

RESOLUTION NO. 2624

RESOLUTION APPROVING THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN MATSON FRUIT COMPANY AND THE CITY OF SELAH AND AUTHORIZING THE MAYOR TO SIGN THE SAME

WHEREAS, Matson Fruit Company (Matson) and the City of Selah (City) seek to Amend and Restate the Development Agreement entered into by the parties dated March 9, 2010 and amended August 13, 2013;

WHEREAS, in 2007 Matson requested and applied for a Comprehensive Plan Amendment affecting its property from a Commercial to an Industrial designation and a request to rezone its property from it's the zoning category of Business (B-2) to Industrial (M-1);

WHEREAS, Matson's application was denied and resulted in litigation;

WHEREAS, during the course of that litigation, the matter was remanded back to the City in 2009;

WHEREAS, following remand, the matter was resolved to the satisfaction of both parties, which included the negotiation and adoption of the 2010 Development Agreement in compliance with the requirements of RCW 36.70B.170 - .200 and the State Environmental Policy Act (SEPA) RCW 43.21C;

WHEREAS, the Washington State Growth Management Act (GMA), requires counties and cities to prepare and adopt long range comprehensive plans pursuant to Chapter 36.70A RCW;

WHEREAS, GMA requires comprehensive plans to include maps and descriptive text covering objectives, principles, and standards used to develop essential elements of the plan;

WHEREAS, GMA requires comprehensive plans to be developed consistent with adopted Countywide Planning Policies and coordinated with the county and adjacent cities, and

WHEREAS, the comprehensive plan must be internally consistent, and

WHEREAS, the City recently went through an extensive public process to produce a required update to its Comprehensive Plan;

WHEREAS, as part of that Comprehensive Plan update, the area previously designated as Commercial affecting Matson's property was re-designated as Industrial;

WHEREAS, the City's zoning code will be amended, as required, to be consistent with and to reflect the Comprehensive Plan re-designation

WHEREAS, the updated Comprehensive Plan's re-designation of Matson's property to Industrial affects the Development Agreement entered into by the parties;

WHEREAS, Matson is also seeking to acquire additional property that is affected by the Comprehensive Plan's re-designation;

WHEREAS, as a result, it is necessary to amend the Development Agreement between the parties;

WHEREAS, the City Council, pursuant to RCW 36.70B.200, engaged in a duly notice Public Hearing on August 22, 2017 to consider the proposed Amended and Restated Development Agreement;

WHEREAS, the City staff and Matson, both represented by counsel, did negotiate and prepare for the City Council's consideration the 2010 Development Agreement to address the all development related issues, and now, the City staff and Matson, have now negotiated a mutually agreeable Amended and Restated Development Agreement addressing development related issues affecting Matson's property; and,

WHEREAS, the Amended and Restated Development Agreement "set[s] forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement" as is required by RCW 36.70B.170, and the development agreement is consistent with applicable development regulations the City has adopted, as a local government planning under the Growth Management Act, RCW 36.70A;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON as follows:

1. The "whereas" provisions set forth above are incorporated herein by this reference as the City Council's findings;
2. The Amended and Restated Development Agreement is hereby approved.

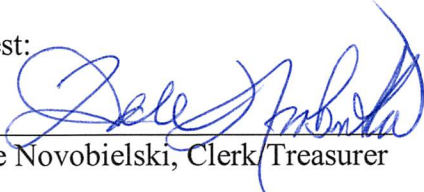
BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH WASHINGTON that the Mayor is authorized to sign the Amended and Restated Development Agreement on behalf of the City of Selah.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH,
WASHINGTON, this 22nd day of August, 2017.



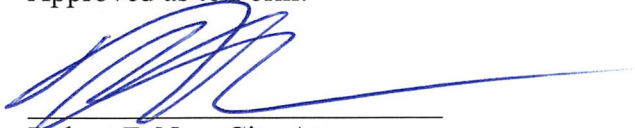
Mayor Sherry Raymond

Attest:



Dale Novobielski, Clerk/Treasurer

Approved as to Form:



Robert F. Noe, City Attorney