

Chapter 14.64 Additional Development Standards.

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14.64.010 Purpose.

The purpose of this chapter is to establish requirements for determining basic dimensional standards and to set out development standards for specific types of uses. The standards and rules are established to provide flexibility in project design, provide solar access, and maintain privacy between adjacent uses. The Public Works Development Designs Standards, DMC 14.34, Design Guidelines as applicable, shall apply to all developments.

14.64.020 Densities and dimensions.

The density and dimension tables are arranged in a matrix format and are in each specific zoning district, DMC 14.12 – DMC 14.32.

14.64.030 Measurement methods.

The following provisions shall be used to determine compliance with this Title:

- A. Street setbacks shall be measured from the edge of a street right-of-way or temporary turnaround.
- B. Lot area shall be the total horizontal land area contained within the boundaries of a lot.
- C. Impervious surface calculations shall not include areas of turf, landscaping, natural vegetation, surface water retention/detention facilities, or other similar facilities as determined by the Public Works Director.

14.64.040 Calculations – Gross usable area, Residential.

The permitted number of units shall be determined as follows:

- A. The maximum allowed number of dwelling units shall be computed by multiplying the land use per gross useable area by the applicable residential density.
- B. When calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:
 - 1. Fractions of .50 or above shall be rounded up; and
 - 2. Fractions of .49 or below shall be rounded down.

Figure 14.64.040.3

Example:				
18,000	x	(6/43,560)	=	2 maximum allowed dwelling units
(gross useable site area in square feet)	x	R6 zone allowed density (6 units/acre)	=	(rounded down from 2.47)

- C. On lots that contain sensitive areas, a density credit for such areas may be allowed in accordance with DMC 14.42, Sensitive Area Regulations.

14.64.050 Lot area – Prohibited reduction.

Any portion of a lot that was required to calculate and ensure compliance with the standards and regulations of this Title shall not be subsequently subdivided or segregated from such lot.

14.64.060 Setbacks – General.

- A. For applying setback regulations, the following shall be applied: the front shall be toward the street or access corridor from which the lot is addressed; the rear is opposite to the front or as nearly so as the lot shape permits; and the sides are 90 degrees to the front or as nearly so as the lot shape permits.
- B. All setbacks shall be measured at right angles, or as near to right angles as possible, to the nearest property line in a plane horizontal to the ground, or in the case of access corridors for single-family residential development, from the nearest edge of the easement to the foundation line of the structure.
Where a lot fronts on more than one street, both frontages shall have front yard setbacks consistent with Figure 14.12.050C.

14.64.070 Setbacks – Specific building or use.

When a building or use is required to maintain a specific setback from a property line or other building, such setback shall apply only to the specified permitted or accessory building or use defined within the zone.

14.64.080 Setbacks – Modifications.

The following setback modifications are permitted:

- A. When the common property line of two lots is covered by a building(s), the setbacks required by this chapter shall not apply along the common property lines.
- B. When a lot is located between 2 lots, each of which is developed with a building having nonconforming street setbacks, the required street setback for such lot may be the average of the 2 nonconforming setbacks or 60 percent of the required street setback, whichever results in the greater street setback. This is applicable only when the buildings on the adjacent lots are allowed uses in accordance with the zoning district and the proposed building use is like those uses.

14.64.090 Setbacks – Utility corridors.

- A. In subdivisions and short subdivisions, areas used as utility corridors as identified in this Title shall be contained in separate tracts, rights-of-way or easements.

- B. In other types of land development permits, easements shall be used to delineate such corridors.
- C. All buildings shall maintain a minimum distance of 5 feet from property or easement lines delineating the boundary of utility corridors, except for utility structures necessary to the operation of the utility corridor, and as set out in DMC 14.34, Design Guidelines. A greater setback, to a maximum of 10 feet, may be required by the Public Works Director on a case-by-case basis.

