

**CITY OF STANWOOD**  
**Stanwood, Washington**

**RESOLUTION NO. 2019-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON APPROVING THE VON MOOS DEVELOPMENT AGREEMENT BETWEEN BRIAN AND KERI VON MOOS AND THE CITY OF STANWOOD.**

**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 development of the real property for the duration specified in the agreement (RCW 36.70B.170 (1)); and

**WHEREAS**, for the purposes of this development agreement, “development standards” includes, but is not limited to, all of the standards listed in RCW 36.70B.170 (3); and

**WHEREAS**, a development agreement must be consistent with the applicable development regulations adopted by a local government planning under chapter 36.70A RCW (RCW 36.70B.170 (1)); and

**WHEREAS**, the location of the subject properties depicted in the development agreement between Brian and Keri Von Moos and the City of Stanwood is at the northeast corner of 284<sup>th</sup> Street NW and 80<sup>th</sup> Avenue NW with the address 7831 284<sup>th</sup> Street NW; and

**WHEREAS**, the development agreement includes Lots 79, 80 and 81 of the Stanwood Schmitt Preliminary Plat; and

**WHEREAS**, the development agreement shall be vested to the following studies related to the Stanwood Schmitt Plat and are listed in Exhibit E of the agreement and include: Traffic Impact Analysis, Critical Areas Study, Stormwater Drainage Report, SEPA Checklist and MDNS; and

**WHEREAS**, the development agreement is consistent with the Comprehensive Plan and meets the requirements and intent of the Plan, including Land Use Policy 19.3 (K), Housing Goals 2 and 4, Housing Policies 3.1, 4.2, 4.4 and 9.3; and

**WHEREAS**, the development agreement meets the zoning requirements of the Traditional Neighborhood zoning by providing the third housing type within the Stanwood Schmitt Preliminary Plat project; and

**WHEREAS**, the City issued a Notice of Application and SEPA Determination of Non-Significance on July 2, 2019 and was circulated for public comments; and

**WHEREAS**, the City Council Community Development Committee reviewed the proposed development agreement at their August 8, 2019 and October 10, 2019 meeting; and

**WHEREAS**, the City issued a Notice of Public Hearing before the Hearing Examiner on August 6, 2019 and was circulated for public comments; and

**WHEREAS**, the Hearing Examiner held a Public Hearing on August 20, 2019 and made a recommendation to the City Council to approve the development agreement on August 27, 2019; and

**WHEREAS**, the City issued a Notice of Public Hearing before the City Council on October 8, 2019 and was circulated for public comments; and

**WHEREAS**, the City Council held a Public Hearing on October 24, 2019 at the regular scheduled council meeting; and

**WHEREAS**, the City received no public comments during the Notice of Application, SEPA Determination or Notice of Public Hearing comment periods; and

**WHEREAS**, the proposed Development Agreement meets all regulatory requirements of the Stanwood Municipal Code, Stanwood Comprehensive Plan, Stanwood Street and Utility Standards and Washington State Regulations.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON AS FOLLOWS:**

**Section 1:** Adoption of Von Moos Development Agreement. The City of Stanwood adopts the Von Moos Development Agreement between Brian and Keri Von Moos and the City of Stanwood, as attached as Attachment "A" and incorporated herein by reference.

**Section 2:** Recording of the Development Agreement. The development agreement can only be recorded after the underlying plat (Stanwood Schmitt Preliminary Plat) is finalized and recorded. The property owner of the plat has five years from the date the preliminary plat is approved to record the final plat. The expiration date for recording the final plat and development agreement is February 8, 2024. If the final plat is not recorded within the timeframe then the development agreement becomes null and void.

**Section 3:** Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Resolution are authorized to make necessary corrections to this Resolution including, but not limited to, the correction of scrivener's clerical errors, references, resolution numbers, section/subsection numbers and any references thereto.

PASSED by the City Council and APPROVED by the Mayor this 24 day of October, 2019.

CITY OF STANWOOD

By   
Leonard Kelley, Mayor

ATTEST:

By   
David Hammond, City Clerk

APPROVED AS TO FORM:

By   
Grant Weed, City Attorney