W 4.00 FEET; THENCE S 01°20'12" W 300.00 FEET TO THE NORTH LINE OF SAID REPLAT OF PEACEFUL VALLEY DIV. NO. 1; THENCE ALONG THE BOUNDARY OF SAID REPLAT THE FOLLOWING FOUR (4) COURSES:
(1) N 88°39'48" W 2.00 FEET; (2) S 01°20'12" W 94.00 FEET; (3) N 88°39'48" W 54.71 FEET; (4) S 01°20'12" W 62.19 FEET TO THE POINT OF BEGINNING.

ATTACHMENT B

CONDITIONS OF APPROVAL FROM TOWN OF COUPEVILLE MOTION REGARDING PEACEFUL VALLEY PUD, DATED JULY 31, 1993

1. The term "substantial completion," as it applies to Phase I of the Peaceful Valley PUD only, is hereby defined as completion of 100% of all infrastructure and site improvements (including but not limited to roads, curbs, gutters and sidewalks, utilities, storm drainage systems, and common open space landscaping) located within the geographic limits of that phase, or required by the Town to be built in conjunction with that Phase; plus the completion of 80% of the dwelling units proposed for that phase. "Completion" of infrastructure and site improvements shall be considered as final inspection and acceptance of such improvements by the Town, including but not limited to the release of all construction or installation bonds associated with such improvements. "Completion" of dwelling units shall be considered issuance of a Certificate of Occupancy for multifamily units, or final inspection for single family units.
2. The term "substantial completion," as it applies to the commercial area of the Peaceful Valley PUD only, is hereby defined as completion of 100% of all infrastructure and site improvements (including but not limited to roads, curbs, gutters and sidewalks, utilities, storm drainage systems, and common open space landscaping) located within the geographic limits of that phase, or required by the Town to be built in conjunction with that Phase; plus the completion of buildings whose gross floor area totals 80% of the gross floor area approved in the Final Plan for the commercial area. "Completion" of infrastructure and site improvements shall be considered as final inspection and acceptance of such improvements by the Town, including but not limited to the release of all construction or installation bonds associated with such improvements. "Completion" of buildings in the commercial area shall be considered issuance by the Town of a Certificate of Occupancy.
3. This Major Modification to the Peaceful Valley PUD Outline Plan is based upon the applicant's full compliance with all applicable conditions of approval. These conditions shall run with the land and be binding upon the applicant and all future property owners, except as such conditions may be modified by the Town upon request of the applicant or future property owners through the Major Modification process. Application for any future modification of the approved Peaceful Valley PUD Outline Plan, or of conditions of approval of the Outline Plan, must be made upon the signature of all owners of record of any property within the PUD as defined by the approved Outline Plan (as modified by this and any subsequent Town approvals). Application for any modification of approved Phase I Detail or Final Plans, of conditions of approval of such plans, or of subsequent Detail or Final Plan approvals of the commercial area, must be made upon signature of all owners of record of any property within the subject phase or area of the PUD.
4. The applicant's Detail Plan, Final Plan and Preliminary Subdivision applications for the commercial area shall encompass the entire commercial area. If the applicant does not plan to construct the entire commercial area at once, the applicant shall submit to the Town with each of these applications a development schedule for the commercial area. This schedule shall be formally adopted by the Town as a specific condition of commercial area Detail Plan and Final Plan approvals, subject to modification by the Town at the applicant's request through the Major Modification process. This schedule shall be shown on the face of the recorded commercial area Final Plan and Final Subdivision plan. Failure by the applicant to conform to this approved schedule, or to timely request and receive approval of a modified schedule, shall result in the automatic voiding of all portions of the PUD commercial area that have not received Final Plan and/or Final Subdivision approval from the Town. All portions of the PUD commercial area so voided shall automatically revert to RM-9600 zoning.
5. The applicant shall complete "substantial construction" of the PUD commercial area within three years of final Town Council action approving the Final Plan and Final Subdivision for that area (if the Town acts on different dates on these two approvals, the earlier date shall govern for the purpose of this condition). For the purposes of the Peaceful Valley PUD commercial area only, "substantial construction" shall be defined as completion of 100% of all infrastructure and site improvements (including but not limited to public streets, curbs, gutters and sidewalks, utilities, storm drainage systems, and common open space landscaping) located within the geographic limits of that area, or required by the Town to be built in conjunction with that area, or (at

the Town's sole discretion) the acceptance by the Town of bonds or other construction assurance devices for such improvements; plus the filing of complete building permit application(s) for the first building or buildings on the commercial area development schedule approved by the Town as part of the commercial area's Final Plan. Failure on the part of the applicant to conform to this requirement, or to timely request modification of this requirement by the Town through the Major Modification process, shall result in the automatic voiding of all lots within the PUD commercial area for which the applicant has not filed complete building permit applications with the Town. All portions of the PUD commercial area so voided shall automatically revert to RM-9600 zoning.