14.64.100 Setbacks – Alleys.

For lots with alley access; garages, and other accessory buildings may be located on the rear lot line of the alley. Garages facing the alley are subject to an additional 5-foot setback and shall not be closer than 15 feet from the centerline of the alley.

14.64.110 Setbacks – Adjoining half-street or designated arterial.

In addition to providing the standard street setback, a lot adjoining a half-street or designated arterial shall provide an additional width of street setback sufficient to accommodate construction of the planned half-street or arterial.

14.64.120 Setbacks – Projections allowed.

Projections may extend into the required setbacks as follows:

- A. On ground and upper floor uses in all districts and on upper floor uses in the OT, MT, UT-1st and RIV zoning districts, fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into any setback; provided such projects are:
 - 1. Limited to 2 per façade;
 - 2. Not wider than 7 feet; and
 - 3. Not more than 24 inches into an interior setback or into a street setback.
- B. Uncovered porches and decks which exceed 18 inches above the finished grade may project:
 - 1. 18 inches into interior setbacks; and
 - 2. 5 feet into the street setback except where the allowable setback is 0 feet as in the OT, MT, UT-1st and RIV zones.
- C. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the property line.
- D. Roof eaves, including any part of a roof structure whether supported by diagonal bracing to the building, may no project more than:
 - 1. 24 inches into an interior setback;
 - 2. 24 inches into a street setback except where the allowable setback is 0 feet as in the OT, MT, UT-1st and RIV zones; or
 - 3. Be less than 7 feet measured vertically above the finished ground level in the vicinity of the projection.
- E. Fences may project into any setback; provided that the sight distance requirements are maintained along street corridors.

14.64.130 Heights – How to measure.

Applicants are required to work with the topography of a site when designing a building.

- A. Residential buildings.
 - 1. The building height on the uphill side shall be determined by measuring the vertical distance from the average elevation of the building corners to the eave line of the roof.

2. The building height on the downhill side shall be determined by measuring the vertical distance from the average elevation of building height of the corners to the eave line of the roof.
- B. Non- residential buildings.
1. The building height on the uphill side will be determined by measuring the vertical distance from the average finished grade of the sidewalk to the eave line of the roof.
 2. The building height on the downhill side will be determined by measuring the vertical distance from the average finished grade of the sidewalk to the eave line of the roof.
- C. Buildings that are at the sidewalk grade on lots fronting on Main Street as of the date of this Title adoption, and that have a previously existing flat grade, and that are being redeveloped and/or removed to allow for redevelopment, shall be permitted to develop a 3-story building on the lot if all other provisions of this Title can be met.

14.64.140 Heights – Exceptions to limits.

The following structures may be erected above the height limits to the minimum height necessary to support the use as determined by the Director:

- A. Roof structures housing or screening elevators, fire access stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance; and
- B. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, communication transmission structures, private amateur radio facilities, utility line towers and poles, and similar structures.

14.64.150 Lot divided by zone boundary.

When a lot is divided by a zone boundary, the following rules shall apply:

