



NOTICE OF DECISION

Project Name: Willow Ridge Lot 21 SPR20-005, VAR20-001, VAR20-002, VAR20-003, VAR 20-004, VAR21-001, VAR21-002, VAR21-003, VAR21-004

Project Location: 16000 Block of 1st Ave NE & Main View Lane NE, Duvall, WA 98019 (TPNs 9429410140, -10130, -10120, -10110, -10100, -10090, -10080, -10070, -10060, -10050, -10040, -10030, -10020, and -10010).

To all parties of record: The Hearing Examiner issued a Decision on **October 4, 2021** granting:

A. Approval of all applications subject to conditions

This approval is based upon the Hearing Examiner's Findings of Fact and Conclusions of Law, the testimony and evidence submitted at the open record hearing (held [enter date]).

This decision will become final and effective: **October 25, 2021**, unless an appeal is filed.

The Hearing Examiner's decision is appealable to King County Superior Court by the applicant or any Party of Record and must be submitted within 21 calendar days after the decision. Appeals are subject to DMC 14.08.

Appeal Closing Deadline: October 25, 2021

Application Submittal Date: October 22, 2020

Notice of Complete Application: November 18, 2020

Days to Hearing: > 120 Days

Days to Decision: > 120 Days

Threshold Determination: July 28, 2021

Date of this Notice: October 4, 2021

Attachments:

- Hearing Examiner Findings of Fact, Conclusions of Law, and Decision – October 4, 2021.

Notice: Per RCW 36.70B.130, affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

**BEFORE the LAND USE HEARING EXAMINER for the
CITY of DUVALL**

DECISION ¹

FILE NUMBERS: SPR20-005, VAR20-001, VAR20-002, VAR20-003, VAR 20-004,
VAR21-001, VAR21-002, VAR21-003, VAR21-004 ²

APPLICANT: Veristone Fund I ³
C/o Demetry Vyzis
6725 116th Avenue NE, Suite 210
Kirkland, WA 98003

TYPE OF CASE: Consolidated: 1) Preliminary Site Plan Approval for *Willow Ridge Lot 21*; and 2) Eight Variances from Duvall Unified Development Regulations as listed in the Findings of Fact, below

STAFF RECOMMENDATION: Approve all applications subject to conditions

EXAMINER DECISION: GRANT all applications subject to conditions

DATE OF DECISION: October 4, 2021

INTRODUCTION ⁴

Veristone Fund I (“Veristone”) seeks nine land use entitlements: 1) Preliminary Site Plan Approval (“SPA”) for *Willow Ridge Lot 21*; and eight Variances from provisions of the Duvall Unified Development Regulations as listed in the Findings of Fact, below.

Veristone filed a Master Permit Application and Site Plan Review Permit Application for Preliminary SPA on October 22, 2020. (Exhibits 8: 9 ⁵) The Duvall Planning Department (“Planning”) deemed the applications to be complete November 18, 2020. (Exhibit 39)

Veristone filed four Variance Permit Applications on October 21, 2020, three Variance Permit Applications on March 19, 2021, and one Variance Permit Application on May 17, 2021. (Exhibits 11 – 18) Planning

¹ This written Decision memorializes and expands upon an oral decision rendered on the record at the close of the September 28, 2021, open record, pre-decision hearing.

² Variance file numbers corrected/updated by the Planning Department after the hearing. (See Exhibit 69.)

³ Owner’s name provided during hearing.

⁴ Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

⁵ Exhibit citations are provided for the reader’s benefit and indicate: 1) The source of a quote or specific fact; and/or 2) The major document(s) upon which a stated fact is based. Citations to exhibits that are available electronically in PDF use PDF page numbers, not source document page numbers. While the Examiner considers all relevant documents in the record, typically only major documents are cited. The Examiner’s Decision is based upon all documents in the record.

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deemed the first four applications to be complete on November 18, 2020, and the final four applications to be complete on or about May 21, 2021. (Exhibits 39; 42; and testimony)

Planning issued a Notice of Application on November 18, 2020, and a second Notice of Application on May 21, 2021. (Exhibits 40; 42)

Veristone requested that the applications be consolidated for processing as allowed under DMC 14.08.010(b)(2). (Testimony)

The subject property consists of 14 lots occupying the 16000 block between 1st Avenue NE and Main View Lane NE. The Assessor's Parcel Numbers for the 14 lots are: 9429410010, 9429410020, 9429410030, 9429410040, 9429410050, 9429410060, 9429410070, 9429410080, 9429410090, 9429410100, 9429410110, 9429410120, 9429410130, and 9429410140. (Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14). (Exhibit 1)

The Duvall Land Use Hearing Examiner ("Examiner") viewed the subject property via Google Earth and had viewed the site before it was subdivided.

