

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: A-6
Resolution 07-26 approving the
Denali Ridge Final Plat File Number FPCUP05-001

DATE: September 27, 2007

CONTACT PERSON: Rick Cisar, Director of Community Development

SUBJECT:

Approval of the Denali Ridge Formal Subdivision Final Plat and Conditional Use Permit to Cluster Lots and Acceptance of a 2-year Maintenance Bond (\$60,896.88) for Denali Ridge a 15-Lot Formal Subdivision File Number No. FPCUP05-001 (Plat Map Attached).

ISSUE:

The issue before the City Council is to authorize the Mayor to sign Resolution 07-26 approving the (1) Denali Ridge Formal Final Subdivision, and (2) Conditional Use Permit to Cluster Lots.

SUMMARY:

The City Council on April 14, 2005 approved the Denali Ridge Preliminary Subdivision and Conditional Use Permit. In consideration of City Council approval, the Developer has complete the construction of the public and private facilities necessary to provide urban services to the subdivision. Therefore, City Staff has prepared Resolution 07-26, Approving the Final Subdivision Denial Ridge Final Formal Plat and Conditional Use Permit to Cluster Lots.

BACKGROUND:

The Denali Ridge Formal Subdivision Preliminary Plat is located on a 10-acre site at 13633 Sultan Basin Road, 150-feet north of 138th Street S.E. and east of Sultan Basin Road. The Preliminary Plat was Approved by the City Council on April 14, 2005. The Plat was Approved as Recommended by the Hearing Examiner, who conducted an Open Record Hearing on March 8, 2005. The Plat includes 15-lots with an average lot size of 8,928 square feet. The access to the subdivision is from Sultan Basin Road as shown on the attached Plat Map. The subdivision will provide a \$22,201.00 fee in lieu of constructing an on-site recreation facility. In addition, the Developer is dedicating Tract B, a 5.46 acre wetland/open space area to the City for Wetland Mitigation and Open Space purposes.

On September 21, 2007, an inspection of the subdivision and related improvements was completed by the City's Construction Inspector, Wayne Lawrence and City Engineer, Jon Stack. City Staff, during the inspection, noted that the following items would be bonded for by the Developer: (1) Street Trees and Signage, (2) Wetland Mitigation Plantings, (3) the final lift of asphalt including striping, and (4) Mail boxes. We anticipate these improvements will be completed by May 1, 2008.

FISCAL IMPACT:

Developer has paid all applicable Final Plat processing and review fees.

RECOMMENDATION ACTION:

Approval of Resolution 07-26 approving the Denail Ridge Formal Subdivision Final Plat and Conditional Use Permit to Cluster Lots. Acceptance of a 2-year Maintenance Bond in the amount \$60,896.88 and authorization to release and reduce the existing \$400,000.00 Performance Bond upon completion and approval of the remaining improvements as recommended by City Staff.

RECOMMENDED MOTION TO APPROVE:

Resolution 07-26 approving the Denail Ridge Formal Subdivision Final Plat and Conditional Use Permit to Cluster Lots. Acceptance of a 2-year Maintenance Bond in the amount \$60,896.88 and authorization to release and reduce the existing \$400,000.00 Performance Bond upon completion and approval of the remaining improvements as recommended by City Staff.

ATTACHMENT:

1. Resolution 07-26
2. Plat Map

COUNCIL ACTION:

DATE:

**CITY OF SULTAN
Sultan, Washington**

RESOLUTION NO. 07-26

**A RESOLUTION OF THE CITY OF SULTAN APPROVING THE DENALI RIDGE
FORMAL SUBDIVISION FINAL PLAT AND CONDITIONAL USE PERMIT TO
CLUSTER LOTS - CITY OF SULTAN FILE NUMBER FPCUP05-001**

WHEREAS, RSG Associates, LLC, c/o Rex Gale (hereinafter referred to as Developer) submitted an Application to the City of Sultan on December 29, 2004 for Approval of a Preliminary Formal Cluster Subdivision known as Denali Ridge described in Exhibit A; and