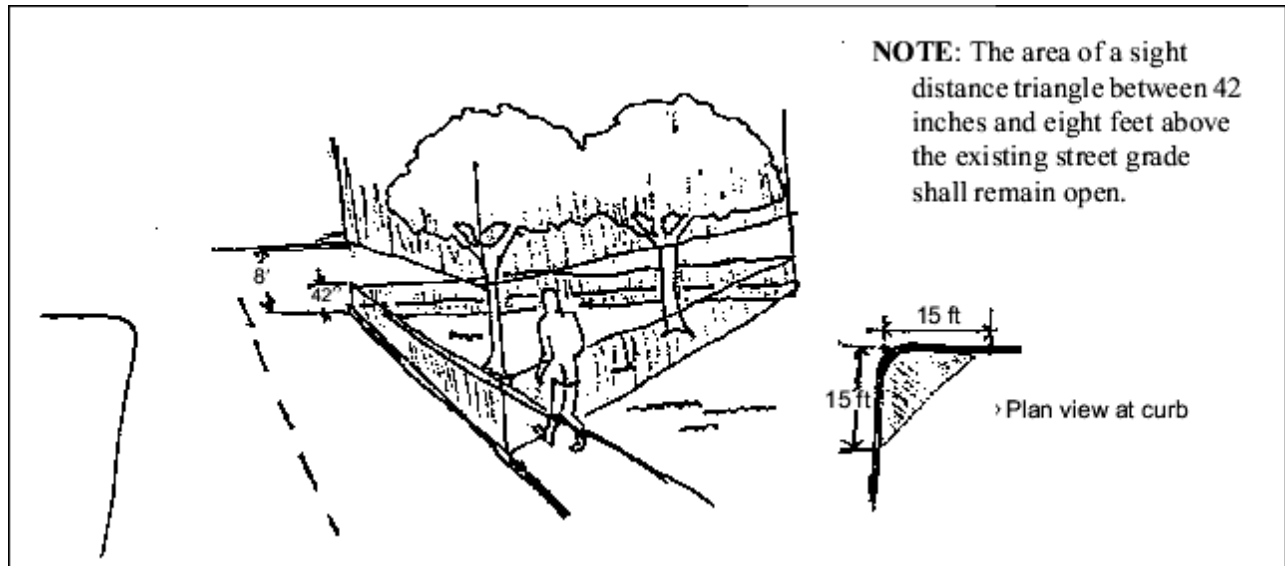
- A. When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site.
- B. When a lot contains residential zones of varying density, any residential density transfer within the lot shall only be allowed from the portion with the lesser residential density to that of the greater residential density.
- C. Uses on each portion of the lot shall only be those permitted in each zone.

14.64.160 Sight distance requirements.

Except for utility poles and traffic control signs, the following sight distance provisions shall apply to all intersections and site access points:

- A. A sight distance triangle area as determined by DMC 14.64.160.B shall contain no fence, berm, vegetation (tree trunks acceptable if they are not sight obscuring), on-site vehicle parking area, signs or other physical obstruction between 3 ½ feet and 8 feet above the existing street grade;

Figure 14.64.160.A Site Distance Triangle



- B. The sight distance triangle at:
1. A street intersection shall be determined by measuring 15 feet along both street property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the endpoints of the first two sides of the triangle; or
 2. A site access point shall be determined by measuring 15 feet along the street lines and 15 feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle; and
- C. Structures or landscaping that are located in required street setbacks may be required to be removed or modified, if:
1. Such improvements prevent adequate sight distance to drivers entering or leaving a driveway;
 2. No reasonable driveway relocation alternative for an adjoining lot is feasible; or,
 3. Clear lines of sight are obstructed by such structures, landscaping or objects as to pose a potential public safety hazard as determined by the Director.

14.64.170 Nonresidential land uses in residential zones.

Except for utility facilities and uses, all nonresidential uses located in the residential zones (R4-R8, R12) shall be subject to the following requirements:

- A. Building coverage by a nonresidential use shall not exceed the coverage allowed for a residential use as set out in DMC 14.12 – 14.16.
- B. Impervious surface coverage by a nonresidential use shall not exceed the coverage allowed for a residential use as set out in DMC 14.12- 14.16.
- C. Buildings and structures shall conform to the setback requirements set out in DMC 14.12- 14.16.
- D. One single-family detached dwelling unit allowed as an accessory use to a church or school shall conform to the setback requirements of the zone.

- E. Parking areas are permitted within the required setback area from property lines; provided, such parking areas are located outside of the required landscape area.
- F. Sites shall abut or be accessible from at least one public street functioning at a level consistent with the Public Works Development Design Standards.
- G. The building height shall conform to the zone in which the use is located.

