

## Chapter 14.14

### DEVELOPMENT AGREEMENTS

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#### **14.14.010 Purpose.**

This Chapter establishes the mechanism under which the County may enter into development agreements as authorized by RCW 36.70B.170. (Ord. O2005009 (part); Ord. 17938 Attch. F (part), 2000)

#### **14.14.020 Development agreements—Basic requirements.**

- (1) Discretion to Enter Development Agreement. A development agreement is an optional device that may be used at the sole discretion of the County.
- (2) Who May Enter. The property owner and the County shall be parties to a development agreement; provided, that if a proposed development is within an adopted municipal UGA, the applicable town or city shall also be a party to the agreement. The following may be considered for inclusion as additional parties in a development agreement: contract purchasers, lenders, third-party beneficiaries and utility service providers.
- (3) Content of Development Agreements. A development agreement shall set forth the development standards and other conditions that shall apply to and govern the development, use and mitigation of the property subject to the agreement.
- (4) When Development Agreements May Be Approved. A development agreement may be entered into prior to, concurrent with or following approval of project permits for development of the property.
- (5) Consistency with Unified Development Code. The development standards and conditions set forth in a development agreement shall be consistent with the applicable development regulations set forth in the Unified Development Code. (Ord. O2005009 (part); Ord. 17938 Attch. F (part), 2000)

#### **14.14.030 Development standards to be addressed in development agreements.**

- (1) A development agreement shall include 1 or more of any of the following types of development controls and conditions:
  - (a) Project elements such as permitted uses, residential densities and nonresidential densities, intensities and/or building sizes;
  - (b) Impact fees, impact fee reimbursement provisions, other financial contributions by the property owner and dedications;
  - (c) Mitigation measures pursuant to environmental review;
  - (d) Design standards such as maximum heights, setbacks, drainage and water quality requirements and landscaping;
  - (e) Affordable housing;
  - (f) Parks and open space preservation;
  - (g) Phasing;
  - (h) Other appropriate development requirement.
- (2) Controls and conditions may be set forth by reference to applicable code sections.
- (3) Development agreements shall:
  - (a) Specify a termination date upon which the agreement expires;
  - (b) Establish a vesting period for applicable standards; and
  - (c) Reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety. (Ord. O2005009 (part); Ord. 17938 Attch. F (part), 2000)

**14.14.040 Procedures.**

- (1) A development agreement shall be initiated by a written request from the property owner to Planning and Development Services.
- (2) If the Administrative Official determines in his or her discretion that a development agreement should be considered by the County, the property owner shall be so informed, except where a development agreement is specifically authorized by the Board of County Commissioners.
- (3) A development agreement for a development of more than 51 lots or residential dwelling units or more than 50,000 square feet of commercial or industrial building shall be processed as a Level III-PC application. Development agreements smaller than these thresholds shall be processed as a Level III-HE application, pursuant to the requirements of Chapter 14.06 SCC, Permit Procedures.
- (4) When a development agreement is being considered prior to project permit approvals, the property owner shall provide the County with the same information that would be required for a complete application for such project permits in order for the County to determine the development standards and conditions to be included in the development agreement.
- (5) When a development agreement is being considered following approval of project permits, the development standards and other conditions set forth in such project permits shall be used in the development agreement without modification.
- (6) The Board of County Commissioners may, in its sole discretion, approve the development agreement.
- (7) An approved and fully executed development agreement shall be recorded with the County Auditor. (Ord. O20070009 (part); Ord. O2005009 (part); Ord. 17938 Attch. F (part), 2000)

**14.14.050 Effect of development agreement.**

- (1) A development agreement is binding on the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area covering the property subject to the development agreement.
- (2) A development agreement shall be enforceable during its term by a party to the agreement.
- (3) A development agreement shall govern during the term of the agreement all 'or that part of the development specified in the agreement and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement.
- (4) Permits issued by the County after the execution of the development agreement shall be consistent with the agreement. (Ord. O2005009 (part); Ord. 17938 Attch. F (part), 2000)