WHEREAS, the Director of Community Development issued a letter of Complete Application to the developer on January 6, 2005; and

WHEREAS, the responsible Official for the City issued a Determination of Non-Significance for the proposal on February 4, 2005 and no Appeals to that Threshold Determination were received by the City; and

WHEREAS, the Hearing Examiner conducted an Open Record Hearing on the proposal on March 8, 2005; and

WHEREAS, the Hearing Examiner on March 15, 2005 issued a Recommendation for Approval of the Preliminary Subdivision subject to Conditions, and

WHEREAS, the City Council on April 13, 2005 conducted a Closed Record Hearing on the Preliminary Plat and considered the Recommendation and of the Hearing Examiner including the Findings of Fact, Principals of Law, Discussion and Conclusions. The testimony and evidence submitted at the Open Record Hearing, the Hearing Examiner's site visit and review of the Reconsideration request and,

WHEREAS, the City Council upon completion of the Closed Record Hearing on April 13, 2005 accepted the Hearing Examiner's Recommendation Approving the Preliminary Plat of Denali with the Conditions as Recommended by the Hearing Examiner

NOW, THEREFORE, BE IT FOUND AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON AS FOLLOWS:

Section 1. The Formal Plat Map of the Denali Ridge attached, as **Exhibit A** is consistent with the requirements of Section 16.28.400 of the Sultan Municipal Code as Amended.

Section 2. The Applicant, RSG Associates, LLC, c/o Rex Gale has satisfied all Conditions of Approval imposed on the subdivision by the City Council on April 13, 2006, except the following improvements, which are scheduled for completion by May 1, 2008:

1. Street Trees and Signage.
2. Wetland Mitigation Plantings.
3. The final lift of asphalt including striping.
4. Mailboxes.

Adequate arrangements to insure completion of these improvements are established below by the City's continued retention of the *Performance Bond* specified in Section 3 below.

Section 3. The *Performance Bond* in the amount of \$400,000.00 will be released upon completion and Approval by the City of the improvements as noted in Section 2, above.

Section 4. The Formal Plat of the Denali Ridge Formal Cluster Subdivision, FPCUP05-001 has approved a Maintenance Bond in the amount of \$60,896.88 to be posted at the time of completion of all required improvements.

Section 5. Based upon the terms of this Resolution, the interests of the City are fully protected. The Final Plat is hereby Accepted and City Staff and Members of the Council shall sign the Plat to allow for it's filing and recording with the Snohomish County Auditor.

PASSED by the City Council and **APPROVED** by the Mayor or this ____ day of September, 2007.

CITY OF SULTAN

By _____
Ben Tolson, Mayor

Attest:

By _____
Laura Koenig, City Clerk

Approved as to form:

By _____
Thom Graafstra, City Attorney

PLAT OF DENALI RIDGE

A PORTION OF THE SW 1/4 OF THE NW 1/4 OF SECTION 33, TOWNSHIP 28 NORTH, RANGE 8 EAST, W.M.
SNOHOMISH COUNTY, WASHINGTON
FPCUP05-001

ACKNOWLEDGMENTS

INDIVIDUAL ACKNOWLEDGMENT

STATE OF WASHINGTON)
COUNTY OF SNOHOMISH) SS

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ IS/ARE THE PERSON(S) WHO APPEARED BEFORE ME, AND SAID PERSON(S) ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT AND ACKNOWLEDGED IT TO BE THEIR FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: _____
SIGNATURE: _____

(PRINT NAME) _____

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RESIDING AT _____

MY APPOINTMENT EXPIRES _____

REPRESENTATIVE ACKNOWLEDGMENT

STATE OF WASHINGTON)
COUNTY OF SNOHOMISH) SS

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THE HE/SHE SIGNED THIS INSTRUMENT, AN OATH STATED THAT HE/SHE WERE AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF WASHINGTON MUTUAL BANK TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: _____
SIGNATURE: _____

(PRINT NAME) _____

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RESIDING AT _____

MY APPOINTMENT EXPIRES _____

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREIN, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN FULLY PAID AND DISCHARGED, INCLUDING _____ TAXES.