14.64.180 Fences.

- A. Fences are permitted as follows:
 - 1. The sight distance requirements of DMC 14.64.160 shall be observed.
 - 2. No fence shall be located on any public right-of-way.
 - 3. Fences shall not be constructed of a material which has a color or surface finish which can cause glare or eye discomfort or other safety hazards.
 - 4. New barbed wire fences are not permitted in any zone within City limits, except as specified in the Light Industrial and Public Facility Zone section. Existing barbed wire fences are permitted until a new fence is proposed or the subject property redevelops, whichever occurs sooner.
 - 5. Electric fences shall be not be permitted except in non-residential zoning districts and in specific cases by permit from the City. Such fences shall not be permitted adjacent to the primary public right-of-way. Electric fences shall comply with the requirements stated below:
 - a. Warning signs located at maximum intervals of 75 feet when within 5 feet of and essentially parallel to a property line and without protective fence.
 - b. Electric fence charging units shall bear a seal of approval by Underwriter's Laboratories or by the U.S. Bureau of Standards.
 - c. Invisible fences are permitted in residential districts and are permitted adjacent to the primary public right-of-way in the same manner as a residential zone fence.
 - 6. Whenever a fence is placed on top of a new retaining wall and/or original grade, the height of the fence and the retaining wall/grade together shall not exceed six feet measured from the original grade.
- B. Residential Zone Fences.
 - 1. In residential zoning districts, fences may be constructed to a maximum height of 4 feet in front yards and 6 feet on the sides and rear of a lot, except as specified in this section.
 - 2. For the purposes of this regulation, the front yard shall begin at the front corner of the dwelling unit.
 - 3. Front yard fences shall be designed to be see through, except as specified in this section.
- C. Residential zone fences located along the following routes (NE Cherry Valley Rd, NE Big Rock Rd, NE 150th St, NE 145th St, NE 152nd St (Bruett Rd.), NE Stephens St., 3rd Ave NE, 275th Ave NE and Batten Rd NE:
 - 1. Front yard fences may be permitted as approved by the Planning Director above the 4 height limitation provided that they choose one of the following options:
 - a. Front yard fences may be a maximum of 6 feet tall and solid, provided that a Type II 6-foot wide landscaping buffer is provided between the back edge of sidewalk and the fence. See DMC 14.38 Landscaping for Type II planting specifications; or,
 - b. Front yard fences may be a maximum of 6 feet tall, 4 feet of which is solid from sidewalk grade to 4 feet above grade, provided that the top 2 feet are decoratively patterned. Fences shall be set back a minimum of 4 feet from

the back edge of sidewalk, and Type III low cover landscaping shall be provided between the sidewalk and the fence.

- D. Mixed Use and Commercial Zone Fences.
 - 1. Fences are not permitted adjacent to the primary street frontage unless approved by the City as part of a site plan approval or other permit.
 - 2. Fences may be constructed of any suitable material to a maximum height of 6 feet on any part of a lot (barbed wire not permitted), other than the primary street frontage.
 - 3. Chain link industrial type fence or fence of other suitable material approved by the Director may be constructed to a maximum height of 6 feet on any part of a lot except within a setback adjoining a street, or adjacent to the primary street frontage.
- E. Light Industrial and Public Facility Zone Fences.
 - 1. In the LI and PF zone, chain link industrial type fence or fence of other suitable material approved by the Director may be constructed to a maximum height of 6 feet, excluding barbed wire, on any part of a lot, except fences are not permitted adjacent to the primary street frontage unless approved as part of the site plan approval or other permit.
 - 2. Barbed wire may be used along the top of industrial type fence provided the lowest strand has a minimum height of 6 feet from ground level and such wire is approved as part of the site plan approval, if applicable.
- F. Where possible, the use of landscaping instead of fences is encouraged. Landscaping is not subject to the 6 foot height restriction of this section, except that landscaping is subject to the 4 foot front yard restriction in residential zoning districts.
- G. Gated residential communities shall not be permitted.
- H. Fences for City-owned facilities and public and private schools. Fences for City-owned facilities and public and private schools may be constructed above the 6-foot fence height limitation upon site plan review by the Planning Department. Specific conditions may be required by the Director on a case by case basis (i.e. landscaping). The applicant shall obtain a permit from the Building Department for any fence constructed over 6 feet.

