

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

DECISION

FILE NUMBER: SU15-001

APPLICANT: Rio Vista Investments, LLC
Mike Reid
P.O. Box 1282
Bellevue, WA 98009

TYPE OF CASE: Preliminary long subdivision (*Rio Vista*)

STAFF RECOMMENDATION: Approve subject to conditions

EXAMINER DECISION: APPROVE subject to conditions

DATE OF DECISION: August 12, 2016

INTRODUCTION ¹

Rio Vista Investments, LLC (RVI) seeks preliminary long subdivision approval of *Rio Vista*, a 67 lot single-family residential subdivision of a 12.72 acre site, which RVI owns in a joint venture with four underlying owners and which is zoned R12. ²

RVI filed a Master Permit Application for preliminary long subdivision approval on June 16, 2015. (Exhibit 2 ³) The Duvall Planning Department (Planning) deemed the application to be complete on July 7, 2015. (Exhibit 49)

The subject property consists of four lots whose addresses are 26854, 27028, 27065, and 27066 NE 143rd Place. The four lots are located on both sides of NE 143rd Place just west of 272nd Place NE.

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 The subject property is within an area which the City rezoned to R8 in June 2016, after the *Rio Vista* application had been filed in a complete fashion. Because of statutory and ordinance vesting provisions, the zoning which existed when the application was filed in a complete fashion governs consideration of this application. For simplicity, all references to zoning in this Decision are to the zoning which existed when the application was filed in a complete fashion.

³ 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. 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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The Duvall Land Use Hearing Examiner (Examiner) viewed the subject property on August 4, 2016.

The Examiner held an open record hearing on August 4, 2016. Planning gave notice of the hearing as required by the Duvall Municipal Code (DMC). (Exhibit 58)

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

Exhibits 1 - 63: As enumerated in Exhibit 1, the Departmental Staff Report

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. The subject 12.72 acres consists of four "acreage" lots in the *Rio-Vista Ranchettes* subdivision, three located on the north side of NE 143rd Place, the fourth located on the south side of NE 143rd Place. The four lots are part of an area annexed into Duvall in or around 2006 and were zoned R12 at the time. A condition of that annexation required any redevelopment of lots abutting the west side of 272nd Place NE to maintain a 20-foot wide buffer strip adjacent to that street. In early 2015, the Rio Vista Joint Venture entered into a Development Agreement with the City, the principal purpose of which was to establish terms for conveyance to the City of a public park within the boundaries of the currently proposed subdivision. (Exhibits 1, 4, 5, 16, 43, 47; and testimony)
2. The proposed subdivision will divide the 12.72 acre four-lot assemblage into 67 lots for single-family residential development. Thirty-three of the units will be attached housing – two- or three-unit structures. (Essentially two- or three-unit townhouses.) The units are in three clusters. The southwest cluster contains 14 units, the northeast cluster contains 42 units, and the southeast cluster contains 11 units. Two wetlands, one located in the west-central portion of the site and one at the south end of the site, have been preserved along with their regulatory buffers. Frontage improvements will be provided along NE 143rd Place and 272nd Place NE south of NE 143rd Place. The 4+ acre public park (Tract J) will include active and passive recreation facilities. (Exhibits 1, 5, 7, 16, 24, 25)
3. All of the proposed lots comply with DMC requirements. (Exhibit 1)
4. RVI requested two Planning Departures (eliminate planter strip adjacent to southern wetland and retaining wall height) and two Engineering Variances (more than four units on a private road and omit on-street parking lanes in certain areas). (Exhibits 19 – 22) City staff recommends approval of all four requests. (Exhibit 1)

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5. The record contains evidence that appropriate provisions have been made for open space (Exhibits 5, 16); drainage (Exhibits 7, 8, 28 – 31, 36, 37); streets and roads (Exhibits 5, 7, 8, 18, 26, 27); alleys (Exhibit 5); other public ways (None required); transit stops (None requested); potable water supply (Exhibits 9, 60); sanitary wastes (Exhibits 9, 10, 60); parks and recreation (Exhibits 5, 16); playgrounds (Exhibits 5, 16); schools and schoolgrounds (School impact fees required. (Exhibit 1)); and safe walking conditions for children who walk to school (An all-grade school bus stop will be provided where “Road A” intersects NE 143rd Place with sidewalks leading to that location from all lots in the subdivision. (Testimony)).
6. Duvall’s State Environmental Policy Act (SEPA) Responsible Official issued a Mitigated Determination of Nonsignificance (MDNS) on June 30, 2016. (Exhibit 56) No appeal was filed. (Exhibit 1 {pp. 17, 20}) The mitigation measures within the MDNS have been carried forward by Planning as recommended conditions of approval. (Exhibit 1)
7. The Planning Staff Report contains a detailed, criterion-by-criterion analysis of conformance with DMC 14.66.050 (Subdivision Standards), Chapter 14.38 DMC (Landscaping Standards), Chapter 14.40 DMC (Tree Protection), and Chapter 14.42 DMC (Sensitive Areas). (Exhibit 1) That analysis was not challenged during the hearing and is adopted by reference as if set forth fully.⁴
8. Two neighbors participated in the hearing. A resident of the *Glencairn* subdivision (Gessel), located east of 272nd Place NE, expressed concern about the difference in density between the two subdivisions. (*Glencairn* is in an area which is currently and has been for some time zoned R4. (Exhibits 32, 47, 48)) When advised of the zoning to which the proposal is vested, advised that the density is actually what could be achieved under R8 zoning, and informed of the required buffer along 272nd Place NE, Gessel seemed satisfied.

