

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

DECISION

FILE NUMBER: SU21-001

APPLICANT: Prospect Development
ATTN: Justin Holland
2913 5th Avenue NE, Suite 201
Puyallup, WA 98372

TYPE OF CASE: Preliminary long subdivision (*Meadowlark*)

STAFF RECOMMENDATION: Approve subject to conditions

EXAMINER DECISION: APPROVE subject to conditions

DATE OF DECISION: November 22, 2021

INTRODUCTION¹

Prospect Development (“Prospect”) seeks preliminary long subdivision approval of *Meadowlark*, a 28-lot single-family residential subdivision of a 4.35 acre site, owned by Wayne and Sharon Marshall, which is zoned R8.

Prospect filed a Master Permit Application and Preliminary Long Subdivision Application for preliminary long subdivision approval on January 6, 2021. (Exhibits 1 - 3²) The Duvall Planning Department (“Planning”) deemed the applications to be complete on February 2, 2021. (Exhibit 23) Planning issued a Notice of Application on February 12, 2021. (Exhibits 24; 25)

The subject property is located at 26855 and 26869 NE 143rd Place. Its Assessor’s Parcel Numbers are 7325800100 and 7325800110 (“Lots 10 & 11”). (Exhibits 1, PDF 1; 4, PDF 4)

The Duvall Land Use Hearing Examiner (“Examiner”) viewed the subject property via Google Earth imagery dated August 14, 2020. The Examiner is generally familiar with the area from prior applications.

¹ Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.
² 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.

The Examiner held an open record hearing on November 18, 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 35 - 37)

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

Exhibits 1 - 46: As enumerated in Exhibit 1, the Departmental Staff Report ³

Section 14.08.020(G) DMC generally requires that decisions on preliminary subdivisions be issued within 90 days of application completeness. The Examiner’s hearing was held on or about day 211. (Exhibit 1, PDF 8) Prospect and the City have mutually agreed to allow an extension of the 90-day review period as permitted by DMC 14.08.020(H)(2). (Exhibit 38)

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. *Meadowlark* is a 28-lot proposed subdivision of two abutting parcels (Lots 10 and 11 in *Rio Vista Ranchettes*) which collectively encompass about 4.35 acres. Most of Lots 10 and 11 are open pasture/grassland which exhibits a modest slope from northeast to southwest. A single-family residence and accessory buildings are located on the northern portion of the eastern lot. Access to most of the lots will be via a public street intersecting NE 143rd Place aligned with a street in the new *Rio Vista* development. The public street will pass through Lots 10 and 11, exiting near the southwest corner in alignment with a new street being developed in the abutting *Thomas-Nolf* subdivision. Several open space tracts, a north-south trail, and a stormwater detention vault (with recreation facilities above) are included in the design. Lot sizes will range from about 4,000 square feet (“SF”) to about 6,700 SF. (Exhibits 7; 8; and testimony)
2. Lots 10 and 11 are bordered on the south, west, and north (across NE 143rd Place) with new residential subdivisions presently under construction. All of these developments are in a large area zoned R8. (Exhibits 1; 40)
3. Prospect has applied for and received three engineering variances and three design departures from City staff. (Exhibits 4 – 6; 17 – 22) *Meadowlark* complies with all design criteria and subdivision standards (including tree retention), as modified by the engineering variances and design departures. (Exhibits 1; 14)

³ The City’s website exhibit file as of November 18, 2021, included an Exhibit 47. The Examiner initially entered that document into the record. Planning asked that it be stricken as it relates to a plat modification for an adjoining property, not directly to the *Meadowlark* development. When no one objected to Planning’s request, the Examiner struck Exhibit 47 from the record.