TREASURER, SNOHOMISH COUNTY

By: _____
DEPUTY COUNTY TREASURER

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT OF DENALI RIDGE IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 33, TOWNSHIP 28 NORTH, RANGE 8 EAST, W.M. AS REQUIRED BY STATE STATUTES; THAT THE DISTANCES, COURSES, AND ANGLES ARE SHOWN THEREON CORRECTLY; THAT THE MONUMENTS SHALL BE SET AND LOT AND BLOCK CORNERS SHALL BE STAKED CORRECTLY ON THE GROUND, THAT I FULLY COMPLIED WITH THE PROVISIONS OF THE STATE AND LOCAL STATUTES AND REGULATIONS.

RICHARD D. ROSS DATE
REGISTERED PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 37554

AUDITOR'S FILE NUMBER _____

APPROVALS

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2007.

CONNIE DUNN, PUBLIC WORKS DIRECTOR

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2007.

LAURA KOEING, CITY CLERK

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2007.

RICK CISAR, COMMUNITY DEVELOPMENT DIRECTOR

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2007.

BENJAMIN TOLSON, MAYOR

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2007.

JON STACK, P.E., CITY ENGINEER

EXAMINED AND APPROVED BY A MAJORITY OF THE SULTAN CITY COUNCIL MEMBERS PRESENT TO SIGN ON THE FINAL PLAT ON _____, 2007.

KRISTINA BLAIR

JOHN SEEHUIS

DEREK BOYD

STEVE SLAWSON

BRUCE CHAMPEAUX

RON WIEDIGER

JIM FLOWER

Attachment 2

SW 1/4, NW 1/4, SEC. 33, TWP. 28 N., R. 8 E., W.M.



DELTA LAND SURVEYORS

370 N. EAST CAMANO DRIVE, SUITE 5-66
CAMANO ISLAND, WA 98282

(360) 939-0316
FAX (360) 939-2078

Drawn AMS	Date 09/17/07	Job No. 05-1248
Checked RDR	Scale 1"=50' F.B.	Sheet 1 of 3

AUDITOR'S CERTIFICATE

Filed for record at the request of DELTA LAND SURVEYORS, this _____ day of _____ 20____, at _____ minutes past _____ m, and recorded in Vol. _____ of short plats, page(s) _____, records of Snohomish County, Washington.

Auditor, Snohomish County

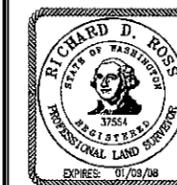
By: _____
Deputy Auditor, Snohomish County

FINAL PLAT

FOR
REX GALE

TAX PARCEL: 28083300201200

SULTAN, WASHINGTON



SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the SURVEY RECORDING ACT at the request of REX GALE

83 TIMBERLAKES, HERBER, UT 84032

in _____ SEPTEMBER _____, 20 04

CERTIFICATE NO. 37554

PLAT OF DENALI RIDGE
 A PORTION OF THE SW 1/4 OF THE NW 1/4 OF SECTION 33, TOWNSHIP 28 NORTH, RANGE 8 EAST, W.M.
 SNOHOMISH COUNTY, WASHINGTON
 FPCUP05-001