The Examiner held an open record hearing on September 28, 2021. The hearing was conducted remotely using the "Zoom" platform due to assembly restrictions attendant to the current COVID-19 pandemic. Planning gave notice of the hearing as required by the Duvall Municipal Code ("DMC"). (Exhibits 60 - 62)

The following exhibits were entered into the hearing record during the hearing:

Exhibits 1 - 68: As enumerated in Exhibit 1, the Departmental Staff Report

The Examiner held the hearing record open through October 1, 2021, so that Planning could provide an updated list linking Variance application numbers with actual Variance applications. Planning submitted that list on October 1, 2021:

Exhibit 69: Updated Exhibit List, filed October 1, 2021

Section 14.08.020(G) DMC generally requires that decisions on preliminary subdivisions be issued within 90 days of application completeness and that decisions on all other applications which require a quasi-judicial hearing be issued within 120 days of application completeness. The Examiner's hearing was held beyond the 120th day. (Exhibit 1, PDF 2) Veristone and the City have mutually agreed to allow an extension of the 120-day review period as permitted by DMC 14.08.020(H)(2). (Exhibit 63)

The action taken herein and the requirements, limitations and/or conditions imposed by this decision are, to the best of the Examiner's knowledge or belief, only such as are lawful and within the authority of the Examiner to take pursuant to applicable law and policy.

FINDINGS OF FACT

1. These nine applications are the result of the current owner/developer's attempt to complete a project, started years ago by prior developers, whose permits expired before the original developers completed the project. The Project consists of 14 townhouse residences (two 4-unit buildings and two 3-unit buildings), most nearly completed. Veristone wants to complete the project and needs new permits to do so. The UDR have been significantly amended since the permits for the development were initially issued, thus leading to the eight Variance applications.
2. The development of this neighborhood dates back to at least 1997 and a project known as *Stone Ridge*. In 2005 the City Council approved a development agreement which called for 20 single-family residences and 32 multi-family residences on *Stone Ridge's* 31 lots. The development agreement contemplated the subdivision of Lot 21 into 14 lots and Lot 22 (located across Main View Lane NE to the west) into 18 lots. The *Stone Ridge* development agreement also incorporated land use approvals for Lots 21 and 22, including "variances (VAR04-001) for building height, setback, and lot size." *Stone Ridge* Lots 1 – 20 were subsequently developed with single-family residences. (Exhibit 6, PDF 2, Finding of Fact 1)

Lots 21 and 22 were foreclosed on during the 2008-2009 economic recession. A new owner acquired the lots. The new developer obtained an extension of the development agreement and, on September 11, 2013, obtained preliminary approval of *Willow Ridge Phase 2 – A Replat of Lot 21* to divide Lot 21 into the 14 lots as originally contemplated. *Willow Ridge Phase 2* was recorded on November 25, 2013. (Exhibit 6, PDF 2, Finding of Fact 1; 27, PDF 1)

Construction of the 14 townhouses began, but economic problems, changing contractors, etc. beset the development. The result was that permits expired and construction eventually stopped in or around 2020 with much of the project nearing completion. (Exhibits 27, PDF 1; 30) ⁶

3. *Willow Ridge Lot 21* has a new owner (Veristone) which desires to complete the project started so long ago. Since the original SPA has expired, a new SPA is required to complete the development. Unfortunately, the City has amended the UDR in the intervening years. Under the current UDR, only one of the three original variances is still needed (setbacks from 1st Avenue NE). However, eight new variances are required to complete the project as originally approved and now partially constructed:
 - A. VAR20-001
Code Section: DMC 14.14.060, Table 14.14.060.A
Subject: Building coverage
Explanation: The current UDR allows up to 60% lot coverage by buildings. Eleven of the lots exceed that limit by up to 13%.
Lots: 1 – 6, 8 – 10, 13, and 14
References: Exhibits 1, PDF 5 & 6; 12; 59, PDF 4

⁶ A much more detailed history will be found in Exhibits 6, 27, and 64.

