

18.60.010 Statutory development agreements authorized.

The city council hereby adopts the authority allowed by RCW [36.70B.170](#) to [36.70B.210](#) to enter into development agreements with the owners and developers of real property and to specify in advance some or all of the terms and conditions under which development will occur as specified in this chapter. The purpose of a development agreement is to offer flexibility in development standards and City regulations in exchange for an offsetting benefit to the City of equal or greater value. Per RCW 36.70B.170, the execution of a development agreement is a proper exercise of City police power and contract authority, including zoning and types of uses, development standards, size and density, timing and phasing, the provision of and payment for urban services, needed infrastructure components, annexation and any other matters the city deems to be necessary or appropriate under the circumstances of a particular property or development proposal.

18.60.020 General Provisions.

- (1) A development agreement shall be consistent with the applicable policies and goals of the City's comprehensive plan.
- (2) Deviations from Development Standards. A development agreement may allow deviations from development standards imposed under the La Center Municipal Code in exchange for offsetting public benefits including, but not limited to, the following:
 - (a) The provision of public facilities including:
 - i. Public parks and open spaces containing a higher level of amenities than otherwise required by City regulations.
 - ii. Trails, trail connections to the City trail system, and shoreline access in addition to what is required under City plans and regulations.
 - iii. Public streets with additional amenities such as wider sidewalks, bike lanes, and/or landscape strips.
 - iv. Another facility identified in the City Capital Facilities Plan not otherwise required by the development.
 - (b) In order to respond to changing community needs;
 - (c) Provision of affordable housing;
 - (d) Provision of family-wage jobs;
 - (e) The project preserves significant historic structures or demonstrates preservation and enhancement of the existing community character;
 - (f) The project will provide a higher level of urban design than required by existing zoning standards such as additional pedestrian connections, plazas, buildings with a high degree of architectural detail and pedestrian orientation, and a mix of uses.
- (3) Any departure requested by the owner from the development standards of this code through a development agreement shall be offset by the owner's provision of a benefit to the City of equal or greater value relative to the departure requested, as determined by the City.
 - (a) Equivalent value need not be measured monetarily and the proposed benefit need not be of the same type as the existing development standard requirement. For example, the benefit of a public open space dedication may be considered against the benefit of a required street improvement.
 - (b) In no case shall a departure from the development standards be granted if no equivalent or greater benefit to the City is provided.

18.60.0320 Scope of development agreements, appropriate terms and conditions.

The city may enter into a development agreement and attach thereto ~~any~~ terms or conditions deemed necessary and appropriate by the city and consistent with this chapter. Once executed in accordance with this chapter, a development agreement and the development standards it contains shall govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to any subsequent amendments to the city's development code, standards or regulations nor any zoning ordinance or development standard or regulation adopted after the effective date of the agreement except to the extent required by a serious threat to public health and safety. A permit or approval issued by the city after the execution of the development agreement must be consistent with the development agreement.

18.60.0430 Authority to modify Modification of development standards and regulations.

Unless a particular applicable development standard or regulation is expressly varied, modified or limited in a development agreement, the applicable development standards and regulations in effect at the time a development agreement is executed shall control the subject development. The city may vary or modify ~~any~~ development standard or regulation applicable to a development as specified below through a development agreement without the necessity of a separate variance or conditional use permit application or approval, but only by specific reference in the agreement. Development standards and regulations eligible for such modifications, as provided herein, include; ~~but are not limited to dimensional or quantitative standards, submittal requirements, provisions of the city's sewer ordinance (Chapter 13.10 LCMC), timing, phasing and procedural requirements.~~

- (1) The range of uses allowed is limited to permitted uses and conditional uses in the applicable zoning district. may be varied but only if the use proposed is not expressly prohibited in the applicable zone and the city council adopts findings that the proposed use is compatible and consistent with the underlying zone and the uses allowed therein.
- (2) The term of the development agreement is limited to ten years with the ability to extend the agreement for up to an additional ten-year period. The City reserves the right to require compliance with new or updated regulations or policies and to require that new public benefits be provided that were not part of the original development agreement when approving an extension.
- (3) The development agreement may allow for a density increase up to twenty percent for an individual phase of a development in the MDR-16 zoning district; provided that the overall density of the development shall not exceed the overall density allowed. The development agreement shall not modify the density requirements of the LDR-7.5 zoning district.
- (4) Modifications to the dimensional standards in the LDR-7.5 zoning district shall not alter setback requirements but may allow for building coverage and impervious surface increases of up to sixty percent of the area of the lot.

Development agreements cannot modify provisions of:

- (1) LCMC 18.300, Critical Areas;
- (2) The adopted Shoreline Master Program;
- (3) LCMC 18.310, Environmental Policy;
- (4) LCMC 18.320, Stormwater and Erosion Control;
- (5) LCMC 18.360, Archaeologically Sensitive Areas, and;

(6) Title 15, Buildings and Construction;

18.60.0540 Adoption of development agreement, procedures and appeal.

The city shall only approve a development agreement under this chapter by ordinance or resolution after a public hearing before ~~the land use hearings examiner or~~ the city council. ~~If the hearings examiner conducts the public hearing, the examiner's decision shall be in the form of a recommendation to the city council, including findings of fact, conclusions of law and any conditions deemed necessary. In that event, the city council shall hold an on the record review of the recommendation and render a final decision adopting, rejecting or adopting with modifications the examiner's recommendation.~~ If the development agreement relates to a project permit, the city's final decision shall be appealable pursuant to Chapter [36.70C](#) RCW.

18.60.060 Recordation of development agreement.

Development agreements and all terms and conditions shall be binding upon the property owner and all successor owners of the subject property. After approval, a development agreement shall be recorded with the Clark County real property records ~~or otherwise~~ and include terms that provide for a legally binding effect and enforceability upon the property's owner. During the term of the development agreement, the agreement shall be binding on the parties and their successors, regardless of whether the city annexes the subject property.