



Staff Report

To: Planning Advisory Board
From: Brigid Reynolds, Director of Community Planning
Meeting Date: August 7, 2019

Purpose

To inform the PAB and Council of a possible development proposal and to consider this alternative development concept to the approved annexation/ development agreement.

Background/Discussion

The subject property is 40 ac in size and is zoned RS15000. It is separated by Coles Road such that 11.17 ac is on the west side and 28.64 ac are on the east side. The property was cleared a number of years ago and a road roughed in but has never been developed.

The property was annexed into the City in 2005 by way of an annexation or development agreement. See Attachment No. 1 for a copy of the agreement. This annexation agreement is a legal contract between the parties, authorized by RCW 36.70b.170 and is recorded at Island County. Any proposed development must be completed consistent with this annexation agreement or the agreement must be rescinded or amended pursuant to RCW 36.70B.180. Conditions of the original annexation agreement are as follows:

- Maximum number of Single family detached residences is 24
- Minimum of 15 acres public open space dedicated and transferred to the City
- Minimum of 13 acres private open space owned by residents
- Vegetation removal in open space tract limited to areas for public and private trails
- Minimum of 40-foot buffer with an overall average of 50 feet to Coles Road
- Minimum of 150-foot buffer to the property to the south
- Trails
 - Constructed by developer
 - Located parallel to Coles Rd with a connection to the eastern lot line – as shown on Ex B
 - As built survey of trails completed by the developer at their cost.
 - Trails to have a main corridor of 10 feet wide and improved trail of 6 feet built with 4 “ of crushed rock over geotextile fabric
 - Trail head parking located in NW corner as shown on EX B. Built for a minimum of 4 vehicles.
- Design guidelines to be approved by DRB – minimum requirements identified
- Stormwater analysis required
- Internal road network
 - Shall include an extension to the east lot line built to the same standard as main road
 - Shall follow existing terrain
- Single access from Coles Rd

Discussion

In recent years, the property owners, South Whidbey LLC, have proposed a couple of different development concepts and have also had the property for sale. The property owners have been working with local architect Ross Chapin and others to develop this proposed alternative development concept. City Planning and Public Works staff have had some preliminary discussions about the proposal. Staff have confirmed with legal counsel that the proposed process is viable.

As the proposed alternative concept differs considerably from the approved development plan the original annexation agreement must be terminated and an alternative approval process established. Establishing this alternate approval process and preparing all the associated elements for a complete development proposal is a large and costly undertaking. The Zoning Code, Chapter 18 of the LMC would have to be amended to establish the enabling code for a master planned development.

This development proposal includes eight sub-parcels that would be developed in phases over a number of years.

Staff is generally supportive of the proposed alternative concept for a variety of reasons:

- It proposes a wide range of housing types for a range of housing markets and demographics
- It maintains key elements of the original annexation agreement, i.e. buffer to the road, trails, road connection to 'lands beyond', open space dedication to the City,
- The original concept, while keeping with County zoning at the time, is very low density and would create 24 large estate lots which is antithetical to what the City of Langley needs to begin to fill the housing needs
- The proposed gross density is consistent with the RS15000 zone district over the whole subject property, i.e. 3 dwelling units per acre.
- It is consistent with the Comprehensive Plan except for the proposed 'makers' space or light industrial land use designation at the north west corner of the site
- It is designed considering the topography of the site
- Much of the un/under developed land in the City is located where there is no sewer.
- The property is south of the waste water treatment plant so utilities are in close proximity which results in lower long term utility operation and maintenance costs.
- Over 60% of the site is proposed to remain as open space including walking trails through the site and two dog parks
- Includes an area for a 'maker's space', a use which is currently not permitted in the City but is supported in the Comprehensive Plan

There are many issues and details that would need to be worked out should we move through this process. This discussion is preliminary and is intended to introduce this alternate development proposal to PAB and Council and to receive some initial comments.

Process

The existing annexation agreement would remain in place until such time that Council approves an alternate development proposal.

A Memorandum of Understanding (MOU) or letter of intent would be prepared to identify the necessary procedural steps for the proposed development concept to move from concept to an application submittal.

The MOU/letter of intent would outline the process to move the request forward, an agreement that the developer is responsible for all costs incurred by the City in processing the proposed master plan (Staff, Legal, Technical Consultants), outline a preliminary public consultation strategy. The requirement for the developer to cover these costs is generally a requirement in a master plan development code.

The draft concept includes a 'makers' space or light industrial type of use in the north east corner. This use is not permitted on Map LU-10 Land Use designation map and would therefore require an amendment to the Comprehensive Plan to permit non-residential uses on the subject property. Any proposed Comp Plan amendment would have to be considered concurrently with the master plan application in order that the latter is consistent with the Comp Plan. As there is no light industrial/maker zone district currently in the LMC, this zone would also have to be created and adopted.

Once the MOU is signed the City, with financial support from the developer, would begin to prepare a master plan development ordinance. This new code would have to be adopted prior to any application being made. Gig Harbor and Black Diamond are useful precedence. A new master plan development ordinance would detail the application process and requirements; permitted uses; development and design standards; performance standards which may be altered and those which may not be altered; approval criteria; defines minor and major amendments and the process to amend an approved master planned development; approving authority and process; revocation of an approved permit.

Minimum application submissions are anticipated to include: SEPA checklist; bio-physical/environmental assessment; traffic study; utility; drainage and stormwater plans; phasing plan; design standards and guidelines; affordable housing units; housing typologies; parks/open space dedication, design and long-term maintenance requirements; tree preservation strategy; landscaping guidelines; circulation plan including non-motorized transport; off-site improvements; phasing plan etc. The SEPA determination would be undertaken following the submission of a complete application and confirmation of a complete application.

The Parks and Open Space Commission has begun investigating trail connections from this property to other parts of the City. This activity is ongoing.

Issues that have been identified that will need to be addressed through the process include critical areas protection and mitigation and traffic impacts at Coles Road and Hwy 525, as well as at Brooks Hill Road. Additional issues will be identified as we move through this consideration process.

The purpose of this report/presentation is to inform the PAB and Council of a proposed alternative development proposal and to get a sense of its willingness to consider an alternative to the annexation/development agreement. Also, to request consideration of the City to enter into a MOU with the developer to continue to move this development concept forward.

Considering an alternative development concept and beginning to create a process does not grant any permission for the new proposal. The existing annexation/development agreement would remain in place until such time that a new ordinance and code are prepared and an alternative development proposal has been applied for and approved.

Recommendation

To review a preliminary proposal for consideration of preparing a memorandum of understanding (MOU)/letter of intent with the developer to continue to move this alternative development concept forward and to provide Council and the applicant with preliminary comments.

Attachments

Attachment No. 1 - Developer's Narrative

Attachment No. 2 – Tabulations

Attachment No. 3 – Site plans (12 sheets)