RESTRICTIONS

- ALL LANDSCAPED AREAS IN PUBLIC RIGHTS-OF-WAYS AND COMMON AREAS AND FACILITIES WITHIN THE PLAT SHALL BE MAINTAINED BY THE DEVELOPER OR HIS SUCCESSOR(S) FOR A TWO YEAR PERIOD FOLLOWING INSTALLATION AND APPROVAL BY THE CITY. SUBSEQUENT TO THE TWO YEAR PERIOD, MAINTENANCE RESPONSIBILITY SHALL BE TRANSFERRED TO THE HOMEOWNERS ASSOCIATION.
- ALL NEW ON-SITE UTILITIES SHALL BE PLACED UNDERGROUND.
- LOTS 1 THROUGH 15 ARE SUBJECT TO COVENANTS, CONDITIONS, AND RESTRICTIONS OF THE DENALI RIDGE HOMEOWNERS ASSOCIATION AGREEMENT RECORDED UNDER AUDITOR'S FILE NO. _____ RECORDS OF SNOHOMISH COUNTY.
- THE DEVELOPMENT RESTRICTIONS OF SMC 16.80.080(D) SHALL APPLY TO THE TYPE 4 50-FOOT BUFFER. NGPA SIGNS SHALL BE POSTED ON THE BUFFER LINE IN TRACT B, AT THE DISCRETION OF THE PUBLIC WORKS DIRECTOR. NGPA SIGNS ARE AVAILABLE AT THE CITY OF SULTAN. AN INFORMATIVE SIGN SHALL BE PLACED AT THE NORTHERN BOUNDARY OF TRACT B TO INFORM RESIDENTS THAT THE STORMWATER FLOW TO A FISH STREAM.
- MITIGATION FEES ARE REQUIRED FOR PARK, TRAFFIC, AND SCHOOLS IMPACTS. THE AMOUNTS OF THOSE FEES WILL BE DETERMINED AND COLLECTED PRIOR TO INDIVIDUAL BUILDING PERMIT ISSUANCE.
- ALL CRITICAL AREAS SHALL BE DESIGNATED NATIVE GROWTH PROTECTION AREAS. ALL NATIVE GROWTH PROTECTION AREAS SHALL BE LEFT PERMANENTLY UNDISTURBED IN A SUBSTANTIALLY NATURAL STATE, AND UTILIZED FOR PASSIVE RECREATION ONLY. NO CLEARING, GRADING, FILLING, BUILDING CONSTRUCTION OR PLACEMENT, OR ROAD CONSTRUCTION OF ANY KIND, EXCEPT THE REMOVAL OF HAZARDOUS TREES, SHALL BE ALLOWED.
- PRIOR TO BUILDING PERMIT ISSUANCE, THE APPLICANT MUST DEMONSTRATE ON THEIR BUILDING PERMIT SITE PLAN THAT THE SUBJECT LOT CAN AND WILL ACCOMMODATE AT LEAST TWO OFF-STREET PARKING STALLS (MAY BE LOCATED IN PRIVATE DRIVEWAY AND/OR WITHIN GARAGE).

UTILITY EASEMENT

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO ALL UTILITIES SERVING SUBJECT PLAT AND THEIR PERSPECTIVE SUCCESSORS AND ASSIGNS, UNDER, OVER, AND UPON THE EXTERIOR 10 FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS AS SHOWN ON THE FACE OF THIS PLAT, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE, AND MAINTAIN UNDERGROUND CONDUITS, CABLES, PIPE, AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS, TELEVISION CABLE, AND OTHER UTILITY SERVICES TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSES HEREIN STATED.

LEGAL DESCRIPTION

TAX PARCEL NUMBER: 28083300201200
 THE WEST 990 FEET OF THE NORTH 440 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER IN SECTION 33, TOWNSHIP 28 NORTH, RANGE 8 EAST, W.M., SNOHOMISH COUNTY, WASHINGTON;
 EXCEPT THAT PORTION LYING WITHIN 329TH AVENUE SOUTHEAST (SULTAN BASIN ROAD).

