

# Development Agreements in Clark County

Development and Engineering Advisory Board  
2:30-4:30 p.m. August 1, 2019  
Public Service Center, 6<sup>th</sup> Floor Training Room  
1300 Franklin St., Vancouver



# Agenda

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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

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- Authorized by the WA 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.



# State Law

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- RCW 36.70B.170-210: Development Agreements Authority, Effects, Recording, Public Hearing, and Fees
- WAC 365-196-845(17): Codifies the regulations of RCW 36.70B.170-210.



# 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

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





# Advantages to Development Agreement Procedures

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



# Best Practices

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

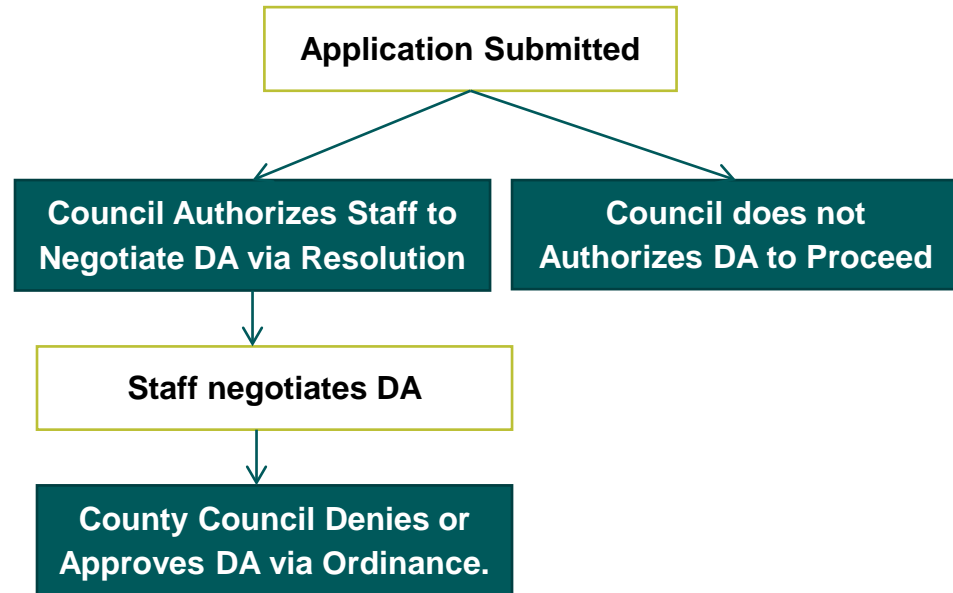




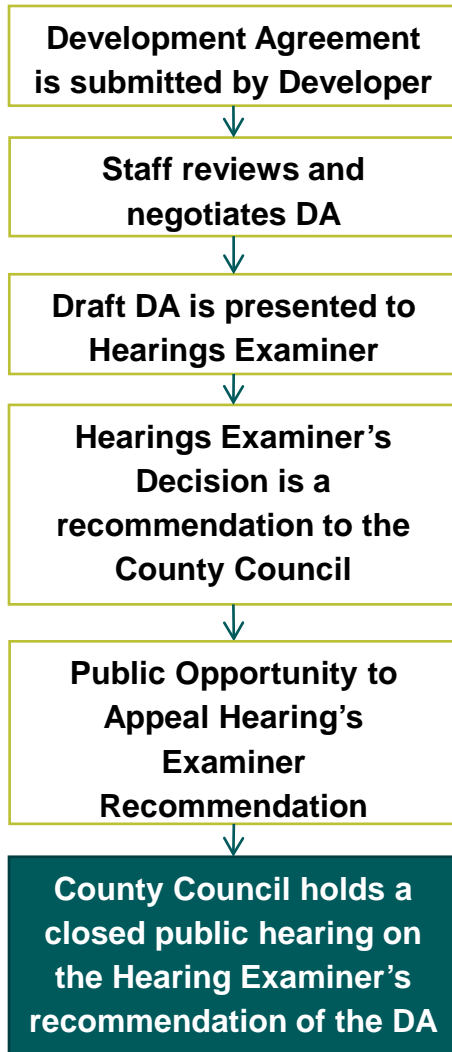
# Pierce County Procedures

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1. DA is submitted by the developer
2. County Council initiates DA review through an adopted resolution
3. Staff reviews and negotiate terms and conditions of DA
4. County Council considers DA in public hearing
5. County Council adopts ordinance authorizing County Manager to enter into the approved DA
6. DA recorded with the County Auditor