14.64.190 Swimming pools.

- A. Excavated or surface type swimming pools may be installed for private or communal residential use in the, R4 – R8, UT-1st, MU12, R12 and R20 zoning districts.
- B. A 6 foot high fence of chain link, wood, or other secure material with locking gate shall be constructed around all swimming pools to control access by unauthorized or unattended persons.

14.64.200 Animal boarding facilities and kennels.

- A. Structures containing animals, not including dogs and cats that are pets at a single-family residence, shall be set back a minimum of 50 feet from a property line adjacent to a residential use or zone. Special screening may be required to screen such facilities from adjacent residential uses.
- B. The application for project permit application and/or business license shall contain the number of animals proposed to be served by the facility. The number can be reduced by the Director if it is necessary to ensure the neighboring properties will not be impacted by noise, odor, sanitation, and runoff problems.
- C. Animal boarding facilities shall be located inside a structure. Outdoor runs for exercising animals are permitted with a sound attenuating fence required. Runs may be required to be set back and/or screened from adjacent properties.

14.64.210 Automobile, recreational vehicle and boat sales, rental, and service.

- A. Vehicles that are for sale are only permitted in areas remaining after on-site parking and landscaping requirements have been met.
- B. Vehicles shall be stored on paved parking areas.
- C. Outdoor loudspeaker systems are prohibited.
- D. Servicing of vehicles shall occur inside a building.
- F. All wash areas shall be covered and drainage from such areas be in accordance with the Public Works Development Design Standards and be approved by the Public Works Director.

14.64.220 Adult use businesses.

Adult use business, also referred to as “sexually oriented businesses” are as defined in DMC 14.06.

- A. Applicants proposing an adult use business shall comply with the provisions of this Title, and the more detailed and specific provisions of DMC 5.02, Sexually-Oriented Businesses.
- B. Adult use businesses shall not be located within 1,000 linear feet of any of the following uses or zones: R4, R4.5, R6, R8, R12, MU12 zoning districts; public or private pre-K -12 schools, licensed daycare facilities, public parks, community centers, libraries, religious institutions that conduct classes for minors, or another adult use business.

14.64.230 Sidewalk Cafés.

14.64.230.A Applicability

- A. This section applies to all sidewalk cafés whether located on a public or private sidewalk.
- B. Sidewalk cafés shall be accessory uses only to an abutting restaurant, pub or coffee shop under the same ownership and/or management and that are permitted by this Title.
- C. In addition to compliance with this section, sidewalk cafés shall be consistent with the DMC 14.34, Design Guidelines and with all other applicable city regulations.

14.64.230.B Sidewalk café standards.

In order to be issued a permit for a sidewalk café, an applicant must meet the following standards and provide documentation as requested:

- A. There shall be a minimum 5 foot wide unobstructed pedestrian corridor outside the fenced area to the nearest street tree, utility pole, fire hydrant, etc, unless a wider width is required by the Director due to other standards and regulations.
- B. If a fence is required and/or proposed as part of the café, the placement of the fence shall be consistent with the applicable standards established by the Americans with Disabilities Act and shall not obstruct vehicular traffic or parking or the use of any crosswalk, wheelchair ramp or bus zone;
- C. If alcohol is to be served, the outside area shall be fenced off from the pedestrian corridor by a railing, planters, or other similar devices approved by the city. The fencing shall be a maximum of 42 inches in height and a single opening shall be provided through the fenced area for customers or as required by the Washington State Liquor Control Board requirements;
- D. The applicant must be the owner or occupant of the abutting property and operate a café or restaurant abutting the sidewalk café area;
- E. The applicant must have a valid city business license;
- F. Liquor, as defined in RCW 66.04.010, as now existing or hereafter amended, may be sold at a sidewalk café when authorized in both the street use permit and provided for in this chapter and by permit of the Washington State Liquor Control Board and not otherwise;