6. Prior to receiving Detail Plan, Final Plan or Preliminary Subdivision approval of the PUD commercial area the applicant shall submit to the Town a general financial plan and program for development of this area. This plan shall include the costs of building as well as site development. The financial plan may indicate that portions of the phase are to be sold to others for development, provided that the plan include financial information regarding development of such portions. Failure on the part of the applicant to conform to this requirement shall result in the automatic voiding of all portions of the PUD commercial area that have not received Final Plan and/or Final Subdivision approval from the Town. All portions of the PUD commercial area so voided shall automatically revert to RM-9600 zoning. At its sole discretion, the Town may retain a qualified financial consultant to review this financial information, and to make recommendations to the Town Council regarding the adequacy of this information. Prior to receiving Detail Plan, Final Plan or Preliminary Subdivision approval of the PUD commercial area the applicant shall enter into an agreement with the Town to reimburse the Town for the costs of such financial consulting services.

7. The applicant shall submit to the Town for its review and approval detailed plans for the correction of those design, construction and maintenance deficiencies of existing Phase I site construction described in the February 22, 1993 memo to George Deasy from John Schaefer (attached); shall make those corrections as shown on the plans (as approved by the Town); and shall have those completed improvements inspected and approved by the Town. The applicant shall enter into an agreement with the Town to pay the costs of engineering review of the plans for these corrective actions, and for the field inspection of the completed corrections. The applicant shall enter into this agreement for engineering review and inspection, shall submit improvement plans to the Town, shall complete the construction of these improvements and have such construction inspected and approved by the Town, prior to the acceptance by the Town of any subsequent application for the PUD commercial area, but in any event within 360 days of final Town approval of ZA 93-02. Failure on the part of the applicant to timely comply with any part of this condition, or to timely request modification of this condition by the Town through the Major Modification process, shall result in the automatic voiding of all portions of the PUD commercial area that have not received Final Plan and/or Final Subdivision approval from the Town. All portions of the PUD commercial area so voided shall automatically revert to RM-9600 zoning.

8. The applicant shall submit to the Town for its review and approval detailed plans for additions and/or modifications to the existing Phase I street system necessary to comply with Coupeville development standards, including but not limited to maximum dead-end street lengths contained in CDR 10.50.020. The applicant shall construct those additions and/or modifications shown on the plans (as approved by the Town); and shall have those completed additions and/or modifications inspected and approved by the Town. The applicant shall enter into an agreement with the Town to pay the costs of engineering review of these plans, and for the field inspection of the completed corrections. The applicant shall enter into this agreement for engineering review and inspection, shall submit improvement plans to the Town, shall complete the construction of these improvements and have such construction inspected and approved by the Town, prior to the acceptance by the Town of any subsequent application for the PUD commercial area, but in any event within 360 days of final Town approval of ZA 93-02. Failure on the part of the applicant to timely comply with any part of this condition, or to timely request modification of this condition by the Town through the Major Modification process, shall result in the automatic voiding of all portions of the PUD commercial area that have not received Final Plan and/or Final Subdivision approval from the Town. All portions of the PUD commercial area so voided shall automatically revert to RM-9600 zoning.

9. The applicant shall be allowed to commence construction of the PUD commercial area upon issuance of all necessary permits and approvals, and upon compliance with all conditions of this and subsequent PUD

approvals, irrespective of the "substantial completion" of the approved residential Phase I of the Peaceful Valley PUD.

10. The applicant shall enter into a concomitant agreement with the Town, incorporating the conditions adopted by the Town in its approval of ZA 93-02, and shall record the signed agreement with Island County. Execution and recording of this agreement shall occur within sixty days of the date of final Town Council action on the revisions to the Peaceful Valley PUD Outline Plan requested by the applicant in ZA 93-02. Failure on the part of the applicant to timely execute and record this agreement shall result in the automatic voiding of the Town's action in approving this Major Modification request (ZA 93-02), and will result in the automatic voiding of all portions of the PUD, including the commercial area, that have not received Final Plan and/or Final Subdivision approval from the Town. All portions of the PUD so voided shall automatically revert to RM-9600 zoning.

11. The commercial area of the PUD shall comply with the dimensional requirements of a commercial district C-1 zone, including structure height limits, setbacks, parking a streets.

12. The applicant shall show an east-west street corridor on the plan submitted for commercial area Detail Plan approval. Upon approval by the Town of the Detail Plan for the commercial area, the applicant shall dedicate this approved east-west street corridor to the Town as a condition Detail Plan approval. This east-west street corridor shall be constructed to Town standards in conjunction with the development of adjacent properties, without cost to the Town, at the expense of the adjacent property owners.

13. The applicant shall be allowed to commence construction of the PUD commercial area upon issuance of all necessary permits and approvals, and upon compliance with all conditions of this and subsequent Peaceful Valley PUD approvals, irrespective of the "substantial completion" of Phase I of the PUD.