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

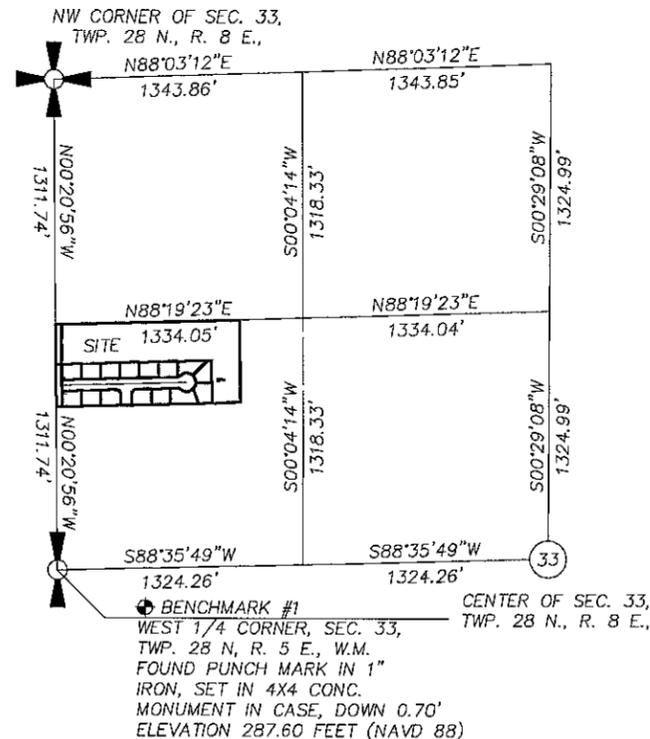
GENERAL NOTES

THE LOCATION AND DESCRIPTION OF ALL SURVEY MARKERS SHOWN HEREON ARE BASED ON FIELD OBSERVATIONS TAKEN DURING 02/05 UNLESS OTHERWISE INDICATED.

PRECISION

THE PRIMARY MEASUREMENT EQUIPMENT UTILIZED IN THE PERFORMANCE OF THIS SURVEY WAS THE SOKKIA SET 3BII. ALL PRIMARY MEASUREMENT EQUIPMENT UTILIZED HAS BEEN COMPARED TO AND ADJUSTED AGAINST A NATIONAL GEODETIC SURVEY CALIBRATED BASELINE WITHIN THE PREVIOUS ONE YEAR.

PRECISION EXCEEDS 1:10,000; GROUND TRAVERSE METHODS WERE IN ACCORDANCE WITH WAC 332-130-090.



SECTION BREAKDOWN
 SEC. 33, TWP. 28 N., R. 8 E., W.M.
 SCALE: 1"=600'

AUDITOR'S FILE NUMBER _____

SW 1/4, NW 1/4, SEC. 33, TWP. 28 N., R. 8 E., W.M.

DELTA LAND SURVEYORS
 370 N. EAST CAMANO DRIVE, SUITE 5-66
 CAMANO ISLAND, WA 98282
 (360) 939-0316
 FAX (360) 939-2078

Drawn AMS Date 09/17/07 Job No. 05-1248
 Checked RDR Scale 1"=50' F.B. Sheet 2 of 3

AUDITOR'S CERTIFICATE

Filed for record at the request of DELTA LAND SURVEYORS, this ____ day of ____ 20____, at ____ minutes past ____ m, and recorded in Vol. _____ of short plats, page(s) _____, records of Snohomish County, Washington.