- G. In the right-of-way, unless expressly authorized by the Public Works Director, no pavement shall be broken, no sidewalk surface disturbed and no permanent fixture of any kind shall be installed in or on the sidewalk area in connection with a sidewalk café;
- H. Lighting of the sidewalk café must not be excessive;
- I. No product displays or signage, other than umbrellas bearing a product name, are permitted in a sidewalk café;
- J. If the proposed sidewalk café serves liquor, such service shall be associated with a restaurant that serves its primary menu during all hours of operation;
- K. A street use permit is required to allow a portion of a public right-of-way to be used as a sidewalk café. Such permit is valid from the date issued and is subject to the requirements of this chapter. A street use permit is automatically renewed each year unless rescinded by the Public Works Director due to non-compliance with this section or for public needs of the right-of-way. The Public Works Director has the authority to issue the permit if the criteria set out in this chapter are met, as recommended by the Director, and to otherwise deny the permit.

14.64.230.C Sidewalk café application.

In addition to the street use permit application, if required, a person proposing a sidewalk café must submit a sidewalk café application that provides for the following:

- A. Documentation that the standards set out in 14.64.230.B are met;
- B. Proposed number of tables and chairs;
- C. Proposed hours of operation;
- D. A dimensioned or scaled plan showing the restaurant's storefront, the location of the fencing, the unobstructed walking area, the square footage of the area proposed to be fenced off, and other requested information;
- E. If a fence is proposed, a plan showing the design of the fence and materials and colors proposed. Such fence shall be designed in a way to complement the adjacent building. Fence styles that are permitted include decorative metal fences, wood fences in combination with planters, and similar types of fencing. The city may require samples of materials and colors to be submitted.

14.64.230.D Sidewalk café approval.

The Director may include such terms or conditions in the approval that are deemed appropriate, including but not limited to:

- A. Restrictions as to the area proposed for use; the number of tables and chairs; and the days and hours of use;
- B. For sidewalk café areas in the public right-of-way, a requirement that the area be cleared when not in use as a sidewalk café, or upon the order of the Director, the Fire Chief, or other city officer such as the Chief of Police;
- C. Provisions that the applicant maintain the sidewalk in a clean and safe condition for pedestrian travel;
- D. Regulations on lighting and illumination of the sidewalk café and limitations on noise;
- E. The Director or Public Works Director may suspend or revoke the permission granted for sidewalk cafés in the public right-of-way if an applicant violates this chapter, any implementing rules, or terms and conditions of this permit,
- F. The Public Works Director may require a sidewalk café in a public right-of way to be temporarily or permanently removed due to a public works project that will affect the area.

14.64.240 Open Space Standards – Residential.

- A. The purpose of this section is to establish open space requirements in residential zone districts. These standards shall apply to the R-4, R-4.5, R-6, R-8, R-12, R-12 and MU12, and R-20 (ground floor residential portion of the site).
- B. Open spaces shall be distributed through out the site.
- C. 10 percent of the developable area shall be established as open space and neighborhood recreation facilities. Developable is the gross area of the site minus sensitive areas and right-of-way.
- D. A portion of the sensitive area can be counted toward open space. To count sensitive areas in the open space requirement the area shall contain: a trail in the outer portion of a sensitive area buffer, a small viewing and/or seating area, and interpretive signage. The trail area only shall be calculated toward the required open space requirement.
- E. The open space and recreational facilities shall be readily accessible to all dwelling units with pedestrian trails or sidewalks.
- F. Except for sensitive areas, the open space area shall be a minimum width of 25 feet. The length of the open space area shall be no more than twice the width unless approved by the Planning Director.
- G. The open space shall not have more than five percent grade unless approved by the director.
- H. Landscaped areas such as planting strips and medians shall not be counted toward the minimum open space requirement.
- I. To the extent feasible, neighborhood recreation areas shall be centrally located within a neighborhood.
- J. Open space provided under this section is in addition to the usable open space required for each lot in accordance DMC 14.34 Design Guidelines.
- K. Open space shall include both passive and active spaces as determined by the director.
- L. The design of the open space shall be approved by the Public Works and Planning directors.
- M. See DMC 14.34 Design Guidelines for other provision for open space requirements.
- N. Utility corridors may be allowed in open space areas as approved by the Public Works Director and the Planning Director.

