

## **RESOLUTION NO. R-2016-**

**A RESOLUTION** authorizing and directing the City Manager to execute a Development Agreement with Storage Investments, LLC. (here after "Storage Investments") to provide for the terms and conditions of development of a multi-phase ministorage complex to be located at 8102 and 8104 Nob Hill Blvd., in the City of Yakima.

**WHEREAS**, the City of Yakima (herein after "City") is a first class charter city incorporated under the laws of the State of Washington and has the authority to enact laws and enter into agreements to promote the health, safety, and welfare of its citizens and thereby to control the use and development of property within its corporate limits; and

**WHEREAS**, the City has the authority to enter into development agreements with those who own or control property within its jurisdiction pursuant to RCW 36.70B.170 and 36.70B.210; and

**WHEREAS**, pursuant to the Growth Management Act, RCW 36.70A, the City adopted its Yakima Urban Area Comprehensive Plan. Subsequently, the City has revised and updated this plan and has adopted, and continues to adopt, development regulations to implement the plan, including adoption of Yakima Urban Area Zoning Ordinances, which zoned the property Local Business (B-2); and

**WHEREAS**, Developer has obtained development rights for two parcels of approximately 3.15 acres located at 8102 and 8104 Nob Hill Blvd., Yakima, Washington (the "property"); legally described in Exhibits A and B, as set forth in full in the attached development agreement; and

**WHEREAS**, on September 30, 2013, the applicant Storage Investments submitted an application for a Type (3), Administrative Adjustment, and State Environmental Policy Act (SEPA) Review for the phased development of a 56,575 sq. ft. 550-residential ministorage unit complex located at 8102 and 8104 Nob Hill Blvd. (City File Numbers: CL3#003-13, ADJ#006-13; & SEPA#020-13), (the "Project"); and

**WHEREAS**, the specific proposed use of the property identified by Developer is that of a residential ministorage; and

**WHEREAS**, on December 3, 2013, the City issued a Notice of Application and Environmental Review for the Project; and

**WHEREAS**, the City issued a Determination of Non-Significance (DNS) on the Project on December 30, 2013, with the appeal period lapsing on January 13, 2014, with no appeals filed; and

**WHEREAS**, Developer intends to take appropriate steps to comply with environmental and land use requirements related to development of the property; and

**WHEREAS**, on January 23, 2014, the Hearing Examiner held an open record hearing in consideration of the Project; and

**WHEREAS**, on February 10, 2014, the Hearing Examiner issued his land use decision of approval subject to conditions; and

**WHEREAS**, on January 16, 2015, the Developer submitted a Modification application (City File Number: MOD#002-15) to the City of Yakima Planning Division requesting to increasing the driveway width by one ft. and decreasing the total number of buildings to be constructed from 11 to 10; and

**WHEREAS**, on January 30, 2015, the City of Yakima Planning Division approved the Developer's Modification application;

**WHEREAS**, on January 20, 2016, the City of Yakima Planning Division granted an extension of the Developer's land use approvals with an expiration date of January 30, 2017; and

**WHEREAS**, on June 8, 2016, the Developer determined that additional time would be necessary to develop the proposed Project, submitted the attached development agreement, and requested that the Yakima City Council hold a public hearing to consider said agreement; and

**WHEREAS**, both the City Planning Division and Legal Department have reviewed the proposed development agreement and found that said agreement appropriately incorporates all conditions of approvals set forth in land use approvals CL3#003-13, ADJ#006-13; SEPA#020-13 , MOD#002-15, and provides for an reasonable development term of twenty years; and

**WHEREAS**, on September 20, 2016, after notice duly given according to the requirements of the City of Yakima Municipal Code, the City Council held a public hearing to consider the submitted development agreement; and

**WHEREAS**, this Agreement is intended to satisfy the obligations as set forth in the Final Decisions for the execution of a development agreement between Storage Investments and the City to implement the conditions set forth in the Final Decisions; and

**WHEREAS**, the City has determined that the Project is a development for which this Agreement is appropriate, and desires to enter into this Agreement. This Agreement will, amongst other things, implement the conditions in the Final Decisions, eliminate uncertainty over development of the Project, provide for the orderly development of the Project consistent with the City's current Comprehensive Plan and zoning for this Property, mitigate environmental impacts, and otherwise achieve the goals and purposes for which the Development Agreement Statute was enacted; Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:**

The City Manager of the City of Yakima is hereby authorized and directed to execute the attached and incorporated Storage Investments Development Agreement. The Yakima City Council, after a duly noticed public hearing, has determined that execution of this Agreement furthers the public health, safety and general welfare, and that the provisions of this Agreement are consistent with the Comprehensive Plan and applicable development regulations.

**ADOPTED BY THE CITY COUNCIL** this 20<sup>th</sup> day of September, 2016.

ATTEST:

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Kathy Coffey, Mayor

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Sonya Claar Tee, City Clerk