



City of Stevenson

Planning Department

(509)427-5970

7121 E Loop Road, PO Box 371
Stevenson, Washington 98648

TO: City Council
FROM: Ben Shumaker, Subdivision Administrator
DATE: October 19th, 2023
SUBJECT: Chinidere Phases 2 & 3 (SUB2023-01)

Introduction

On October 17th, 2023, the Subdivision Administrator received a complete application for final plat review. The plat involves phases 2 and 3 of the "Chinidere Mountain Estates Subdivision" and 45 lots. Together with the 27 lots in the subdivision's first phase, there are 72 lots in these phases. Preliminary plat authority has expired for the 8 lots in phase 4. If approved, this final plat will conclude land division activities based on the 2006 preliminary plat approval.

The City Council's review responsibilities are articulated in SMC 16.26—Final Plat Approval (SMC 16.26.050 through SMC 16.26.080). This memo is structured to address the 4 relevant sections, with findings and recommendations for each provided. A companion memo documents the Subdivision Administrator's review and acceptance of the proposed final plat (SMC 16.26.010 through SMC 16.26.040).

SMC 16.26.050—Submittal to Board

"After the clerk-treasurer and county treasurer have certified that taxes and assessments have been collected, the clerk-treasurer will present the final plat to the council."

Findings:

1. The title report dated August 8, 2023 notes that all taxes have been paid in full for 2023.
2. The Clerk-Treasurer received this final plat and presented it to the City Council on October 19, 2023.

Recommendations

- A. Accept the Clerk-Treasurer's presentation and proceed to review under SMC 16.26.060.

SMC 16.26.060—Approval or Disapproval--Considerations

"A. The council shall, at a public meeting, determine:

- 1. Whether conditions imposed when the preliminary plat was approved have been met;*
- 2. Whether the clerk-treasurer and county treasurer have certified that taxes and assessments have been duly paid, satisfied or discharged;*
- 3. Whether the public use and interest will be served by approving the proposed final plat;*
- 4. Whether the bond, if there is one, by its essential terms assures completion of improvements;*
- 5. Whether the requirements of state law and this article have been satisfied by the subdivider.*

B. The council shall thereupon approve or disapprove the proposed final plat.

When the council approves a final plat it shall be the duty of the clerk-treasurer to secure the required signatures."

Findings:

3. In total, the preliminary plat approval includes 89 conditions or subconditions related to Chinidere Mountain Estates. The majority of these conditions have been met. As of this writing, several conditions of approval are

unsatisfactory and several facilities and improvements have not been completed. The administrator describes specific deficiencies as:

- a.
 - b. Installation of street lights has not been completed.
 - c. Installation of Street signs, striping, marking has not been completed.
 - d. Installation of water meter setters has not been completed.
 - e. Evaluation and installation of habitat area requirements has not been completed.
 - f. Evaluation and mitigation of sight distance at off-site intersections has not been completed.
 - g. Installation of perimeter pedestrian pathway has not been completed.
 - h. Inconsistencies between the homeowners' association documents have not yet been resolved. The inconsistencies relate to Conditions 3, 9, 14, and 24
 - i. No maintenance bond—even in draft form—was available to the administrator prior to City Council review. This relates to Condition 44.
 - j. No performance bond—even in draft form—was available to the administrator prior to City Council review. This relates to SMC 16.26.020, 030, and 060.
 - k. Reconstruction of improvements—as recommended by the Planning Commission when they assented to the removal of the pedestrian perimeter path—has not been completed and is not identified as a line item in the performance bond amount. This relates to the inherent aspects of the Preliminary Plat approved by the Council and SMC 16.26.020, 030, and 060.
 - l. The administrator was unsure whether the line items listed in the performance bond amount reflect a caveat in the text of the Public Works Director's acceptance letter. The caveat indicates that there may be other, unlisted improvements that have not been made consistent with City standards. This relates to SMC 16.26.020, 030, and 060.
4. Only the City Council can determine whether approving the plat serves the public use and interest.
 5. The Public Works Director and City Attorney are responsible to provide guidance on the essential terms of the performance bond as assurance of project completion.
 6. The administrator has been working closely with the subdivider to ensure the proposed final plat satisfies the requirements of state law and SMC Title 16. Any concerns about satisfactory compliance are included in this memo and/or its attachments.

