

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	February 16, 2021	
Name of Agenda Item:	Public Hearing – Stuit Development Agreement	
Section of Agenda:	Consent	
Department:	Planning Department	
Council Committee Review:		Legal Review:
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	<input checked="" type="checkbox"/> Yes - Reviewed
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	<input type="checkbox"/> No - Not Reviewed
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Review Not Required
Attachments:		
Proposed Stuit Development Agreement and No Build Covenant, Proposed Short Plat, Letter to Vacate Findings, 10-22-19 Findings of Fact, Original Short Plat Application (subsequent resolution to be included at next meeting if agreement is approved by Council)		
Summary Statement:		
<p>Dannon Traxler, representing her clients Ben and Lindy Stuit, has proposed a development agreement that outlines an alternate schedule for infrastructure build-out on a proposed short plat located on Flynn Road (Bay Lyn Road). The Stuits seek to construct a single-family home on Lot A of the short plat, maintain the existing home on Lot B, and burden the remaining undeveloped portion of the short plat, Lot C, with water and roadway improvements, and the City with sewer extension to collect allocated shares via ERUs. Staff originally issued short plat findings with the intent to approve the 4-lot short plat. These findings were later vacated at the request of Ms. Traxler so that the Stuits could propose the alternate development schedule. All parties have collaborated to create the draft agreement and associated no-build covenant.</p> <p>The development agreement revises the short plat to 3 lots. The entire plat would connect to the City sewer network which the City is advancing in this area while development of Lot C must include the extension of City-standard water lines and road frontage improvements.</p> <p>Staff is conflicted regarding the recommendation of this development agreement. Although cognizant of the applicant's personal goals for the property, from a municipal perspective, staff has concerns related to two issues within the development agreement. One is the underdevelopment of the property. The short plat creates 2 lots for single family homes which are over 24,000 square feet each but located in a multi-family zone that can support many more additional units. The proposed development on Lots A and B represent 2 ERUs toward the new sewer system when, if developed per zoning, many more ERUs would be collected. Secondly, there is the potential that the infrastructure burden and constraints of the floodplain on Lot C will make it such that it will not be financially feasible to develop in the near term. However, the Stuits are selling the City an easement for the sewer network to reach Bay Lyn Road and provide additional service.</p> <p>A subsequent resolution documenting the agreement, the administrative approval of the short plat and associated conditions will hinge on the Council's decision related to development agreement.</p>		
Recommended Action:		
(Staff recognizes the proposed development agreement as a policy decision to be made by the City Council and has not included a recommended action.)		