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4. Three small Category IV wetlands, combined area of about 1,550 SF, are located in the center of the fields on Lot 11. Because of their small size, low quality, and central location, they will be filled. Off-site wetland bank mitigation has been approved. (Exhibits 1; 8; 12; 13; 45; 46)
5. Duvall's State Environmental Policy Act ("SEPA") Responsible Official issued a Mitigated Determination of Nonsignificance ("MDNS") on October 7, 2021. (Exhibit 32) There was no appeal. (Exhibits 1, PDF 8; 44) The mitigation measures within the MDNS have not been expressly carried forward by Planning as recommended conditions of approval. (Exhibit 1, PDF 24 – 31)
6. Prospect submitted required applications (Exhibits 2; 3), a project narrative (Exhibit 5), survey, proposed plat, and preliminary supporting plans (Exhibit 8), draft HOA covenants and conditions (Exhibit 16), and technical studies (Exhibits 9; 10; 12 – 15).
7. Planning's Staff Report (Exhibit 1) contains a detailed review and analysis of application compliance with DMC 14.66.040 (preliminary subdivision review criteria). The record contains no challenge to any of that analysis. Therefore, the Examiner incorporates that analysis herein by reference as if set forth in full.

Planning's Staff Report (Exhibit 1) also includes an analysis of compliance with DMC 2.30.210, a list of findings which the Examiner must make in order to approve any preliminary subdivision. (See Legal Framework: Review Criteria, below.) All of the topics in the DMC 2.30.210 list duplicate topics covered elsewhere in the Staff Report and the evidence except for appropriate provisions for transit stops, schools and school grounds, parks and recreation, and safe walking conditions for students who only walk to and from school. Planning's analysis addresses those topics. The record contains no challenge to any of that analysis. Therefore, the Examiner incorporates that analysis herein by reference as if set forth in full.

8. No testimony or evidence was entered into the record by the general public either in support of or in opposition to the application.
9. Planning recommends preliminary subdivision approval and Site Plan Approval for *Meadowlark* subject to recommended conditions from Planning and from Public Works. (Exhibit 1, PDF 24 - 31)
10. Prospect did not object to any of the recommended conditions as set forth in Exhibit 1. (Testimony)
11. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

LEGAL FRAMEWORK ⁴

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

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

Authority

A preliminary long subdivision is a Type III application which is subject to an open record hearing before the Examiner. The Examiner makes a final decision on the application 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)]

Review Criteria

The primary review criteria for preliminary long subdivisions are set forth at DMC 14.66.040:

- A. Each proposed subdivision or short subdivision shall be reviewed to ensure that:
1. The proposal conforms to the goals, policies and plans set forth in the Duvall comprehensive plan;
 2. The proposal conforms to the site and design requirements set forth in this title. No final subdivision or short subdivision shall be approved unless the requirements are met;
 3. The proposed street system and pedestrian system conform to the Duvall comprehensive plan, DMC Chapter 14.34, Design Guidelines, and the public works development design standards, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of vehicular and pedestrian traffic;
 4. The proposed subdivision or short subdivision will be adequately served with city-approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;
 5. The layout of lots, and their size and dimensions, takes into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography and vegetation will result from development of the lots;
 6. Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected.

B. Lack of compliance with the criteria set forth in subsection A of this section and DMC Section 14.66.050, Subdivision standards, shall be grounds for denial of a proposed

subdivision or short subdivision, or for the issuance of conditions necessary to more fully satisfy the criteria.

In addition, DMC 2.30.210 contains additional requirements for preliminary long subdivisions:

When the examiner makes a decision regarding an application for a proposed preliminary plat, the decision shall include additional findings as to whether:

A. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

B. The public use and interest will be served by the platting of such subdivision and dedication.

A “consistency determination” is also required for every project permit application.

During project permit application review, [Duvall] shall determine whether the items listed in this section are defined in the development regulations applicable to the proposed project and if the proposed project meets the development regulations. In the absence of applicable development regulations, [Duvall] shall determine whether the items listed in this section are defined in [Duvall’s] adopted comprehensive plan and if the proposed project meets the comprehensive plan policies. This determination of consistency shall include, but is not limited to, the following:

- a. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied;
- b. The level of development, such as units per acre, floor area ratio, lot coverage, etc.;
- c. Availability and adequacy of infrastructure and public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by Chapter 36.70A RCW; and
- d. Character of the development, such as development standards.