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- B. VAR20-002
Code Section: DMC 14.64.240(C)
Subject: Common open space standards - Residential
Explanation: The current UDR requires at least 10% of the developable area of the site (not of each lot) to be open space and recreational facilities. The previously approved plan provided 4.5%.
Lots: Calculated on the site as a whole.
References: Exhibits 1, PDF 6; 13; 59, PDF 5
- C. VAR20-003
Code Section: DMC 14.14.060, Table 14.14.060.A
Subject: Minimum street setback
Explanation: The current UDR requires a 10-foot setback from back of sidewalk. The request is to eliminate that requirement. However, the plat has a 5-foot utility easement from the edge of the street. Thus all lots will have at least a 5-foot setback from the edge of the street.
Lots: Lot 8 currently has slightly less than a 5-foot setback (4.9') from the edge of the street. That intrusion will be corrected in the field.
References: Exhibits 1, PDF 6; 14; 59, PDF 6
- D. VAR20-004
Code Section: DMC 14.14.060, Table 14.14.060.A
Subject: Minimum rear yard setback
Explanation: The current UDR requires a 15-foot setback from rear property lines. The request is for a 5-foot minimum rear setback.
Lots: 1 - 14
References: Exhibits 1, PDF 7; 15; 59, PDF 6
- E. VAR21-001
Code Section: DMC 14.14.060, Table 14.14.060.A
Subject: Impervious surface coverage
Explanation: The current UDR allows up to 75% lot coverage by impervious surfaces. Five of the lots exceed that limit by up to 8%.
Lots: 2, 4 - 6, and 13
References: Exhibits 1, PDF 5; 11; 59, PDF 3
- F. VAR21-002
Code Section: DMC 14.64.120(D)(1) & (2)
Subject: Eave projections into required setbacks
Explanation: The current UDR limits roof eave projections into setbacks to 24" maximum. Eight of the lots have projections that exceed that limit by up to about 25 inches.
Lots: 1 - 4, 8 - 10, and 14
References: Exhibits 1, PDF 7; 16; 59, PDF 7 - 13

- G. VAR21-003
Code Section: DMC 14.64.120(A)(1) – (3)
Subject: Second and third floor setback projections
Explanation: The current UDR allows up to a 24” projection for ground floor uses, but does not expressly allow similar projections for uncovered upper floor overhangs. The approved and constructed buildings have up to a 29” projection.
Lots: 4, 5, 7, 8, and 10 - 14
References: Exhibits 1, PDF 7; 17; 59, PDF 14
- H. VAR21-004
Code Section: DMC 14.44.080(A)
Subject: Guest parking
Explanation: The current UDR requires one guest parking space per every seven dwelling units and 0.5 guest parking spaces per dwelling unit with two or more bedrooms and reduced driveway lengths. Street parking may count for up to 50% of required guest parking. The request is to reduce the number of guest parking spaces from seven to four.
Lots: Calculated on the site as a whole.
References: Exhibits 1, PDF 8; 18; 59, PDF 15

4. All of the Variances are required because the four buildings were started and substantially completed under a prior version of the UDR with which they complied at the time. None of these new variances were required under the code in place when the development was originally approved and permits were issued. (Exhibit 59, PDF 2) The buildings are the same as what was originally approved. (Testimony)
5. Planning Commission (“Commission”) review of preliminary site plans for sites greater than 0.5 acres is required by DMC 14.08.010(C)(2), Footnote 1, under certain circumstances. The DMC is somewhat unclear regarding the circumstances under which Commission review is required. Planning has consistently interpreted the code provision to require Commission review only of SPA applications involving construction of buildings. Aside from the Examiner’s own analysis, the Examiner accords considerable deference, absent clear error, to the professional opinions and interpretation of regulations rendered by the agencies charged with administering them. [*Mall, Inc. v. Seattle*, 108 Wn.2d 369, 739 P.2d 668 (1987)] Planning’s interpretation has not been challenged and does not appear to be clearly erroneous.