Recommendations

- B. Approve the final plat and authorize the Mayor's signature after the subdivider completes certain specific actions **OR** delay decision on the final plat until additional issues can be resolved.

SMC 16.26.070—Recording

"After a final plat is approved and required signatures secured the clerk-treasurer shall forward the original final plat to the county auditor for recording."

Administrator's Findings:

7. The decision made under SMC 16.26.060 will affect how signatures are secured on the final plat.
8. Past practices have transferred recording responsibilities to the subdivider with mixed results. The City should maintain the recording responsibility as it is written in the municipal code.

Recommendations

- C. Authorize the Clerk-Treasurer to record the plat after all signatures are secured.

SMC 16.26.080—Recording Fee

"Before the county auditor shall officially record a plat the subdivider shall pay the required recording fees for each plat filed."

Administrator's Findings:

9. The City's responsibility to forward the plat to the County Auditor under SMC 16.26.070 does not conflict with the subdivider's responsibility to pay recording fees.

Recommendations

D. Highlight the municipal code requirement for the subdivider.

Next Steps

The administrator offers the following 2 options for Council action:

Option A – Authorize Mayoral Approval

"I move to approve Chinidere Subdivision Phases 2 and 3 subject to the following conditions, which shall be verified by the Mayor prior to certifying the final plat map:

- 1- A performance bond shall be obtained in a total amount of at least \$250,000. An additional line item shall be added to the bond calculation to reflect "Other Deficiencies".
- 2- A maintenance bond shall be obtained in a total amount of at least \$181,789.53.
- 3- The form and terms of both bonds shall be accepted by the City Attorney.
- 4- All inconsistencies between the homeowners' association's corporate, banking, and CC&R documents shall be resolved to the satisfaction of the City Attorney.
- 5- Prior to recording the plat, the subdivider shall pay all applicable recording fees to the Skamania County Auditor consistent with SMC 16.26.080.

Option B – Delay Decision

"I move to delay decision on Chinidere Subdivision Phases 2 and 3 and reconsider at the November regular meeting."

Prepared by,

Ben Shumaker

Attachments

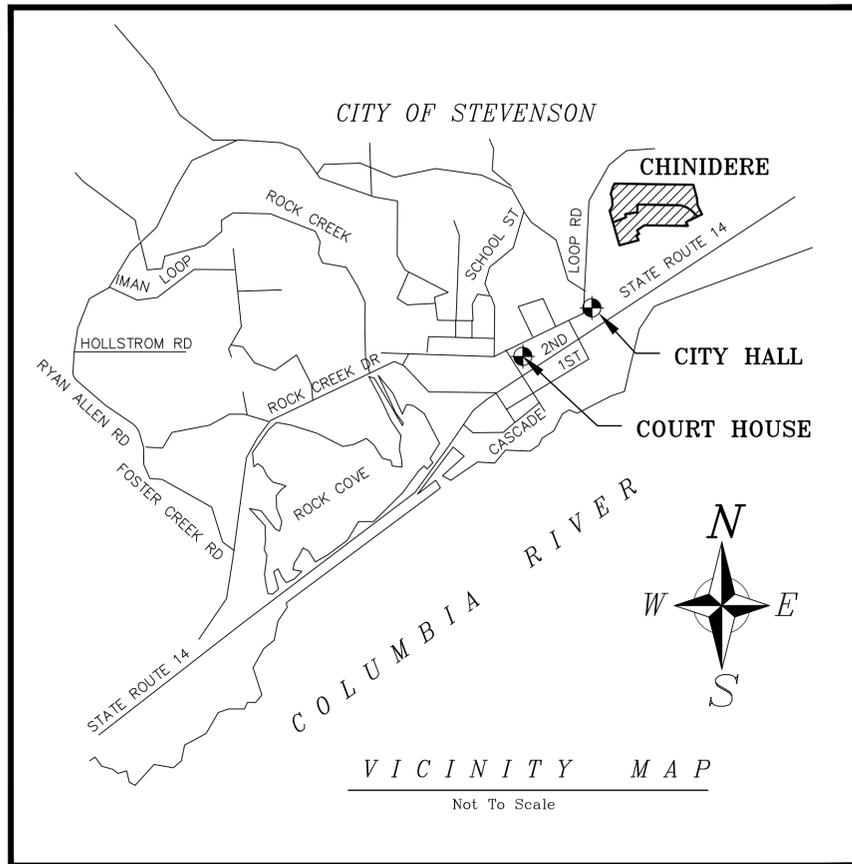
- Proposed Final Plat—Chinidere Subdivision—Phases 2 and 3
- Subdivision Administrator's Review & Findings
- Additional reviews as may be prepared in writing or verbally discussed by other City departments