[DMC 14.08.040(A)(2)]

Vested Rights

Subdivision and short subdivision applications are governed by a statutory vesting rule: such applications “shall be considered under the subdivision or short subdivision ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application ... has been submitted” [RCW 58.17.033] The proposed preliminary subdivision is thus vested to regulations as they existed on February 2, 2021.

Standard of Review

The standard of review is preponderance of the evidence. The applicant has the burden of proof.

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. Planning's conclusions have been incorporated herein by reference through Finding of Fact 7, above. Planning concluded that the preliminary subdivision met all applicable criteria for approval set forth in DMC 14.66.040 and 2.30.210. The Examiner concurs. There is no need to belabor the point.
2. *Meadowlark* passes the consistency test: Single-family residential is a permitted land use in the R8 zone; the proposed density is within the range contemplated by the Comprehensive Plan and allowed by the R8 zone; adequate public utilities are available to serve the proposed lots; and the development's character is consistent with the surrounding land uses.
3. 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. It is not entirely clear whether all of the SEPA MDNS mitigation measures have been incorporated into the conditions. An MDNS is dependent upon the "proposal [being] clarified, changed, or conditioned to include [specified mitigation] measures". [WAC 197-11-350(3), emphasis added]. The easiest way to comply with this requirement is to insert a condition to the effect that the MDNS mitigation measures are conditions of approval. Such a "roll-over" condition will be added.
 - B. A few minor, non-substantive structure, grammar, and/or punctuation revisions to Recommended Conditions 4.b, 5.f, 6.b, 6.f, 6.g, and 6.i will improve parallel construction, clarity, and flow within the conditions. Such changes will be made.
4. 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 **APPROVES** the requested preliminary *Meadowlark* long subdivision **SUBJECT TO THE ATTACHED CONDITIONS**.

Decision issued November 22, 2021.

/s/ John E. Galt

John E. Galt
Land Use Hearing Examiner

HEARING PARTICIPANTS ⁵

Yoshio Piediscalzi

Troy Davis

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.”

⁵ The official Parties of Record register is maintained by the City’s Hearing Clerk.

CONDITIONS OF APPROVAL
SU21-001
MEADOWLARK

This preliminary long subdivision is subject to compliance with all applicable provisions, requirements, and standards of the Duvall Municipal Code, standards adopted pursuant thereto, and the following special conditions:

FROM PLANNING

1. Construction drawings and Final Plat shall conform to all applicable requirements of DMC Tile 14, Development Design Standards, and the City's 2015 Comprehensive Plan.
2. Construction drawings and building permits shall be in substantial conformance with the conditions of Preliminary Long Subdivision approval.
3. All mitigation measures in the SEPA MDNS (**Exhibit 32**) are incorporated as conditions of approval.
4. A lighting plan for common areas and pathways (Tracts C, D, E, and H) in compliance with the requirements of DMC Chapter 14.46 shall be provided with construction drawings.
5. **Exhibit 8 Drawing C1** is the approved **Preliminary Long Subdivision** with supporting plans subject to the following conditions:
 - a. The building envelopes on each lot shall be adjusted to stay out of the Inner Critical Root Zones of retained trees both on and off-site.
 - b. Mailbox shelter specifications in compliance with DMC 14.34.061(J)(7) shall be included with construction drawings.
 - c. Documentation shall be provided to the City that the proposed mailbox location is acceptable to the local postmaster.
 - d. Required private open spaces for each lot shall not overlap with required landscape buffers or Critical Root Zones of retained trees or contain required yard trees.
 - e. The minor discrepancy in common open space totals on the cover sheet of the civil plan set shall be corrected (the total open space provided is 15,948 square feet, not 15,978 square feet).