Auditor, Snohomish County
 By: _____
 Deputy Auditor, Snohomish County

FINAL PLAT
FOR
REX GALE

TAX PARCEL: 28083300201200
 SULTAN, WASHINGTON

SURVEYOR'S CERTIFICATE

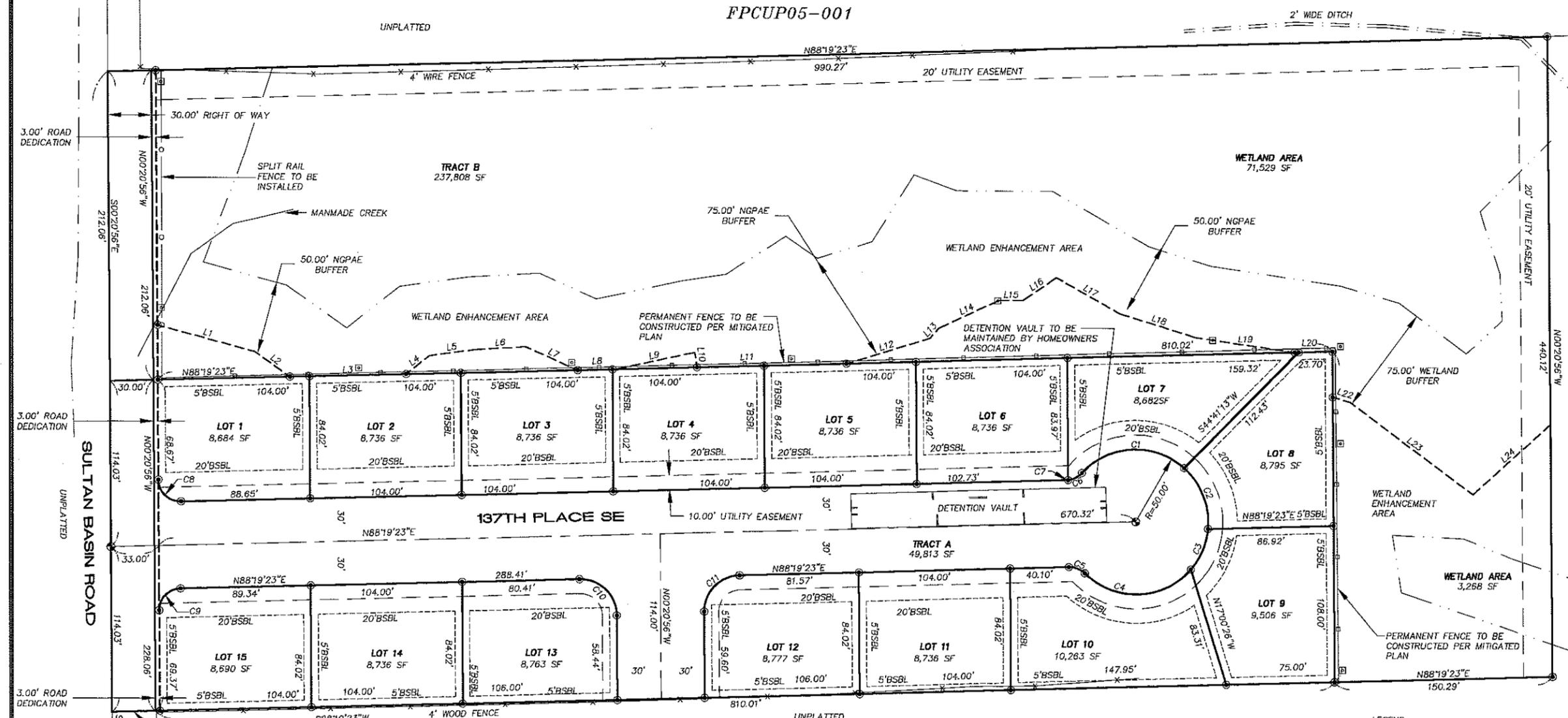
This map correctly represents a survey made by me or under my direction in conformance with the requirements of the SURVEY RECORDING ACT at the request of REX GALE

83 TIMBERLAKES, HERBER, UT 84032
 in SEPTEMBER, 20 04

CERTIFICATE NO. 37554

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A PORTION OF THE SW 1/4 OF THE NW 1/4 OF SECTION 33, TOWNSHIP 28 NORTH, RANGE 8 EAST, W.M.
SNOHOMISH COUNTY, WASHINGTON
FPCUP05-001

