

Development Agreements in Clark County

Clark County Council Hearing

November 5, 2019, 10:00 a.m.

Public Service Center, 6th Floor Hearing Room

1300 Franklin Street, Vancouver



Agenda

1. Purpose of Development Agreements
2. State Law
3. Recent Development Agreements
4. Existing Conditions
5. Advantages to Development Agreement Procedures
6. Best Practices
7. Jurisdiction Comparison
8. Proposed Procedures
9. Questions



Purpose of Development Agreements

- Authorized by the Washington state legislature in 1995 to:
 - Provide assurance to development projects;
 - Strengthen the public planning process;
 - Encourage private participation and comprehensive planning; and
 - Reduce the economic costs of development.

[RCW 36.70B.170-210 and WAC 365-196-845(17)]



Clark County Recent Development Agreements

- Three Creeks Development Agreements (2019)
- Cornerstone Academy (2018)
- Austin Heritage (2018)
- Dewitt Development Agreement (2017)
- Rock Lake Ranch Development Agreement (2017)
- Whipple Creek Village (2016)



Existing Conditions

- No formal process for negotiating development agreements leading to:
 - Inefficiency
 - Policy Negotiation
 - Public Process
 - Uncertainty for Developers



Advantages to Development Agreement Procedures

- Identification of Benefits
- Council Involvement
- Encourage Creative Developments
- Identification of Impacts and Mitigation Necessary
- Assessment of Proportionate Fees
- Focused Staff Resources

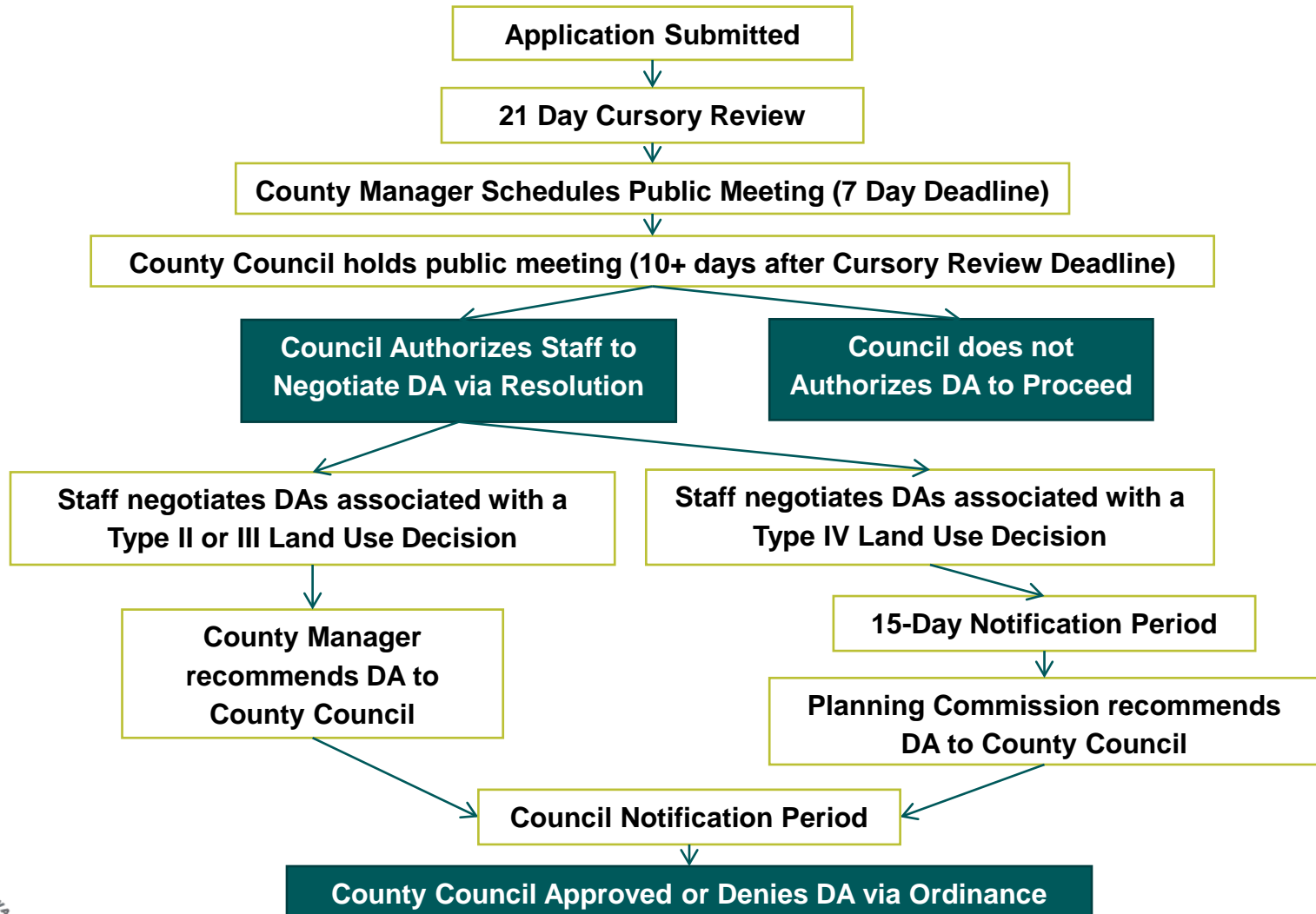


Best Practices

- Application Process
- Negotiation Assignment
- Adopted Procedures
- Criteria
- Default, Remedies and Termination
- Non Performance Issues
- Indemnification and Hold Harmless Provisions



Clark County Proposed Procedures



Comments Received

- WSDOT
 - “requests to be included early in the development agreement discussion for all new and revised development agreements located in proximity to state transportation facilities, as well as, proposed developments with traffic volumes that could impact state transportation facilities.”
- Friends of Columbia Gorge
 - “The GMA does not apply within the National Scenic Area so development agreements authorized under the GMA are not allowed in the NSA... the proposed procedures be updated to explicitly make them inapplicable within the NSA.”



Planning Commission Recommendation

On Aug. 15, 2019, the Planning Commission voted 4 to 0 to recommend to the County Council that it **approve** the proposal to add new Title 40, Section 40.550.030 to create a consistent process and criteria for review of proposed development agreements.



DEAB Recommendation

- The Development Engineering Advisory Board recommended approval with changes to add Section 40.550.030 to the Clark County Unified Development Code Title 40.
- Additional changes to the proposed code were suggested by Clark County Council at the work session on Oct. 9, 2019.
- The final draft code, which includes the DEAB recommendations and council requests, are proposed for adoption.