- f. The minor discrepancy in average lot size on the cover sheet of the civil plan set shall be corrected (the average lot size is 4,643 square feet, not 4,748 square feet).
6. **Exhibit 8 Sheets L-1 through L-10** is the approved **Landscape Plan** subject to the following conditions:
- a. All pervious areas within the Subdivision shall be fully landscaped in accordance with the requirements of DMC Chapter 14.38. Private lot landscaping shall occur at time of home construction.
 - b. All landscaped areas shall meet, at minimum, the plant density requirements of DMC Chapter 14.38.
 - c. Plant diversity in accordance with the requirements of DMC Chapter 14.38 shall be provided.
 - d. 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 except within the Critical Root Zones of retained on and of site trees.
 - e. Root-barriers with a minimum length of 6 feet and depth of 24 inches shall be placed on-center with every street tree at the back of curb and sidewalk.
 - f. Specifications specific to street tree planter strip soil preparation in accordance with DMC 14.38.130(I)(5) shall be included.
 - g. Lots along the eastern, southern, and western property lines shall provide 10 feet of Type IV Landscape screening at time of home construction.
 - h. Any slope within Tract C, D, E and H that exceeds 5% slope shall not be counted toward required common open space. Any portion of the vault in Tract D that is above grade shall be screened with Type II Landscaping.
 - i. The final Landscape Plan shall be approved and bonded for prior to construction drawing approval in accordance with DMC 14.38.160.
 - j. Proposed street trees shall be suitable for the width of the planter strip in which they are located.

7. **Exhibit 8 (Drawings C3 and C11) and Exhibit 14** is the approved Tree Retention Plan subject to the following conditions:
- a. A total of 131 tree credits shall be provided through supplemental tree plantings on-site or by payment of a fee-in-lieu, or by a combination of on-site planting and payment in-lieu as acceptable to the Community Development Director.
 - b. The Construction Drawings shall show all supplemental trees adequately located and spaced for long-term viability in accordance with the requirements of Chapter 14.38 DMC.
 - c. A note stating that an arborist shall be on-site to define the limits of heavy equipment use in association with the removal of the existing house and associated infrastructure shall be added to the Construction Drawings. Temporary tree protection fencing shall be put in place and ground protection used to decrease impacts to the soil within the Critical Root Zones of Trees 926, 927, and 929 during demolition. The Tree protection fencing shall be adjusted to the Critical Root Zone perimeter of Trees 926, 927, and 929 following demolition. The City shall inspect placement of all tree protection fencing prior to clearing and grading activity.
 - d. All areas where work will occur with a Critical Root Zone shall be identified on the Construction Drawings. Arborist oversight and approval shall be required for all work done within the Critical Root Zones of retained trees including during the demo of the existing home on-site.
 - e. The Construction Drawings shall be adjusted to show tree protection fencing located on the outside of all Critical Root Zones and silt fencing shall be located on the outside of all tree protection fencing as identified on the Temporary Erosion and Sediment Control (TESC) Plan. Hog fuel or wood chip mulch at an eight-inch depth shall be utilized for TESC where needed in areas behind tree protection fencing.
 - f. The tree protection requirements of DMC 14.40.080(A) – (D) shall be included in the Construction Drawings.
 - g. The tree maintenance requirements of DMC 14.40.090 shall be included in the Construction Drawings. The Developer, in lieu of a Homeowner’s Association, shall be responsible for tree maintenance and monitoring as specified in DMC 14.40.090(A) – (B).
 - h. Prior to Construction Drawing approval, all supplemental trees to be planted on-site shall be bonded for and the fee-in-lieu paid to the City for all Supplemental Trees that won’t be planted on-site.

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- i. The location of retained trees and supplemental trees shall be identified on the face of the Final Plat in accordance with the requirements of DMC 14.40.080(E). Supplemental trees shall not be planted on private lots within the subdivision.
 - j. A note shall be included on the face of the Final Plat that states “No structure shall be located within the Inner Critical Root Zone of any retained tree as defined in DMC 14.40.120.”
 - k. Building permit applications for each residential building lot within the plat shall identify the planting location, species, and size of the proposed tree(s) to meet the required yard tree points and shall be consistent with the requirements of DMC 14.40.075.
 - l. The building envelopes (setback lines) shall be adjusted to be outside the Critical Root Zones on Lots 1, 2, 3, and 24 and outside the Inner Critical Root Zones on Lots 4, 27, and 28.
 - m. A tree protection easement shall be provided within the Critical Root Zones on Lots 1, 2, 3, 4, and 24 addressing the placement of fencing, outbuildings, landscaping, and use that may impact off-site trees.
 - n. The location of required usable private open space on Lots 1, 2, 3, 4, and 24 shall be outside of Critical Root Zones.
8. **Exhibit 13 is the approved Conceptual Mitigation Plan subject to the following conditions:**
- a. The Developer shall provide documentation to the City that the wetland mitigation credits for 0.03 acres have been purchased from the Snohomish Basin Mitigation Bank prior to Construction Drawing approval.