The Commission initially reviewed the *Willow Ridge Lot 21* proposed site plan on August 7, 2013, and recommended approval. (Exhibit 6, PDF 3, Finding of Fact 3) The Commission again reviewed the *Willow Ridge Lot 21* site plan on June 23 and August 25, 2021. The Commission recommends (by unanimous vote) that the site plan be approved subject to conditions that had been recommended to it by Planning plus one additional condition: that “HOA [home owners association] documents require residents to park at least one vehicle in their garage.” (Exhibit 57, PDF 2) The five conditions

that had been recommended to the Commission by Planning are set forth in Exhibit 58 at PDF 20 & 21. Of those five Commission-recommended conditions, three are fully incorporated and two are partially incorporated in Planning's recommended conditions (Commission 1 in Planning 1; Commission 2 in Planning 8; Commission 3 in Planning 9; Commission 4 partially in Planning 6; and Commission 5 partially in Public Works 3). The Commission's new condition is not included in Planning's recommended conditions.

6. Written comments from two parties (Knickelbein and Harrington) were submitted. Knickelbein objects to the height variances that were granted before the buildings were ever built. Knickelbein wants the building height reduced. (Exhibit 68, PDF 3 & 10) Harrington objects to the parking situation and does not want to see residents parking cross-wise on their short driveways. Harrington worries about the condition of the one building which has had exposed sheathing since it was built. Harrington seeks assurance that community improvements will be built when Lot 22 is developed as was previously agreed. (Exhibit 68, PDF 5 – 9)
7. Duvall's State Environmental Policy Act ("SEPA") Responsible Official issued a revised threshold Determination of Nonsignificance ("DNS") for *Willow Ridge Lot 21* on July 28, 2021. (Exhibit 48) No judicial appeal was filed.⁷ (Exhibit 1, PDF 18)
8. In addition to the SPA and Variances, Veristone requested seven Design Departures. (Exhibits 20 – 26) Design Departures are administrative actions. (Exhibit 1, PDF 8) Veristone did not opt to consolidate the Design Departures with the rest of its applications. Planning has approved the Design Departures. (Exhibit 1, PDF 8 – 11; and testimony)
9. Planning issued a detailed analysis of each of the nine components of this application and included recommended conditions of approval. (Exhibit 1) Veristone has no objection to any element of Planning's report. (Testimony)
10. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

LEGAL FRAMEWORK⁸

The Examiner is legally required to decide this case within the framework created by the following principles:

Authority

⁷ The right to an administrative appeal of SEPA threshold determinations is optional at local government discretion. [WAC 197-11-680(3)(a)] Duvall has legislatively elected to provide for local administrative appeal of threshold determinations associated with Type I and II applications, but not those associated with Type III – VI applications. [DMC 14.08.060(C)]

⁸ Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

Duvall classifies land use applications into six categories based on their processing requirements (Type I – Type VI). [DMC 14.08.010(A)] When a project requires multiple applications of different types, the applicant may elect to consolidate them for processing. [DMC 14.08.010(B)(2)] Consolidated applications are processed in accordance with the highest numbered procedure in the consolidation. [DMC 14.08.010(B)(2)(a)]

Veristone elected to consolidate the applications for processing. (Testimony)

SPA is a two-step process. Preliminary SPA for a site greater than 0.5 acres is a Type III process⁹; UDR Variances are also a Type III process. Type III applications are subject to an open record hearing before the Examiner. The Examiner makes a final decision on the consolidated applications which is subject to the right of reconsideration and appeal to Superior Court. [DMC 2.30.070(A)(2) and 14.08.010(C), Tables 14.08.010.C.1 and .2]

The examiner's decision may be to grant or deny the application or appeal, or the examiner may grant the application or appeal with such conditions, modifications, and restrictions as the examiner finds necessary to make the application or appeal compatible with the DMC, state laws and regulations, including Chapter 43.21C RCW, and the regulations, policies, objectives, and goals of the Duvall comprehensive plan, the unified development regulations, and other official laws, policies and objectives of the city of Duvall.

[DMC 2.30.070(B)] The Final Site Plan Permit is an administrative Type I process. [DMC 14.08.010(C), Table 14.08.010.C.1]

Review Criteria

SPA Criteria

The review criteria for SPA applications are set forth at DMC 14.62.030. The criteria include standards regarding Consistency [Subsection A], Lot and Block Layouts [Subsection C], Road and Street Access Elements [Subsection D], and Site Plan Elements [Subsection E].

The “consistency determination” required by DMC 14.08.040(A)(2) duplicates the criteria within DMC 14.62.030(A). Therefore, in the case of Preliminary SPA reviews, compliance with DMC 14.62.030(A) suffices for compliance with DMC 14.08.040(A)(2).