CHINIDERE SUBDIVISION—PHASES 2 AND 3

IN THE SW1/4 OF SECTION 36, T 3 N, R 7 1/2 E, WM

TAX PARCEL 03753630120000

CITY OF STEVENSON, SKAMANIA COUNTY, STATE OF WASHINGTON



VICINITY MAP

Not To Scale

CURVE	LENGTH	RADIUS	CHORD DIR	CHORD
C1	28.35	190.00	S25°09'58"E	28.33
C2	20.28	190.00	S17°50'00"E	20.27
C3	49.00	190.00	S07°23'17"E	48.86
C4	17.26	125.00	S03°57'17"W	17.24
C5	39.66	125.00	S16°59'53"W	39.49
C6	55.91	125.00	S38°53'58"W	55.44
C7	6.31	131.50	S24°36'20"W	6.31
C8	9.97	131.50	S45°20'58"W	9.97
C9	42.42	125.00	S61°26'00"W	42.21
C10	43.13	125.00	S81°02'19"W	42.92
C11	114.43	75.00	S47°12'57"W	103.65
C12	4.59	75.00	S01°45'15"W	4.59
C13	8.88	140.00	S01°49'03"E	8.88
C14	27.22	140.00	S09°12'19"E	27.18
C15	10.21	6.00	S63°32'10"E	9.02
C16	77.00	190.00	S79°18'48"W	76.47
C17	56.91	140.00	S79°16'39"W	56.52
C18	10.17	6.00	S19°05'43"W	8.99
C19	131.61	140.00	N62°08'41"W	126.82
C20	32.26	140.00	N28°36'42"W	32.19
C21	8.47	6.00	S75°39'46"E	7.79
C22	62.08	125.00	N76°43'36"E	61.45
C23	40.17	125.00	N53°17'28"E	40.00
C24	50.34	125.00	N32°32'50"E	50.00
C25	43.82	125.00	N10°58'00"E	43.60
C26	117.81	75.00	N45°55'23"E	106.07
C27	9.33	6.00	S44°32'18"E	8.42
C28	9.52	6.00	N45°27'42"E	8.55
C29	8.80	190.00	N87°44'58"W	8.80
C30	57.54	190.00	N77°44'47"W	57.32
C31	59.37	190.00	N60°07'05"W	59.13
C32	52.90	190.00	N43°11'21"W	52.73
C33	17.34'	165.00'	N26°25'52"W	17.33'
C34	24.90'	165.00'	N19°05'54"W	24.87'
C35	101.05'	165.00'	N73°22'44"E	99.48'
C36	155.12'	165.00'	S62°08'41"E	149.47'
C37	42.55'	165.00'	N07°23'17"W	42.43'
C38	158.69'	100.00'	N45°27'42"E	142.56'
C39	157.08'	100.00'	N45°55'23"E	141.42'

LINE	LENGTH	BEARING
L1	27.71	S29°26'29"E
L2	8.65	S25°36'23"E
L3	10.90	S25°36'23"E
L4	4.70	S75°06'13"W
L5	17.36	S54°25'24"W
L6	47.48	S26°43'53"W
L7	88.87	S02°02'08"E
L8	58.40	S18°04'50"E
L9	110.07	S17°20'14"W
L10	20.03	S56°15'33"W
L11	11.69	S18°57'25"E
L12	6.27	S14°46'34"E
L13	11.37	S14°46'34"E
L14	47.31	S54°37'25"E
L15	50.71	S54°37'25"E
L16	20.77	S51°11'05"E
L17	15.80	S22°00'38"E
L18	32.41	N27°30'07"W
L19	62.57	S68°59'23"E
L20	25.00	N00°55'23"E
L21	25.00	S00°55'23"W
L22	50.00	S54°47'14"W
L23	1.74	S00°00'00"E
L24	19.17	S06°46'26"E
L25	50.00	S60°33'31"W
L26	25.00	N00°55'23"E