# Snohomish County Procedures

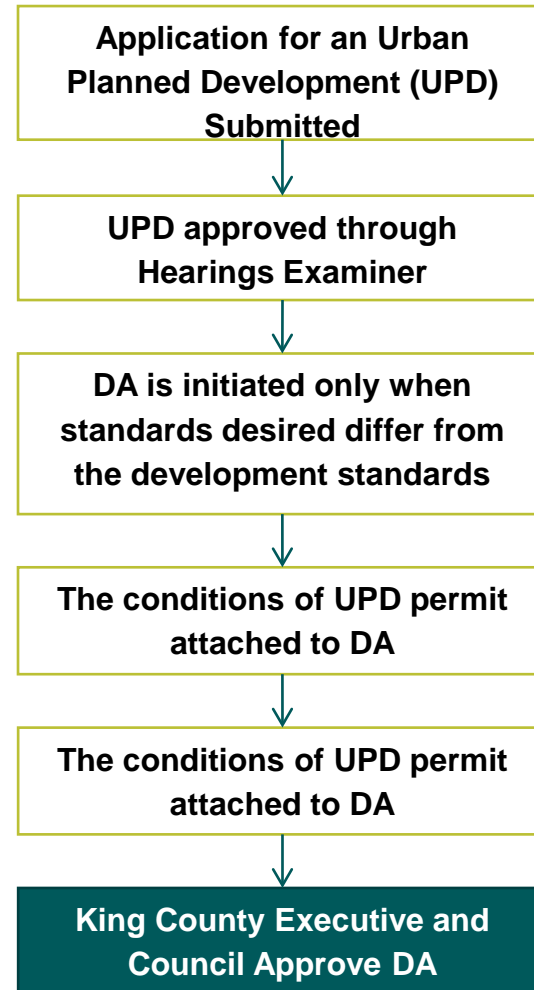


1. DA is submitted by the developer
2. Staff reviews and negotiate terms and conditions of DA
3. DA is presented to the hearing examiner
4. Hearing examiner makes recommendation on DA
5. Party of record may request review of the hearing examiner's recommendation
6. If no party of record requests review of the hearing examiner's recommendation, the department forwards the recommendation to the County Council in a closed public hearing
7. County Council considers DA and adopts ordinance
8. DA is recorded with County Auditor



# King County Procedures

1. Applicant submits an application for an urban planned development (UPD) permit
2. The UPD is reviewed by a Hearings Examiner.
3. When development standards differ from those allowed in the development standards, a DA is initiated.
4. County Council DA in public hearing
5. County Council approved the UPD and adopts DA ordinance
6. DA is recorded with County Auditor.