FROM PUBLIC WORKS/ENGINEERING

General

9. Utilities, frontage, road, and mass grading improvements shall be completed to accommodate future single-family lots. All building pads shall be finish grade, grass seeded and maintained by the Developer.
10. The Developer shall submit construction plans and supporting documentation for City review prior to Construction Drawing approval. Construction plans shall be developed in accordance with the Public Works Development Design Standards (PWDDS), as amended, Duvall Municipal Code (DMC), Washington State Department of Transportation (WSDOT), King County Fire District #45 requirements, SEPA Determination, and most recent review comment letter.

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11. All utility connections shall be located below ground and be brought to the project site underground. All overhead utilities and utility poles along the frontage shall be removed and replaced with underground utilities to the nearest off-site pole consistent with DMC 14.66.050(J) and PWDDS.
12. Final Plat shall be developed using the City of Duvall Final Plat Submittal Checklist.
13. As-builts with NAVD 1988/NAD 83 datum shall be provided, reviewed, and approved prior to Final Plat or Performance Bond release. As-builts shall include all grading, infrastructure and utilities, including storm system elevations and slopes, and shall be provided in Mylar and electronic formats upon approval by the City Engineer.
14. Streetlights shall be required on all frontages as part of the project. Provide an Intolight (PSE) Street Lighting design for review and approval prior to Construction Drawing approval.
15. Mailbox Collection Units (MBCU's) shall be installed as part of the project. Coordinate with the Post Office and Public Works on placement.
16. All walls over four (4) feet shall be engineered with drainage and included on the Construction Drawings to be submitted to Public Works for review and approval.
17. If moisture sensitive soils are present at the site. Soil admixtures, such as kiln dust, fly ash, or cement will not be allowed without a City-approved application and monitoring plan along with any other associated Washington State Department of Ecology requirements.
18. The developer shall provide the City with an exhibit showing the areas where the required minimum for curb, gutter, sidewalk and a planter strip are exceeded along Tract C and H. This exhibit will be used to determine the areas eligible for a 90% Park Impact Fee credit.

Roads

19. Frontage improvements shall include curb/gutter, sidewalk, landscaping, and streetlights in accordance with the approved Construction Drawing plan set. A full width 1.5-inch thick grind and ½" HMA type asphalt concrete pavement overlay shall be required along the NE 143rd Place project frontage connection unless otherwise approved by the City Engineer based on existing pavement condition.
20. Improvements to NE 143rd Place are eligible for Traffic Impact Fee credit, project number R-16 on the City's 6-year Transportation Improvement Plan (TIP) project list in accordance with the adopted 2017 Transportation Plan (20% TIF eligible).

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21. All road pavement sections shall include a minimum 2-inch thickness overlay of ½” HMA over a 4-inch thickness of ½” HMA over and a 12-inch thickness of crushed rock over suitable firm and unyielding subgrade or compacted structural fill.
22. A sight distance evaluation for all corners, stops, etc. shall be required prior to Construction Drawing approval.
23. All ramps will meet ADA standards and shall be submitted as part of the Construction Drawing review process.
24. All curb/gutter and sidewalk shall be underlain by a minimum 6-inch thickness of crushed rock over suitable firm and unyielding subgrade or compacted structural fill in accordance with PWDDS.
25. A channelization and signage plan shall be submitted as part of the Construction Drawing review process.
26. Seepage barriers shall be installed on all roadways inclined at greater than seven (7) percent in accordance with PWDDS.

