



Land Use & Environment Committee

Future Development Agreements Process

Agenda Date: 5/27/2021
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Title

Future Development Agreements Process

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Discussion only. No action requested.

Report

Issue:

Discuss process for consideration of potential future development agreements.

Staff Contact:

Leonard Bauer, Director, Community Planning and Development. 360.753.8206

Presenter(s):

Leonard Bauer, Director, Community Planning and Development

Tim Smith, Planning and Engineering Manager, Community Planning and Development

Background and Analysis:

Legal Requirements for Development Agreements

Chapter 36.70B.170 of the Revised Code of Washington (RCW) authorizes cities to enter into a written development agreement with a property owner. Washington Administrative Code (WAC) 365-196-845 provides additional guidance for cities. The City of Olympia's procedures for development agreements are contained in Chapter 18.53 of the Olympia Municipal Code (OMC).

The Municipal Research and Services Center (MRSC) website includes a useful overview and examples of development agreements (attached).

Olympia's Process for Development Agreements

Consideration of a development agreement may be initiated by City Council or council committee, or requested by the planning commission, City Staff, or the property owner. Development agreements are not required by the City.

Any person intending to propose a development agreement must first meet with City staff for purposes of discussing parameters of the proposal and understanding the applicable procedures. Because they are negotiated agreements between the City and a property owner, development agreements are typically the subject of multiple discussions before being filed as an application with the City.

A development agreement is one of the few tools in the Olympia Municipal code that allow projects to be phased over several years. Development agreements may address a wide variety of topics, including but not limited to installation of public improvements, land acquisitions or dedications, payments for public benefits or mitigation, housing affordability, and public access or open space.

Following is a brief summary of additional procedures and requirements for proposed development agreements:

- The City Council is the authority to make a final decision on a development agreement.
- The City Council must hold a public hearing on the development agreement. Notice for the public hearing is provided consistent with the City's public notice requirements (OMC 18.78.040).
- A development agreement must be heard by the City Council prior to consideration of any application for development.
- A development agreement must be consistent with existing City regulations as they would apply to the development. It may address methods for achieving the development standards and other applicable requirements, vesting of the development-to-development standards, the time frame of the agreement, and any mitigation measures to address potential impacts of the agreement.
- A development agreement must reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.
- Development agreements are recorded with Thurston County and remain in force and applicable to the property according to the terms of the agreement, even if the property is sold or transferred to another party.

Neighborhood/Community Interests (if known):

Development agreements would be of interest community-wide, particularly the neighborhood in which the subject property is located.

Options:

Following discussion, Committee members may wish to:

1. Recommend a referral from City Council to consider amendments to OMC 18.53
2. Provide guidance to staff regarding topics to consider in future development agreements.
3. Discuss further at another time.

Financial Impact:

This is for discussion only with no immediate impacts. If amendments to OMC 18.53 are proposed, additional resources would be needed for Olympia Planning Commission and City staff work programs.

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Attachments:

MRSC web page