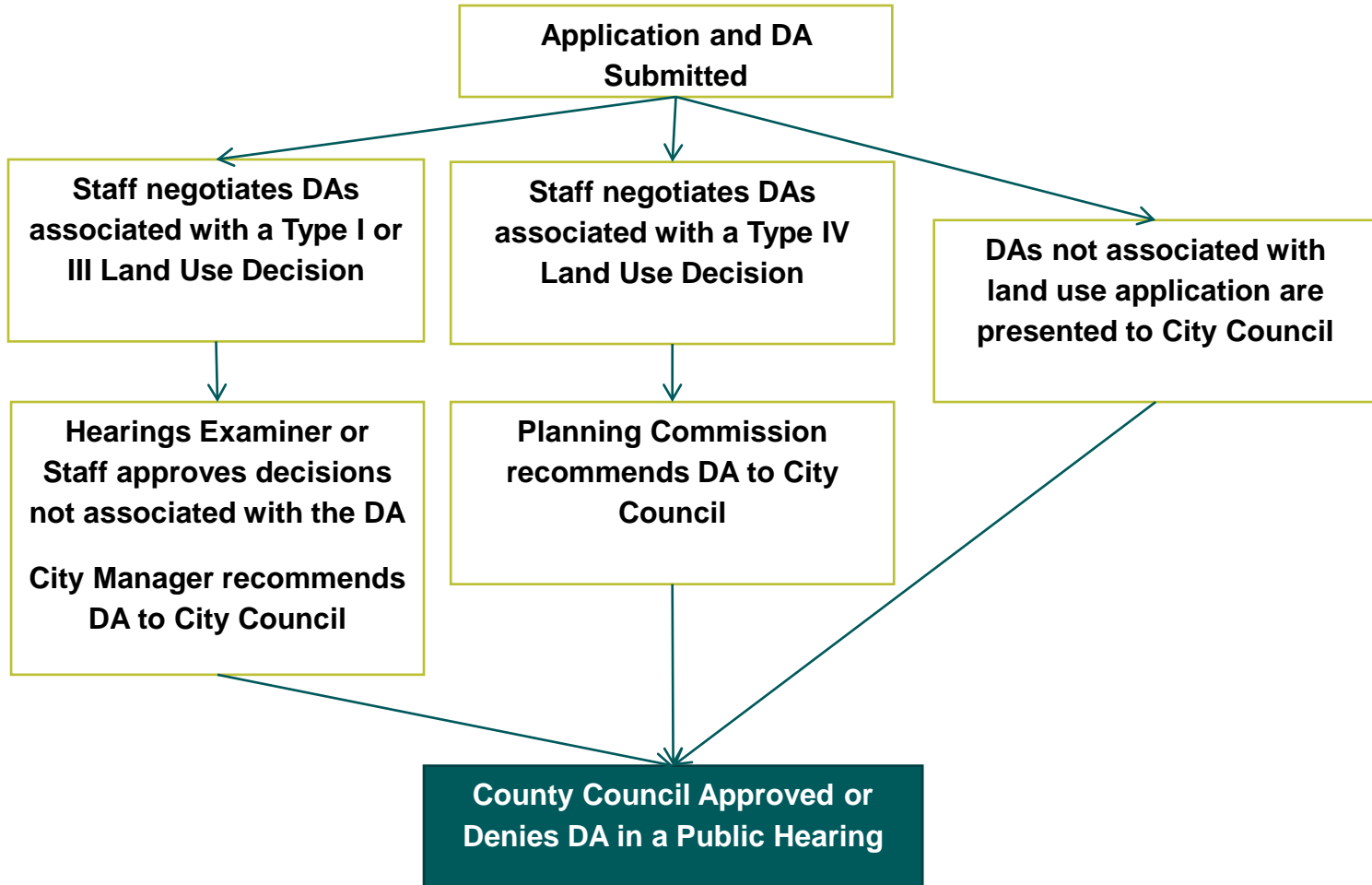
# City of Vancouver Procedures

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1. Development Agreements not associated with a land use application are presented to the City Council
2. Development Agreements associated with a Type I or III land use application receive approval from the review body on portions of the land use application not related to the development agreement
3. Development Agreements associated with a Type IV land use application receive the Planning Commission's recommendation on portions of the land use application not related to the development agreement
4. The City Council considers the development agreement in a public hearing
5. The City Council approves the development agreement by ordinance or resolution
6. The City records the Development Agreement with the County Auditor