Water

27. The Developer shall install an 8-inch diameter water main within the internal road configuration making a connection to NE 143rd Place and provide for future extension at the west end of Road D as depicted on the Preliminary Plat to provide service, required looping and circulation. System modeling may be required to verify pipe size based on demand and water quality.
28. Fire Hydrants shall be installed as required by residential hydrant spacing in accordance with PWDDS.
29. The number of water service and required fire sprinkler taps to the main line shall be minimized by branching services as possible.

Sewer

30. A gravity sewer system shall be constructed to the project limits of the site prior to any final plat approval. The system shall be included in the internal street network and shall connect to the existing gravity sewer main in 3rd Avenue NE or the Thomas-Nolf Subdivision once constructed and NE 143rd Place. The project shall extend a sewer main to the eastern property line through an easement on Lot 18.

31. The sewer system shall be video inspected prior to Final Plat and all Bond Reduction or Release inspections. Identified repairs or maintenance identified by the City Engineer shall be completed prior to bond release.

Storm Drainage

32. A final Technical Information Report (TIR) shall be submitted prior to Construction Drawing approval. The final TIR shall consider existing and future comments and address any downstream drainage issues or required improvements and shall include any restrictions or reductions for proposed LID improvements.
33. Stormwater water quality facilities shall be constructed to accommodate pollution generating impervious surfaces generated by this development. The stormwater water quality facilities shall be designed in accordance with KCSWDM and City requirements.
34. The City will own and maintain conveyance within new and existing public ROW. All other facilities shall be owned and maintained by the Homeowners Association or individual lot owners.
35. All water quality infrastructure (filters, soils, etc.) shall be approved by the City Engineer.
36. Certification of as-built water quality systems for each facility shall be provided prior to Final Plat and shall identify lots and other impervious areas served by each facility. Storm drainage for each lot shall be assigned to a specific stormwater facility.
37. The operation and maintenance of stormwater facilities shall be the sole responsibility of the developer for the maintenance and operation following Final Plat approval or until the stormwater facility maintenance bond is released. The City shall be granted an access easement for stormwater system inspection. Copies of the inspection and maintenance reports shall be submitted to the City annually on or before August 31st of each year to satisfy City and NPDES requirements. A stormwater system access and reporting agreement shall be developed and recorded prior to construction drawing approval if a private stormwater facility is proposed.
38. The stormwater facilities shall successfully operate and shall remain free of defects in workmanship, materials, and design during the maintenance and defect bond periods. The developer shall clean the drainage system prior to the City's final inspection and before the bonds are released. The City, at its sole discretion, has the right to demand prompt maintenance at the end of the bond periods to correct defects.
39. The water quality facilities and associated infrastructure shall remain free of silt and sediment at all times once those systems have come "online" or are deemed complete by the City Engineer. If water quality facilities become impacted with silt or sediment from construction activities or lack or

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construction best management practices the applicant will be responsible for immediately addressing water quality issues and the site may receive a Stop Work Order with associated fines or penalties.

FROM FIRE DEPARTMENT

40. New hydrants shall be installed by the developer at locations to meet the City of Duvall Design Standards. Locations are subject to the review and approval of the Fire Chief or their designee.
41. Any roads with an emergency vehicle drivable width (capable of supporting 37.5 tons) of less than 34 feet shall be posted “No Parking” on one side. Any roads with an emergency vehicle drivable width (capable of supporting 25 tons) of less than 28 feet shall be posted “No Parking” pursuant to City of Duvall standards, with no parking on either side.
42. Required Fire Access Roads shall be constructed to a minimum of 20 feet wide with 13 feet 6 inches height clearance. They shall have a load capacity of 25 tons and be marked as a “Fire Lane” pursuant to City of Duvall standards. All turn radii shall be adequate for access by a ladder truck.
43. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of residential and/or commercial building construction.

Final plat approval must be acquired within five years of preliminary approval, after which time the preliminary subdivision approval is void. The Examiner may grant an extension for one year if the applicant has attempted in good faith to submit the final subdivision within the five-year time period; provided, however, the applicant must file a written request with the Examiner requesting the extension at least thirty (30) days before expiration of the five-year period. [DMC 14.66.060(D)]