UDR Variance Criteria

The review criteria for UDR variances are set forth at DMC 14.70.040:

Applications for variances from the terms of these regulations shall be granted only if the decision making body finds all of the following:

- A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district in which the subject property is located;

⁹ Preliminary site plan review for sites up to 0.5 acres is a Type II administrative process. [DMC 14.08.010(C)(1)]

- B. Such variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property;
- C. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property for improvements in the vicinity and zone in which the subject property is situated;
- D. The denial of the variance would entail undue hardship for the property owner or that the variance, if approved, would contribute significantly to the improvement of the environmental conditions;
- E. The need for the variance is not the result of deliberate actions of the applicant, property owner, or their predecessor in interest;
- F. The variance is consistent with this title and the Duvall comprehensive plan; and
- G. The variance is the minimum necessary to grant relief to the applicant.

Vested Rights

“Vesting” serves to “fix” the regulations against which a development application is judged. [*Potala Village Kirkland, LLC v. City of Kirkland*, 183 Wn. App. 191 (2014), *review denied*, 182 Wn.2d 1004, 342 P.3d (2015)] Over the years state appellate courts developed the “vested rights doctrine” which was applied in cases where there was no statutory vesting. In 2014 the State Supreme Court flatly declared: “While it originated at common law, the vested rights doctrine is now statutory.” [*Town of Woodway v. Snohomish County*, 180 Wn.2d 165, 173, 322 P.3d 1219 (2014)]

If Duvall had a local vesting ordinance applicable to land use applications, the Examiner would be obliged to follow it as enacted. [*Erickson & Associates v. McLerran*, 123 Wn.2d 864, 872 P.2d 1090 (1994); *Abbey Rd. Grp., LLC v. City of Bonney Lake*, 167 Wn.2d 242, 250, 218 P.3d 180 (2009)] But the City has no such local ordinance. Thus, the Examiner must follow the most current case law.

Under the most current case law, there is no vesting for SPA applications because there is no statutory provision providing vesting for such applications.¹⁰

UDR Variance applications are not the subject of any state vesting statute. The vested rights doctrine has never been applied to variance applications or other applications which seek an exception from established regulations.

No part of this consolidated application enjoys vested rights.

Standard of Review

The standard of review is preponderance of the evidence. The applicant has the burden of proof. [DMC 14.62.030(B)]

¹⁰ If an SPA application were inextricably intertwined with a preliminary subdivision application, it would enjoy the subdivision application’s statutory vested rights.

Scope of Consideration

The Examiner has considered: all of the evidence and testimony; applicable adopted laws, ordinances, plans, and policies; and the pleadings, positions, and arguments of the parties of record.

CONCLUSIONS OF LAW

1. Veristone provided a detailed evaluation of each of its nine applications as part of its initial submittal, supplemented by its project narrative and hearing PowerPoint presentations. (Exhibits 11 – 18, 27, 59, and 64) Planning provided a very detailed, in depth, application-by-application analysis of approval criteria compliance for each of the nine applications. (Exhibit 1) The Examiner concurs with their content. Given the nature of the proceedings, the Examiner concludes that there is no need to repeat those analyses here. Rather, those analyses are incorporated herein by reference as if set forth in full.
2. This is an extremely unique situation, one that the authors of the Variance procedure likely never anticipated. We have 14 dwelling units that are virtually complete, but which cannot be completed, because the prior developer let his permits lapse and the City has significantly changed its code since *Willow Ridge Lot 21's* permits were initially issued. If this SPA and these Variances were to be denied, it seems likely that the project would never be finished as it would be prohibitively expensive to demolish the entire project and start all over. The buildings would likely stay as they are and deteriorate over time, creating a blight on the neighborhood. Even if finding compliance with the criteria for approval of a Variance requires somewhat of a stretch, that stretch is for the overall public good.

The Examiner adopts Planning's Variance criteria compliance analysis as contained in Exhibit 1.

3. Knickelbein's request for building height reduction cannot be considered: Building height is not one of the requested Variances. The building height Variance that was requested and approved with the initial approvals is no longer required: The existing building heights comply with current code. (Exhibit 59, PDF 2)

Harrington's concern about the structural condition of the one building whose sheathing has been exposed to the weather is understandable, but it is a building permit issue, not an SPA or Variance issue. The Building Official will have to evaluate that building's condition before new permits can be issued. Harrington's request for commitments regarding development aspects of *Willow Ridge Lot 22* can be addressed during consideration of a future request for development permits for that lot. It is not appropriate to condition it as part of the Lot 21 process.