KNOWN ALL PEOPLE BY THESE PRESENT THAT WE THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREIN DESCRIBED EMBRACED AND SUBDIVIDED, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HERON AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY AND UTILITY PURPOSES AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN THEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL THE EASEMENTS AND TRACTS SHOWN ON THIS PLAT FOR ALL PUBLIC PURPOSES AS INDICATED THEREON, INCLUDING BUT NOT LIMITED TO PEDESTRIAN TRAILS, OPEN SPACE, UTILITIES AND DRAINAGE UNLESS SUCH EASEMENT OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THE PLAT AS BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC, IN WHICH CASE WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS, OR TRACTS TO THE PERSONS OR ENTITY IDENTIFIED FOR THE PURPOSE STATED.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREIN DESCRIBED, EMBRACE AND SUBDIVIDED, WAVE FOR THEMSELVES THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF STEVENSON, ITS SUCCESSORS AND ASSIGNS, WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS, AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF STEVENSON.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREIN DESCRIBED, EMBRACED AND SUBDIVIDED, AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND HOLD THE CITY OF STEVENSON, ITS SUCCESSORS AND ASSIGNS HARMLESS FROM ANY DAMAGE, INCLUDING ANY COST OF DEFENSE, CLAIMED BY PERSON WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACES, VEGETATION, DRAINAGE OR SURFACE OR SUBSURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF ROADS WITHIN THE SUBDIVISION, PROVIDED THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUCTED AS RELEASING THE CITY OF STEVENSON, ITS SUCCESSOR OR ASSIGNS, FROM LIABILITY FOR DAMAGES, INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART OF THE NEGLIGENCE OF THE CITY OF STEVENSON, ITS SUCCESSORS, OR ASSIGNS.

THIS SUBDIVISION, DEDICATION WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE SAID OWNERS.

IN WITNESS WHEREOF, WE SET OUR HANDS AND SEAL

ASPEN DEVELOPMENT, LLC

BY: _____

TITLE _____

GRAVITATE CAPITAL LLC

BY: _____

TITLE _____

LEGEND

● EXISTING MONUMENT OF RECORD

○ SET 5/8"x24" REBAR W/ PLASTIC CAP

() DISTANCE OF RECORD

===== PHASE 2, 3 BOUNDARY

□ CALCULATED CORNER

BASIS OF BEARINGS

CHINIDERE PHASE 1, A.F. 2017000886

REFERENCES

CHINIDERE PHASE 1, A.F. 2017000886,

A.F. 200817008, BK 3, PG 475

MONUMENTS VISITED

SEPTEMBER 2020

TAX PARCEL NO.

0375360120000

OWNERS

ASPEN DEVELOPMENT LLC
150 LOMBARD STREET, STE 1
SAN FRANCISCO, CA 94111

LEGAL DESCRIPTION—TOTAL PARCEL

CHINIDERE FUTURE PHASE AREA

NOTES

1. PHASE 2 CONSISTS OF LOTS 28 THROUGH 49.
2. PHASE 3 CONSISTS OF LOTS 50 THROUGH 72.
3. PHASE 2 ACREAGE—5.74 ACRES
3. PHASE 3 ACREAGE—6.77 ACRES

Accuracy Statement (WAC 332—130)

This Survey was performed with a Topcon Hyper+ RTK surveying system with a relative accuracy greater than 1:5000. Mathematical analysis where required is by least squares.

OREGON WHITE OAK HABITAT PLAN

A PORTION OF AUDITOR'S FILE NUMBER 200917847

CONSERVATION EASEMENT

AUDITOR'S FILE NUMBER 2008171673

COVENANTS, CONDITIONS AND RESTRICTIONS

ALL LOTS WITHIN THE PLAT OF CHINIDERE SUBDIVISION—PHASES 2 AND 3 ARE SUBJECT TO A DOCUMENT TITLED "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS". SAID DOCUMENT IS RECORDED ON A SEPARATE DOCUMENT IN AUDITOR'S FILE NUMBER 2008170100, 2009171847, AND 2015002303 AND HEREBY INCORPORATED AS PART OF THIS PLAT. IT IS THE RESPONSIBILITY OF ALL PARTIES TO BE AWARE OF AND TO CONFORM TO SAID DOCUMENTS.

