



City Manager's Office

MEMORANDUM

DATE: April 8, 2024

TO: Mayor and City Council

THROUGH: Doug Thornley, City Manager Approved Electronically

FROM: Angela Fuss, Assistant Director Development Services 

SUBJECT: **Somerset Cliffs Development – Neighborhood Concerns on the Landscaping**

This memo has been prepared to provide Council with an update regarding the neighborhood concerns expressed by the Cliffs development in Somerset. The neighbors have expressed concerns that the developer, Toll Brothers, is not meeting the minimum requirements for revegetating the portion of land that has been mass graded. The Cliffs is located in Somerset PUD Village 6, which is in the northwestern most corner of the PUD and one of the last areas to be significantly developed. The Cliffs development was approved for a 165 lot single family subdivision in December of 2016.

As construction of the project has moved forward in multiple phases, a total of three different revegetation bonds have been assigned. The City requires a revegetation bond anytime there is mass grading of a site and the soil and planting materials need to be replaced back to their natural vegetative state. A licensed Landscape Architect is required to submit a reveg plan that includes a seed mix and typically some form of temporary irrigation. The reveg seed mix type is selected based on a number of unique conditions including native plant materials, slopes, soil conditions, anticipated precipitation, temperatures, soil textures, elevation, etc.

Due to the large acreage and amount of steep slopes needed to mass grade the Cliffs, the three revegetation bonds covered different geographic areas. As the Cliffs houses are constructed and the area is returned to its natural vegetative condition, the revegetation bonds are released. This means the plant material has grown back and the bond is released and no longer required. Below is a summary of the status of each of the revegetation bonds:

- A \$72,720 bond associated with revegetation of the street, trail head, parking lot area and fire station property was issued in 2005 and released in 2015.
- A \$345,817 bond associated with common areas immediately adjacent to the roads and adjacent to the residential parcels was issued in 2018 and released in 2020.

- A \$104,544 bond associated with the broader Village 6 mass grading was issued in 2017. The bond includes 100 acres of land comprised of approximately 56 acres of parcels and the remaining 43 acres of common area. The bond was issued in 2017 and has been partially released (\$45,926 was released in 2023).

There is still a partial bond remaining for the broader mass grading of the 43 acres of common open space, including the erosion and hydroseeding on the steeper slopes. Once Toll Brothers is ready to move forward with the full bond release, they will be required to submit a letter from a licensed Landscape Architect confirming the area has been revegetated. City staff will then go out and do a site inspection to verify the revegetation has been achieved. Specific to revegetation bonds, the City does not require an engineering review. For revegetation or landscape bonds, the City does require that a licensed Landscape Architect perform a site inspection and provide a stamped letter that verifies the landscape/revegetation improvements are in substantial conformance with the approved plans.

The City recently hired an Associate Planner Specialist, who is tasked with doing an additional field inspection on all landscape/revegetation bonds. This field inspection is utilized to double check that the landscaping/revegetation conforms to the approved landscape plans. This is a new process that the City had not previously done. The City previously relied on the letter from a licensed Landscape Architect to verify the revegetation is complete, whereas we now also do a separate additional field inspection.

Staff has been in contact with both Toll Brothers and with the Cliffs homeowners. We have committed to all parties involved that the final remaining revegetation bond will not be released until such time as staff is comfortable that the revegetation has grown in accordance with the approved landscape plan. If the landscape/revegetation dies at a future time, we utilize Code Enforcement to address replacing the dead landscaping.