4. The recommended conditions of approval as set forth in Exhibit 1 are reasonable, supported by the evidence, and capable of accomplishment with the following changes:
 - A. The Commission's recommendations are not fully incorporated into Planning's recommendation. They should be. The Examiner could resolve this deficiency in either of

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two ways: revise and add individual conditions to match the Commission's recommendations; or add a separate condition which incorporates by reference the Commission's recommendations. The latter course is easiest. The Examiner will follow the easiest course.

- B. Recommended Condition Planning 4. As written, only Sheet 8 in Exhibit 4 would be adopted as the SPA site plan. The intent from the text of the condition, as confirmed by Planning's testimony, is to approve the entirety of Exhibit 10. The reference to Sheet 8 will be deleted.
 - C. A few minor, non-substantive structure, grammar, and/or punctuation revisions to the Recommended Conditions will improve parallel construction, clarity, and flow within the conditions. Such changes will be made.
5. Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such.

DECISION

Based upon the preceding Findings of Fact and Conclusions of Law, the testimony and evidence submitted at the open record hearing, and the Examiner's site view, the Examiner:

- A. **GRANTS** Preliminary Site Plan Approval under File No. SPR20-005 **SUBJECT TO THE ATTACHED CONDITIONS**; and
- B. **GRANTS** UDR Variances under File Nos. VAR20-001, VAR20-002, VAR20-003, VAR 20-004, VAR21-001, VAR21-002, VAR21-003, VAR21-004 **SUBJECT TO THE ATTACHED CONDITIONS**.

Decision issued October 4, 2021.

John E. Galt

John E. Galt
Land Use Hearing Examiner

HEARING PARTICIPANTS ¹¹

Brianna Miles

Lara Thomas

¹¹ The official Parties of Record register is maintained by the City's Hearing Clerk.

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NOTICE of RIGHT of RECONSIDERATION

This Decision is final subject to the right of any party of record to file a written motion for reconsideration within 10 calendar days of the date this Decision was mailed to the parties. See DMC 2.30.240 for additional information and requirements regarding reconsideration.

NOTICE of RIGHT of APPEAL

This Decision is final subject to the right of a party of record with standing, as provided in RCW 36.70C.060, to file a land use petition in Superior Court in accordance with the procedures of DMC 2.30.230 and 14.08.060(E). Any appeal must be filed within 21 days following the issuance of this Decision. See DMC 2.30.230 and 14.08.060(E) for additional information and requirements regarding judicial appeals.

The following statement is provided pursuant to RCW 36.70B.130: “Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.”

CONDITIONS OF APPROVAL
SU20-005
VAR20-001, VAR20-002, VAR20-003, VAR 20-004
VAR21-001, VAR21-002, VAR21-003, VAR21-004
Veristone Fund I

This consolidated Preliminary Site Plan Approval and UDR Variances are subject to compliance with all applicable provisions, requirements, and standards of the Duvall Municipal Code, standards adopted pursuant thereto, and the following special conditions:

A. FROM PLANNING

1. Construction drawings shall be in substantial conformance with the site plan, building and landscape plan as recommended by the Planning Commission and as conditioned herein.
2. Construction drawings and Building permits shall conform to all applicable requirements of DMC Tile 14 and the City's 2015 Comprehensive Plan.
3. Construction drawings and Building permits shall be in substantial conformance with the conditions of Site Plan Review and Variances approvals, as well as departure requests.
4. Exhibit 10 is the approved preliminary Site Plan with supporting plans subject to the following conditions:
 - a. All required site improvements shall be completed prior to issuance of a Final Site Plan Permit.
 - b. Site plan approval shall be effective for a period not to exceed two years from the date of the preliminary approval. Provided, however, that an applicant who files a written request with the director for site plan approval at least thirty (30) days before the expiration of this two-year period shall be granted a one year extension upon a showing that the applicant has attempted in good faith to submit final plans for the issuance of a building permit within the two-year period.
 - c. Modifications to the approved site plan are subject to the provisions of DMC 14.62.060.
5. Exhibit 33 Sheets L1 through L3 is the approved Landscape Plan subject to the following conditions:
 - a. Final grading within the landscaped areas of the subdivision shall not exceed a 3:1 slope in planted areas or a 4:1 slope in grassed areas.