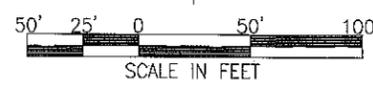


LINE	LENGTH	BEARING
L1	68.94	S74°56'26"E
L2	29.59	S54°47'33"E
L3	79.94	N88°19'23"E
L4	20.39	N51°22'53"E
L5	31.77	N81°49'56"E
L6	34.64	N86°35'59"E
L7	38.90	S65°56'49"E
L8	26.29	N88°19'23"E
L9	55.42	N77°40'33"E
L10	10.32	S08°38'19"E
L11	102.23	N88°19'23"E
L12	59.89	N72°59'58"E
L13	9.38	N42°02'17"E
L14	45.78	N64°55'43"E
L15	16.43	S89°47'07"E
L16	27.68	N55°12'34"E
L17	49.82	S80°21'40"E
L18	54.62	S72°55'03"E

LINE	LENGTH	BEARING
L19	69.19	S81°45'58"E
L20	26.40	N88°19'23"E
L21	31.37	S00°20'56"E
L22	12.35	S73°55'30"E
L23	105.72	S53°13'11"E
L24	72.39	N47°58'59"E

CURVE	LENGTH	RADIUS
C1	78.06	50.00
C2	56.20	60.00
C3	52.05	70.00
C4	46.83	50.00
C5	37.04	60.00
C6	47.18	70.00
C7	30.87	50.00
C8	100.42	60.00
C9	95.13	70.00
C10	81.93	50.00
C11	12.09	15.00
C12	10.82	15.00
C13	1.27	15.00
C14	23.91	15.00
C15	23.21	15.00
C16	39.95	25.00
C17	38.69	25.00

- LEGEND**
- ⊕ BENCHMARK
 - ⊙ SET 3/4" X 24" REBAR MARKED LS 37554
 - ⊙ SET CASED 4"X4" CONCRETE MONUMENT WITH 2" BRASS DISK, MARKED LS 37554
 - ⊞ SIGN FOR WETLAND ENHANCEMENT AREA
 - EXISTING FENCE LINE
 - - - SPLIT RAIL FENCE (TO BE CONSTRUCTED)
 - - - PERMANENT FENCE (TO BE CONSTRUCTED)
 - - - BUILDING SETBACK LINE (BSBL)
 - - - WETLAND BOUNDARY
 - - - WETLAND BUFFER
 - - - UTILITY EASEMENT LINE



BENCHMARK #1
WEST 1/4 CORNER, SEC. 33,
TWP. 28 N., R. 8 E., W.M.
FOUND PUNCH MARK IN 1"
IRON, SET IN 4X4 CONC.
MONUMENT IN CASE, DOWN 0.70'
ELEVATION 287.60 FEET (NAVD 88)

AUDITOR'S FILE NUMBER _____

SW 1/4, NW 1/4, SEC. 33, TWP. 28 N., R. 8 E., W.M.

DELTA LAND SURVEYORS
370 N. EAST CAMANO DRIVE, SUITE 5-66
CAMANO ISLAND, WA 98282
(360) 939-0316
FAX (360) 939-2078

Drawn AMS Date 09/17/07 Job No. 05-1248
Checked RDR Scale 1"=50' F.B. Sheet 3 of 3

AUDITOR'S CERTIFICATE
Filed for record at the request of DELTA LAND SURVEYORS, this _____ day of _____ 20____, at _____ minutes past _____ m., and recorded in Vol. _____ of short plats, page(s) _____, records of Snohomish County, Washington.

Auditor, Snohomish County
By: _____
Deputy Auditor, Snohomish County

FINAL PLAT
FOR
REX GALE

TAX PARCEL: 28083300201200 SULTAN, WASHINGTON

SURVEYOR'S CERTIFICATE
This map correctly represents a survey made by me or under my direction in conformance with the requirements of the SURVEY RECORDING ACT at the request of REX GALE
83 TIMBERLAKES, HERBER, UT 84032
in SEPTEMBER, 2004
CERTIFICATE NO. 37554

RICHARD D. ROSE
STATE OF WASHINGTON
REGISTERED PROFESSIONAL LAND SURVEYOR
37554
EXPIRES: 01/09/08