14.64.250 Watershed Management

The purpose of this section is to designate watershed subbasin management groups within the City, implementing the City's 2015 Watershed Plan and adopted goals and policies of the 2015 Comprehensive Plan (adopted June 2016), protecting important watershed processes and functions. By establishing a framework for regulating land use and development consistent with subbasin management group priorities, this Chapter provides for:

- A. Protection and conservation of high-functioning subbasins and watershed processes;
 - B. Prevention of cumulative adverse environmental impacts to watershed processes;
 - C. Facilitation of more intense developments and land use activities and to less sensitive subbasins; and
 - D. Reasonable use of private property in accordance with 2015 Comprehensive Plan Land Use Element and Environment and Sustainability Element goals and polices.
- A. Subbasin Management Groups. Subbasins across Duvall and urban growth areas are designated according to the following five management categories:

1. Group 1 – Protect / Restore.
 - a. Applies to the Snoqualmie River Floodplain and Cherry Creek Floodplain subbasins as shown in Figure ES-7.
 - b. Assigned to subbasins that are of highest importance to multiple watershed processes and are a high priority for protection and restoration.
2. Group 2A – Highest Conservation
 - a. Applies to five subbasins, generally along the eastern and southern edges of the city and urban grown areas, including Cherry Creek C, Cherry Creek D-West, Cherry Creek D-East, Middle Weiss Creek, and Lower Weiss Creek, subbasins as shown in Figure ES-7.
 - b. Assigned to subbasins that are the highest priority for conservation and are likely not appropriate for much additional development. Assessment results show moderate importance to multiple watershed processes that are also highly intact.
3. Group 2B – Moderate Conservation
 - a. Applies to Cherry Creek B and Upper Weis Creek subbasins as shown in Figure ES-7.
 - b. Assigned to subbasins that may be appropriate for some additional development, but also require protection of areas important for remaining watershed processes.
4. Group 2C – Lowest Conservation
 - a. Applies to three subbasins including Cherry Creek A, Unnamed Southern Tributary – Lower, and Unnamed Southern Tributary – Upper subbasins as shown in Figure ES-7.
 - b. Assigned to subbasins where more intense development is appropriate. The remaining resources and areas important to watershed processes would benefit from protection.
5. Group 3 – Urban Development
 - a. Applies to four subbasins in historic downtown Duvall, including Old Town, Coe-Clemmons Lower, Coe-Clemmons Upper, and Thayer subbasins as shown in Figure ES-7.
 - b. Assigned to subbasins where more intense development should be focused. These subbasins are below average for water flow importance and have the highest existing degradation.

B. Subbasin Boundary Determinations.

1. Subbasin boundaries as depicted on Figure ES-7 are approximate, based on remote-sensing digital elevation model data and City surface and stormwater infrastructure mapping.
2. For purposes of development proposal review, the City shall assume subbasin extents and boundaries as shown on Figure ES-7 are accurate, unless the following criteria are met:

- a. A project applicant may complete site assessment and survey to update subbasin boundaries;
- b. Assessment results shall be documented in a technical report submitted by a qualified professional in environmental hydrology and/or engineering.
- c. The technical report shall include a site plan depicting the updated subbasin boundary; and
- d. The director, may, at their discretion and at the applicant's expense, retain a qualified consultant in environmental hydrology and/or engineering to review and confirm the applicant's reports, studies, and plans.