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- b. Root-barriers with a minimum length of six ft and depth of 18 inches shall be placed on-center with every street tree at the back of curb and sidewalk.
 - c. All landscaped areas shall be irrigated. An irrigation plan shall be included with building permit submittal for review.
 - d. The final Landscape Plan shall be approved and bonded for prior to construction drawing approval in accordance with DMC 14.38.160.
 - e. A pre-landscape meeting shall be scheduled with planning prior to landscape installation.
 - f. A soil inspection shall be scheduled with planning prior to landscape installation.
6. A street lighting plan provided by PSE shall be submitted, reviewed, and approved prior to Final Site Plan approval.
 7. Exhibit 34 is the approved Elevation Drawings.
 8. Verification from PSE on the location of gas easement is required prior to Final Site Plan approval.
 9. Exhibit 19 – Variance Exhibit F identifies as-built roof projections to be fixed in the field. All identified projections must be revised prior to building occupancy.
 10. All conditions recommended by the Planning Commission (Exhibits 57, PDF 2; 58, PDF 20 & 21) shall be fulfilled.

B. FROM PUBLIC WORKS/ENGINEERING

General

1. All improvements shall be completed in accordance with approved Construction Drawings.
2. Updates to as-builts shall be provided, reviewed, and approved prior to Performance Bond release. As-builts shall include all infrastructure and utilities, including storm system elevations and slopes, and shall be provided in Mylar and electronic formats upon approval by the City Engineer.
3. Coordinate with Post Office and Public Works on Mailbox Unit placement.

Roads

4. Main View Lane (formerly known as the West Alley) shall include 20-foot wide drive aisle (curb-face to curb-face), a minimum 3-inch thick Hot Mix Asphalt (HMA) overlay, and a 2-foot wide concrete valley gutter. Final pavement lift on Main View Lane shall be bonded for and completed as part Lot 21 or Lot 22 final Public Works approval, whichever comes last. Changes to elevations shall be completed in accordance with Main View Lane Reconstruction Plans.
5. The pedestrian path on Main View Lane may be installed as a minimum 4-foot wide, minimum 5-inch thick at-grade concrete pathway. Alternatively, the pathway shall be installed as a standard sidewalk with curb and gutter.
6. Road patching activities shall include a minimum 6-inch thickness of ½-inch HMA overlying a 12-inch thickness of crushed rock overlying firm and unyielding subgrade or compacted structural fill. A full width 1.5-inch thick grind and overlay shall be completed for all road disturbing activities unless otherwise approved by the City Engineer.
7. ADA ramps at the site, and opposite receiving ramps, shall meet latest ADA standards or shall be removed and replaced. All damaged or removed curb/gutter and sidewalk shall be removed and replaced joint to joint.
8. Damaged concrete panels at the intersection of Main View Lane and Bird Street shall be removed and replaced joint to joint.
9. “No Parking This Side” signs shall be installed on both sides of Main View Lane (minimum 3 each side) in accordance with approved plans.
10. Road Monumentation shall be installed and/or verified at all adjacent intersections.

Utilities

11. Any improvements that change, alter, modify or connect to the City’s sanitary sewer, water or storm system shall be inspected and installed in accordance with DMC and PWDDS.

Storm Drainage

12. The storm system, including the existing filter vaults, shall be cleaned and filters replaced prior to Performance Bond and Maintenance Bond Release inspections unless otherwise approved by the City Engineer.

C. FROM BUILDING

LAND USE HEARING EXAMINER DECISION

RE: SPR20-005/VAR20-001, VAR20-002, VAR20-003, VAR20-004, VAR21-001, VAR21-002, VAR21-003, VAR21-004
October 4, 2021

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1. Building permits shall conform to all applicable requirements of DMC Title 10 and the 2018 ICC building codes with adopted state amendments.

Approval or approval with conditions of a site plan shall be effective for a period not to exceed two years from the date of the preliminary approval; provided, however, that an applicant who files a written request with the Planning Director for final site plan approval at least thirty (30) days before the expiration of this two-year period shall be granted a one-year extension upon a showing that the applicant has attempted in good faith to submit final plans for the issuance of a building permit within the two-year period. [DMC 14.62.050]