

# **CITY OF KENMORE**

## **WASHINGTON**

### **RESOLUTION NO. 05-106**

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#### **A RESOLUTION OF THE CITY OF KENMORE, WASHINGTON, AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT WITH BASTYR UNIVERSITY**

WHEREAS, the City of Kenmore adopted a Comprehensive Plan in accordance with the provisions of the Washington State Growth Management Act in March 2001, and most recently amended it in April 2003; and

WHEREAS, the Kenmore Comprehensive Plan designates the St. Thomas Property as a special study area while Bastyr University, in conjunction with the City and the Archdiocese, prepares a master plan to guide future development of the property; and

WHEREAS, the City of Kenmore, the Archdiocese, and Bastyr University executed an agreement dated April 9, 2001 that retains the existing residential zoning on the site but prohibits the submittal of any application for residential development on the St. Thomas Property during the master planning process; and

WHEREAS, Bastyr University has prepared a Campus Master Plan, dated September 2003, which provides the overall vision for future development of its Kenmore Campus over the next 25 years. Implementation of the overall vision requires formal recognition of the campus master plan by the City and conformance to development regulations and other standards for the campus; and

WHEREAS, as a part of the master planning process, the City and Bastyr mutually agreed that an environmental impact statement ("EIS") would be prepared to evaluate any environmental impacts of the proposed master plan and reasonable alternatives including associated Comprehensive Plan and zoning classifications. A Determination of Significance and Scoping Notice was issued by the City on June 24, 2003. A non-project Draft EIS was prepared by the City for the proposed Master Plan and was made available for public review and comment on October 5, 2004. During the public comment period, a public meeting on the proposed Master Plan and the draft EIS was sponsored by the City and Bastyr and held on the Bastyr Campus. The Final EIS for the proposed Master Plan was issued by the City of Kenmore on December 1, 2004.

WHEREAS, the City intends to adopt a development agreement providing regulations and standards to implement the Bastyr Campus Master Plan; and

WHEREAS, notices of potential Comprehensive Plan and zoning changes, as well as notices of a proposed Development Agreement and a Planned Action Ordinance were prepared and distributed at appropriate points; and Kenmore City Council public meetings and public hearings were held in May and June 2005; and public comments were considered leading to revisions of such documents where appropriate; and

WHEREAS, the City has adopted Comprehensive Plan Amendments, Zoning Amendments, and a Planned Action, through Ordinances 05-0234, 05-235, and 05-236, respectively; and

WHEREAS, RCW 36.70B.170 through 36.70B.210 allow local governments and a person having ownership or control of real property within its jurisdiction to enter into development agreements;

**NOW, THEREFORE BE IT RESOLVED BY THE KENMORE CITY COUNCIL:**

Section 1. City Manager Authorization to Execute Development Agreement. The City Council approves the development agreement and the attachments and authorizes the City Manager to execute a development agreement with Bastyr University in substantially the form attached as Exhibit A.

CITY OF KENMORE

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Mayor Steven Colwell

ATTEST/AUTHENTICATED:

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Lynn Batchelor, City Clerk

Approved as to form:

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Rod Kaseguma, City Attorney

## **EXHIBIT A: DEVELOPMENT AGREEMENT**