

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON,
APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF OLYMPIA
AND WEST BAY DEVELOPMENT GROUP, LLC FOR DEVELOPMENT OF CERTAIN REAL
PROPERTY.**

WHEREAS, RCW 36.70B.170(1) authorizes the execution of a development agreement between a local government and a person or entity having ownership or control of real property within its jurisdiction; and

WHEREAS, a development agreement made pursuant to that authority must set forth the development standards and other provisions that apply to, govern, and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement; and

WHEREAS, the City of Olympia (City) and West Bay Development Group, LLC have negotiated terms and conditions for the development of real property commonly known as West Bay Yards, which consists of property located at 1210 West Bay Drive NW, Olympia, Washington (the Property), which West Bay Development Group, LLC purchased from the Hardel Mutual Plywood Corporation; and

WHEREAS, West Bay Development Group, LLC intends to provide on the Property approximately 478 market-rate rental housing units in five mixed-use buildings and approximately 20,500 square feet of complimentary retail, restaurant, and recreation uses. The project will include public access amenities and shoreline restoration along the property boundary consistent with the recommendations identified in the *City of Olympia West Bay Environmental Restoration Assessment Final Report* (Coast & Harbor Engineering, 2016) for “Reach 5 – Hardel Plywood”, which will provide a public benefit to the Olympia community; and

WHEREAS, on November 10, 2020, the City’s SEPA (State Environmental Policy Act) Responsible Official issued a “determination non-significance” (DNS), documenting her conclusion that entering into the Development Agreement as proposed would probably will not have a significant adverse impact upon the environment (this DNS did not consider the possible environmental impacts of the development project itself, as those possible impacts will be considered at a later stage, after the City receives a development application for the Property); and

WHEREAS, on December 1, 2020, a local organization, Olympia Coalition for Ecosystems Preservation, appealed to the City’s Hearing Examiner the City’s issuance of the SEPA DNS, claiming that the City should have considered the possible environmental impacts of the development project itself, rather than just the possible environmental impacts of entering into the Development Agreement; and

WHEREAS, on February 17, 2021, following a hearing held February 11, 2021 on Olympia Coalition for Ecosystems Preservation’s motion for summary judgment and West Bay Development Group’s cross-motion for summary judgment, the Hearing Examiner issued a decision denying Olympia Coalition for Ecosystems Preservation’s appeal, concluding as a matter of law that the City’s SEPA DNS was adequate because it reflected proper consideration of the possible environmental impacts of entering into the Development Agreement and that the City was not, at this stage, required to consider the impacts of the development itself; and

WHEREAS, pursuant to RCW 36.70B.200, the Olympia City Council held a public hearing on March 23, 2021, and considered testimony from the public and City staff on the proposed Development Agreement; and

WHEREAS, the Development Agreement adopted by this Resolution meets the requirements of RCW Chapter 36.70B and OMC Chapter 18.56 and is consistent with applicable development regulations; and

WHEREAS, the City reserves its authority to impose new or different regulations to the extent required by a serious threat to public health and safety; and

WHEREAS, the Olympia City Council deems it to be in the best interest of the City of Olympia to enter into a Development Agreement with West Bay Development Group, LLC for the development of the mixed-use project providing shoreline restoration and public access amenities;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

1. The Olympia City Council hereby approves the Development Agreement between the City of Olympia and West Bay Development Group, LLC for Development of Certain Real Property identified in the Agreement and the terms and conditions contained therein.
2. The City Manager is authorized and directed to execute on behalf of the City of Olympia the Development Agreement between the City of Olympia and West Bay Development Group, LLC for the Development of Certain Real Property, and any other documents necessary to execute said Agreement, and to make any minor modifications as may be required and are consistent with the intent of the Agreement, or to correct any scrivener's errors.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY