

## Chapter 21.37 DEVELOPMENT AGREEMENT PROCEDURE AND CRITERIA

### SECTIONS:

- 21.37.010 **Scope.**
- 21.37.020 **Purpose.**
- 21.37.030 **Authority.**
- 21.37.040 **Public hearing.**
- 21.37.050 **Real property covered.**
- 21.37.060 **Agreement contents.**
- 21.37.070 **Decision criteria.**
- 21.37.080 **Recording.**

**21.37.010** **Scope.** This chapter establishes the procedure and criteria for development agreements between the city and a person who owns or controls real property, pursuant to RCW 36.70B.170 through 36.70B.210.

**21.37.020** **Purpose.** Certainty in the development review process can significantly encourage development or redevelopment of real property. This certainty is especially important for large-scale or multiphase developments that take years to complete and that require substantial financial commitments at an early stage. The city may, when appropriate, enhance certainty by entering into a development agreement with a project sponsor that addresses the “ground rules” for review of the development application and construction of the project. A development agreement provides the opportunity for the city and the developer to agree on the scope and timing of the project, applicable regulations and requirements, mitigation requirements and other matters relating to the development process. A development agreement promotes the general welfare by balancing the public and private interests, providing reasonable certainty for a development project, and addressing other matters, including reimbursement over time for the financing of public facilities. Development agreements may provide public benefits such as affordable housing, pedestrian-oriented communities, mixed use development and creation of public amenities such as park and open spaces.

**21.37.030** **Authority.** Pursuant to RCW 36.70B.170 through 36.70B.210, and as a legislative action, the City Council may approve and enter into a development agreement with any person, partnership, corporation or other entity that controls real property.

**21.37.040** **Public hearing and notice.**

- (1) Pursuant to WMC 17.07030, the Planning Commission shall hold a public hearing on a proposed development agreement prior to the City Council acting on the proposed agreement.
- (2) A notice of the public hearing on a proposed development agreement shall be prepared and distributed pursuant to Chapter 17.11 WMC.

**21.37.050** **Real property covered.** A development agreement may apply to any real property within the city and to any real property within the city’s urban growth area.

- 21.37.060**      **Agreement contents.** A proposed development agreement shall, at a minimum, include provisions required by RCW 36.70B.170 through 36.70B.210, and shall set forth the development standards and other provisions that shall apply to and govern the use and development of the real property for the duration specified in the agreement not to exceed ten (10) years. An agreement may also contain such other provisions as the city and the property owner or person controlling the property may mutually agree on, such as, but not limited to, the financing for or timing of mitigation and the vesting of development rights. A development agreement shall be consistent with applicable development regulations. Each development agreement shall include findings of consistency for any modification to existing regulations and standards.
- 21.37.070**      **Decision criteria.** The City Council may approve by resolution and enter into a proposed development agreement if the Council finds, in its sole discretion that a proposed agreement is consistent with the City's Comprehensive Plan, the development regulations and the purpose of this chapter and that entering into the agreement is in the City's best interest.
- 21.37.080**      **Recording.** The development agreement shall include a provision that requires the applicant to record the agreement with the county auditor of the county in which the subject property is located.