CITY REQUIRED NOTES

1. "SR-14" PREDATES THIS DEVELOPMENT, THEREFORE THE WASHINGTON DEPARTMENT OF TRANSPORTATION WILL NOT BE RESPONSIBLE FOR ANY TRAFFIC HIGHWAY NOISE MITIGATION MEASURES.
2. ALL LOTS WITHIN THIS SUBDIVISION MUST PROVIDE AT LEAST 2 OFF STREET PARKING SPACES, AT LEAST 1 OF WHICH MUST BE WITHIN A GARAGE CONTAINING AT LEAST 200 SQUARE FEET. THE GARAGE DOOR SHALL BE SETBACK AT LEAST 20 FEET FROM THE FRONT LOT LINE.
3. ALL LOTS WITHIN THIS SUBDIVISION MUST ACQUIRE A GEOTECHNICAL REPORT PRIOR TO FOUNDATION CONSTRUCTION.
4. CERTIFICATES OF OCCUPANCY WILL NOT BE ISSUED FOR INDIVIDUAL LOTS UNTIL ALL WATER APPURTENANCES HAVE BEEN INSTALLED, APPROVED AND ACCEPTED BY THE CITY OF STEVENSON.
5. AN EASEMENT IS HEREBY RESERVED AND GRANTED TO THE CITY OF STEVENSON ITS SUCCESSORS AND ASSIGNS, UNDER AND UPON ALL OF TRACT "E" AS DEPICTED HEREON, FOR THE PURPOSES OF CONSTRUCTING A PEDESTRIAN PATHWAY AND PUBLIC USE.
6. THE OWNERS OF ALL LOTS IN THIS SUBDIVISION CONSENT TO THE IMPLEMENTATION OF A STORMWATER IMPROVEMENT DISTRICT IF AT ANY TIME THE CITY DETERMINES THE HOMEOWNERS ASSOCIATION HAS FAILED OR REFUSED TO MAINTAIN THE STORMWATER FACILITIES.
7. TRACT "E" IS AN OPENSOURCE AND HABITAT TRACT TO BE OWNED AND MAINTAINED BY THE CHINIDERE MOUNTAIN ESTATES HOMEOWNER'S ASSOCIATION.



This is to certify that on the _____ day of _____, 20____
Before me personally appeared: _____
To me known to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they signed the same as their free and voluntary act for the use and purpose set forth herein.

By: _____
Notary Public in and for the State of Washington
Residing at _____

Owner _____

This is to certify that on the _____ day of _____, 20____
Before me personally appeared: _____
To me known to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they signed the same as their free and voluntary act for the use and purpose set forth herein.

By: _____
Notary Public in and for the State of Washington
Residing at _____

TO THE BEST OF MY KNOWLEDGE THE SURVEY DATA IS ACCURATE AND ACCURATELY DEPICTS THE LAYOUT, NAMES AND NUMBERS OF ROADS, ALLEYS AND EASEMENTS. I HAVE REVIEWED AN IN CONSULTATION WITH THE CITY ENGINEER APPROVE THE DESIGN AND/OR CONSTRUCTION OF PROTECTIVE IMPROVEMENTS, BRIDGES, SEWAGE AND DRAINAGE SYSTEM.

Public Works Director _____ Date _____

I hereby certify that the taxes and assessments have been duly paid discharged or satisfied in regard to the lands involved with the above proposed subdivision.

Skamania County Treasurer _____ Date _____

City of Stevenson Treasurer _____ Date _____

As authorized by the City Council, I certify the City of Stevenson's acceptance of all dedications made by this plat. This subdivision conforms with City requirements and is approved subject to any special conditions inscribed hereon and to recording in the Skamania County Auditor's office.

Mayor, City of Stevenson _____ Date _____

"I, Jesse P. Garner, registered as a land surveyor by the State of Washington, certify that this plat is based on an actual survey of the land described herein, conducted by me or under my supervision during the period of _____, 2020 through _____, 20____; that the distances, courses, and angles are shown thereon correctly; and that monuments other than those approved for setting at a later date, have been set and lot corners staked on the ground as depicted on the plat.

