

# RESOLUTION 1960

## **A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND PUGET WESTERN, INC. FOR THE MARIO COMMERCIAL/LIGHT INDUSTRIAL COMPLEX, AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME**

**WHEREAS**, Puget Western, Inc., a Washington corporation (“the Developer”), has proposed to construct a light industrial office/commercial complex in the Employment Park 1 zoning district (the “Project”) in the City of North Bend (the “City”); and

**WHEREAS**, this form of development is consistent with North Bend’s Comprehensive Plan goals and policies for this area; and

**WHEREAS**, the City and the Developer wish to allow the Project to proceed in two phases, temporarily allowing an onsite septic system which will be decommissioned and abandoned when City sewer infrastructure and services (“City Sewer System”) are available to the Project via a Utility Local Improvement District (the “ULID”) or otherwise; and

**WHEREAS**, the Developer has agreed to and shall participate in the formation of such a ULID if and when approved by the City Council for the purpose of funding and constructing City sewer infrastructure to the Project and other properties participating in the ULID, or connect to the City Sewer System as soon as available to the Project through other means; and

**WHEREAS**, the Washington State Legislature has authorized the execution of a development agreement between a local government and a person having ownership or control of real property within its jurisdiction (RCW 36.70B.170(1)); and

**WHEREAS**, a development agreement must set forth the development standards and other provisions that shall apply to, govern, and vest the development, use and mitigation of the real property for the duration specified in the agreement (RCW 36.70B.170(1)); and

**WHEREAS**, a development agreement must be consistent with the applicable development regulations adopted by local government planning under RCW Chapter 36.70A; and

**WHEREAS**, a development agreement must be approved by ordinance or resolution

after a public hearing pursuant to RCW 36.70B.200; and

**WHEREAS**, on September 24, 2020 the Planning Commission held a Public Hearing on this Agreement, and after which, made a recommendation of approval; and

**WHEREAS**, on November 3, 2020, the City Council passed Resolution No. 1960, approving and authorizing the Mayor to enter into this Agreement on behalf of the City;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** The City hereby approves the Development Agreement Between the City of North Bend and Puget Western, Inc. for the construction of a light industrial office/commercial complex attached hereto as Exhibit A - Development Agreement, or in a substantially similar form, in a final form acceptable to the City Attorney, and authorizes the Mayor to execute the same.

**PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3<sup>RD</sup> DAY OF NOVEMBER, 2020.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Rob McFarland, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Effective: November 3, 2020  
Posted: November 4, 2020

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**Susie Oppedal, City Clerk**