# City of Vancouver Procedures (Continued)



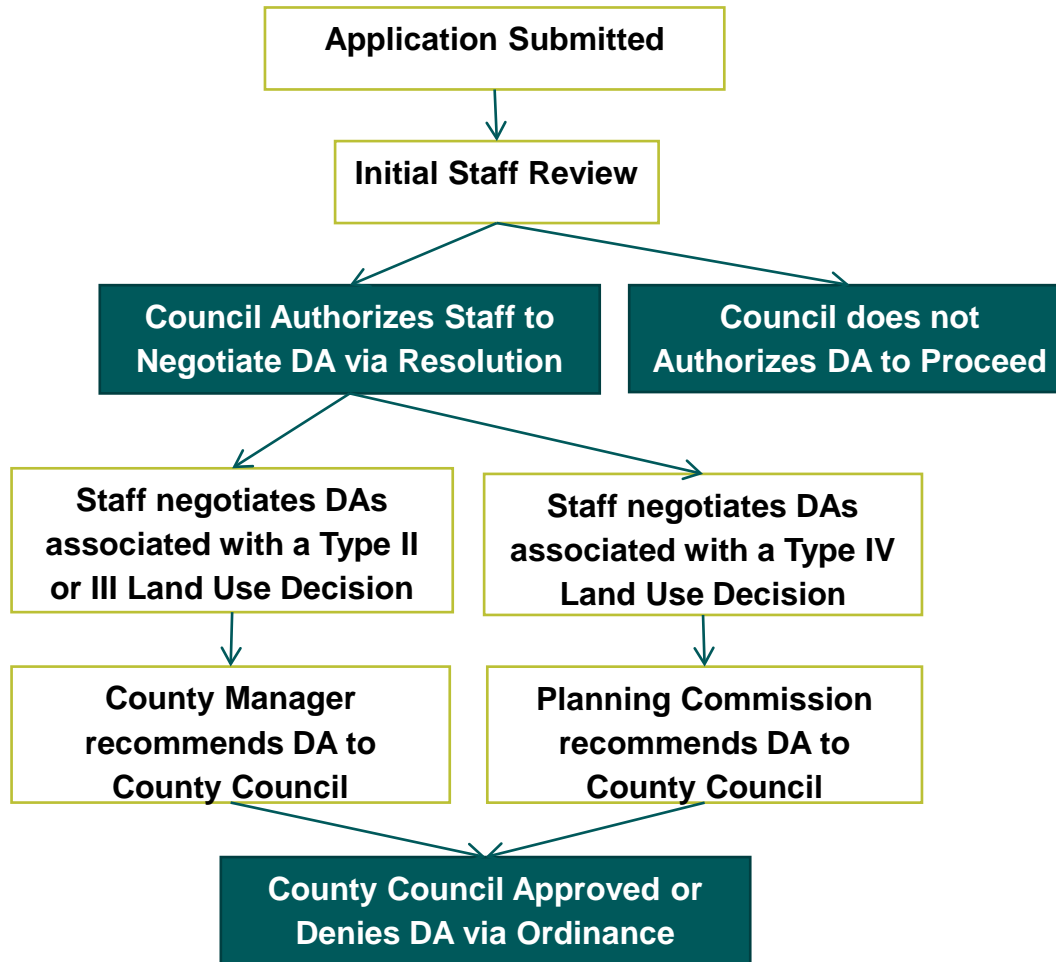
# Clark County Proposed Procedures

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1. Application Submitted
2. Preliminary Review
3. Initial Authorization by the Clark County Council (Resolution)
4. Negotiation and Recommendation
5. DAs associated with a Type II or III land use application are recommended by the County Manager to the Council
6. DAs associated with a Type IV legislative decision are recommended by the Planning Commission to the Council
7. Final Consideration by Clark County Council (Ordinance)
8. DA recorded with the County Auditor



# Clark County Proposed Procedures (Continued)





# DEAB Recommendation

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- August 1, 2019 Introduction
- September 5, 2019 DEAB Recommendation
- Title 40 Development Code Update
- County Council work session on Planning Commission and DEAB recommendations
- County Council Adoption of Procedures



# Conclusion

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- Questions?



# Thank you!

Clark County Public Service Center

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