

Chapter 25.28

DEVELOPMENT AGREEMENTS

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1 **25.28.010 Purpose**

- 2
3 (a) This Chapter establishes the mechanism under which the County may enter into Development
4 Agreements as authorized by RCW 36.70B.170.
5

6 **25.28.020 Development Agreements - Basic Requirements**

- 7
8 (a) Discretion to Enter Development Agreement. A Development Agreement is an optional device that
9 may be used at the sole discretion of the County.
10
11 (b) Who May Enter. The property owner and the County shall be parties to a Development Agreement,
12 provided that if a proposed development is within an adopted municipal UGA, the applicable town
13 or city shall also be a party to the agreement. The following may be considered for inclusion as
14 additional parties in a Development Agreement: contract purchasers, lenders, third-party
15 beneficiaries and utility service providers.
16
17 (c) Content of Development Agreements. A Development Agreement shall set forth the development
18 standards and other conditions that shall apply to and govern the development, use and mitigation of
19 the property subject to the agreement.
20
21 (d) When Development Agreements May Be Approved. A Development Agreement may be entered
22 into prior to, concurrent with or following approval of project permits for development of the
23 property. Where so authorized under Chapter 23.04 in Tables 3, 4 and 5, a Development Agreement
24 may be authorized in lieu of a conditional use permit review process.
25
26 (e) Consistency with Uniform Development Code. The development standards and conditions set forth
27 in a Development shall be consistent with the applicable development regulations set forth in the
28 UDC.
29

30 **25.28.030 Development Standards to be Addressed in Development Agreements**

- 31
32 (a) A Development Agreement shall include, but need not be limited to, one or more of any of the
33 following types of development controls and conditions:
34 (1) Project elements such as permitted uses, scale and intensity of use, and/or building sizes;
35 (2) Reimbursement provisions and other financial contributions by the property owner and
36 dedications;
37 (3) Mitigation measures pursuant to environmental review;
38 (4) Design standards such as maximum heights, setbacks, drainage and water quality requirements
39 and landscaping;
40 (5) Traffic control and police protection requirements;
41 (6) Phasing;
42 (7) Other appropriate development requirements.
43
44 (b) Controls and conditions may be set forth by reference to applicable code sections.
45
46 (c) Development Agreements shall:
47 (1) Specify a termination date upon which the Agreement expires;
48 (2) Establish a vesting period for applicable standards; and
49 (3) Reserve authority to impose new or different regulations to the extent required by a serious
50 threat to public health and safety.

1 **25.28.040 Procedures**

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- 3 (a) A Development Agreement shall be initiated by a written request from the property owner to the
- 4 Department.
- 5
- 6 (b) If the Administrative Official determines in his or her discretion that a Development Agreement
- 7 should be considered by the County, the property owner will be so informed.
- 8
- 9 (c) When a Development Agreement is being considered prior to project permit approvals, the property
- 10 owner shall provide the County with the same information that would be required for a complete
- 11 application for such project permits in order for the County to determine the development standards
- 12 and conditions to be included in the Development Agreement.
- 13
- 14 (d) When a Development Agreement is being considered following approval of project permits, the
- 15 development standards and other conditions set forth in such project permits shall be used in the
- 16 Development Agreement without modification.
- 17
- 18 (e) The Board of County Commissioners may, in its sole discretion, approve the Development
- 19 Agreement.
- 20
- 21 (f) An approved and fully executed Development Agreement shall be recorded with the County
- 22 Auditor.
- 23

24 **25.28.050 Effect of Development Agreement**

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- 26 (a) A Development Agreement is binding on the parties and their successors, including a city that
- 27 assumes jurisdiction through incorporation or annexation of the area covering the property subject to
- 28 the Development Agreement.
- 29
- 30 (b) A Development Agreement shall be enforceable during its term by a party to the agreement.
- 31
- 32 (c) A Development Agreement shall govern during the term of the agreement all or that part of the
- 33 development specified in the agreement and may not be subject to an amendment to a zoning
- 34 ordinance or development standard or regulation or a new zoning ordinance or development standard
- 35 or regulation adopted after the effective date of the agreement.
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- 37 (d) Permits issued by the County after the execution of the Development Agreement shall be consistent
- 38 with the agreement.
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