Dated this _____ day of _____, 20____

Licensed Land Surveyor _____ PLS NO. 42687

CHINIDERE SUBDIVISION—PHASES 2 & 3
TO THE CITY OF STEVENSON
SW1/4 SECTION 36, T 3 N, R 7 1/2 E, WM
SKAMANIA COUNTY, WASHINGTON

PSE Pioneer Surveying & Engineering, Inc.
Civil Engineering and Land Planning
125 Simcoe Drive
Goldendale, Washington 98620
Phone (509) 773-4945, Fax (509) 773-5888, E-Mail pse@gorge.net

STATE OF WASHINGTON)
COUNTY OF SKAMANIA)

I hereby certify that the within instrument of writing filed by: _____ at _____ M on _____, 20____, was recorded in Book _____ of _____ at Page _____, AFN _____

Recorder of Skamania County, Washington

County Auditor

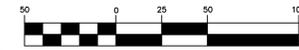
CHINIDERE SUBDIVISION—PHASES 2 AND 3

IN THE SW1/4 OF SECTION 36, T 3 N, R 7 1/2 E, WM

TAX PARCEL 03753630120000

CITY OF STEVENSON, SKAMANIA COUNTY, STATE OF WASHINGTON

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



- LEGEND**
- EXISTING MONUMENT OF RECORD
 - SET 5/8"X24" REBAR W/ PLASTIC CAP
 - () DISTANCE OF RECORD
 - ▨ PHASE 2, 3 BOUNDARY
 - CALCULATED CORNER
 - SET PK NAIL IN ASPHALT





City of Stevenson

Planning Department

(509)427-5970

7121 E Loop Road, PO Box 371
Stevenson, Washington 98648

TO: File
FROM: Ben Shumaker, Subdivision Administrator
DATE: October 19th, 2023
SUBJECT: Chinidere Phases 2 & 3 (SUB2023-01) – Administrator’s Review

Introduction

This memo describes the Subdivision Administrator’s review of the “Chinidere Subdivision—Phases 2 and 3”, which received preliminary plat approval as “Chinidere Mountain Estates”. The Administrator’s review responsibilities are articulated in SMC 16.26—Final Plat Approval (SMC 16.26.010 through SMC 16.26.040). This memo is structured to address the 4 relevant sections, with findings and recommendations for each provided. A companion memo documents the Subdivision Administrator’s review and acceptance of the proposed final plat (SMC 16.26.010 through SMC 16.26.040).

SMC 16.26.010—Filing of Final Plat – Time Limit

“At any time within five years following the council’s approval of a preliminary plat, or such longer period as established by the state legislature in RCW 58.17.140, the subdivider shall file the original and five copies of a proposed final plat with the administrator.”

Administrator’s Findings:

1. The following timeline is relevant to this criterion:
 - a. September 19th, 2006 – City Council approves the Preliminary Plat with a 5-year period of validity (September 19th, 2011).
 - b. June 7th, 2012 – The State authorizes a blanket extension of all preliminary plats approved prior to December 31, 2007, providing a 10-year period of validity (September 19th, 2016).
 - c. August 18th, 2016 – The City Council adopts a Development Agreement extending the period of validity to September 21st, 2021.
 - d. October 18th, 2018 – The City Council amends the Development Agreement extending the period of validity for Phases 2 and 3 to September 21st, 2023 (with interim deadlines in 2020, 2021, 2022 and 2023).
 - e. September 15th, 2022 – The City Council again amends the Development Agreement extending the period of validity for Phases 2 and 3 to September 21st, 2024 (with interim deadlines in 2023 and 2024).
 - f. September 21st, 2023 – The City Council again amends the Development Agreement, extending interim deadlines and retaining the period of validity for Phases 2 and 3 as September 21st, 2024.
2. An original and five copies of the final plat were submitted within the period of validity established by the City Council.

SMC 16.26.020—Administrator Review and Acceptance Criteria

“A. The administrator shall satisfy himself:

- 1. That the final plat presents the items required by the final plat standards of this article;*
- 2. That the proposed final plat bears the certificates and statements of approval required by this article;*
- 3. That a title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision and is vested in the name of the owners whose signatures appear on the plat’s certificate;*
- 4. That the facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider will provide a performance bond subject to approval of the council;*

B. If the administrator finds that the final plat submitted varies with the approved preliminary plat he may require that the plat be reviewed by the planning commission before being accepted.

C. When the administrator finds that these requirements are met he shall accept the final plat. The administrator's review does not constitute an approval by the city of any of the abovementioned items."

Administrator's Findings:

3. The plat submitted presents the items required of final plats by SMC 16.34 and SMC 16.36 except for the following:
 - a. Inconsistencies between documents related to the subdivision's homeowners' association offers questionable conformity to Preliminary Plat conditions 2, 9.1, and 24.a.
 - b. A maintenance bond for infrastructure has not been submitted in conformance with Preliminary Plat condition 44.
4. As of this writing, this author understands that consistency between homeowners' association documents is underway; however information related to the maintenance bond is unknown to this author.
5. The plat appropriately bears certificates and statements for the subdivider, notary, Public Works Director, City and County treasurers, Mayor, surveyor, and auditor.
6. The title company's Subdivision Guarantee dated August 22nd, 2023 vests title in "Aspen Development LLC" with a deed of trust benefiting "Gravitate Capital LLC". Signatures representing both entities appear on the signed plat.
7. The following facilities and improvements have not been completed:
 - a. Installation of street lights,
 - b. Installation of Street signs, striping, marking,
 - c. Installation of water meter setters,
 - d. Evaluation and installation of habitat area requirements,
 - e. Evaluation and mitigation of sight distance at off-site intersections,
 - f. Installation of perimeter pedestrian pathway.
8. Items a-e are addressed through a proposed performance bond with a total amount of \$153,523.71 available. As of this writing the performance bond has not been secured and this author is unaware of the proposed terms.
9. Item f was addressed by the Stevenson Planning Commission on September 11, 2023, which made the following recommendations:
 - a. Allowing the subdivision to proceed without constructing i) a perimeter path along the subdivision's north border, ii) a perimeter path along the subdivision's east border, or iii) a connecting path from the existing pathway system to Bruce Heights.
 - b. Removing facilities already constructed in anticipation of the path's installation.
 - c. Providing an easement in the common area along the subdivision's west border to allow the City to construct and use a path at a later date.
10. The proposed final plat acts on the Planning Commission recommendation as follows:
 - a. The perimeter path is not shown anywhere on the plat,
 - b. Constructed facilities have not been removed and are not identified in the performance bond,
 - c. Easement language is included on the face of the plat.
11. The combination of phases 2 and 3 varies from Preliminary Plat approval Condition # 8 which spaced out construction based on the sales rate of lots. This variance was reviewed by the Planning Commission on July 11th, 2016, which recommended eliminating the condition. The City Council acted on this recommendation and combined the phases in the August 18th, 2018 Development Agreement.
12. The final plat was accepted after submittal of all requested items on October 17th, 2023.

SMC 16.26.030—Performance Bond—In Lieu of Completion of Improvements

"In lieu of completing improvements required before final plat approval, the council may accept a performance bond from the subdivider in a form that is acceptable to the city attorney and in an amount and with sureties commensurate with improvements remaining to be completed securing to the city the construction and installation of the improvements within a fixed time set by the council.

Administrator's Findings:

13. A performance bond has been proposed in lieu of completing improvements.
14. As of this writing, the form of the performance bond has not been reviewed by the City Attorney.
15. As of this writing, the amount of the performance bond is \$153,523.71 which is accepted by the Public Works Director to cover items 6.a-e. As of this writing, the amount related to item 8b as well as other potential/unknown items is not addressed in the performance bond.

SMC 16.26.050—Copy Distribution Prior to Approval

"After the administrator has accepted the final plat he shall then forward the original and one copy to the clerk-treasurer and one copy to each of the following: the county assessor, the public works director and the county treasurer."

Administrator's Findings:

16. The proposed final plat was forwarded to the appropriate parties on October 18th, 2023.
17. When the proposed final plat is presented to the Council by the Clerk-Treasurer, the following outstanding items should be noted:
 - a. Inconsistencies between HOA documents have not yet been resolved.
 - b. No maintenance bond—even in draft form—is available to this author.
 - c. No performance bond—even in draft form—is available to this author.
 - d. Re-construction of improvements—as recommended by the Planning Commission when they assented to the removal of the pedestrian perimeter path—has not been completed and is not identified as a line item in the performance bond amount.
 - e. This author is unsure whether the line items listed in the performance bond amount reflect a caveat in the text of the Public Works Director's acceptance letter. The caveat indicates that there may be other, unlisted improvements that have not been made consistent with City standards.

Prepared by,

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