The other participant (Colmbs) resides in *Duvall Sunset Heights*, a subdivision which borders the north edge of *Rio Vista*. (Exhibit 32) Colmbs was concerned about tree retention near his property. Trees within the open space tracts will be retained; all others will be removed and replaced as required by the DMC. (Exhibits 1, 13) When shown where trees would be retained, Colmbs seemed satisfied.
9. Planning recommends approval of *Rio Vista* subject to 69 conditions. (Exhibit 1 {pp. 21 – 28}) Planning testified that the verb “should” in Recommended Condition 7 should be “shall.” RVI takes no exception to any of the recommended conditions. (Testimony)
10. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

⁴ Exhibit 1 contains three scrivener’s date errors: Page 3: The year of Exhibits 49 and 50 should be 2015, not 2016; Page 20: The year of the end of the SEPA appeal period should be 2016, not 2015.

LEGAL FRAMEWORK ⁵

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;

⁵ Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

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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]

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. Extensive, detailed conclusions regarding conformance with the criteria for approval are unnecessary since *Rio Vista* is an uncontested case.
2. The preponderance of the evidence shows that the proposed subdivision, conditioned as set forth herein, would conform with the criteria of DMC 14.66.040.
3. The preponderance of the evidence shows that the proposed subdivision, conditioned as set forth herein, would conform with the criteria of DMC 2.30.210.
4. The proposal passes the “consistency” test: Single-family residential is a permitted land use in the R12 zone; the proposed density meets the requirement of the DMC; adequate services are available to the proposed lots; the proposed design complies with all applicable design standards.
5. The Design Departures and Engineering Variances should be approved for the reasons set forth within Exhibit 1.
6. 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. None of the recommended conditions specify what exhibit is being approved as the preliminary plat. Such identification is desirable, if only for the historical record. A new condition will be added to fulfill that purpose.
 - B. Recommended Condition 7: Staff’s request to change “should” to “shall” will be implemented.
 - C. Recommended Conditions 43 and 44: The re-wording of these two conditions as suggested by staff during the hearing will be implemented.

- B. A few minor, non-substantive structure, grammar, and/or punctuation revisions to Recommended Conditions 1.a, 5, 8, 9, 17, 21, 26, 49, 56, 63, and 68 will improve parallel construction, clarity, and flow within the conditions. Such changes will be made.
7. 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 *Rio Vista* long subdivision together with the associated Design Departures and Engineering Variances **SUBJECT TO THE ATTACHED CONDITIONS.**

Decision issued August 12, 2016.

\s\ John E. Galt (Signed original in official file)

John E. Galt
Land Use Hearing Examiner

HEARING PARTICIPANTS ⁶

Troy Davis
Barbara Gessel
Boyd Benson

Michael Reid
Maurie Colmbs

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

⁶ The official Parties of Record register is maintained by the City’s Hearing Clerk.

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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
SU15-001
RIO VISTA

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

General

1. Exhibit 5 is the approved preliminary plat. Exhibits 6 – 10 and 13 – 18 are the approved supporting plans. Modification of approved preliminary plats is regulated by DMC 14.66.105.
2. The developer shall establish a Home Owner’s Association (HOA). The developer shall submit the Covenants, Conditions, and Restrictions (CC&Rs) and Articles of Incorporation for the HOA to the Planning Department for review and approval to the extent that it addresses those conditions specifically required to be included in the CC&Rs as conditions of plat approval, prior to recording the final plat.
 - a. The residential CC&Rs shall include the following requirements that shall apply to all residential lots: Landscaping shall be consistent, lighting fixtures shall be the same or similar in character throughout the residential area, fences shall be compatible in height and color, and other residential improvements shall be consistent within the project. The developer shall provide preliminary design concepts for review and comment prior to building permit application for single-family homes. Building design shall be consistent with DMC Chapter 14.34, Design Guidelines.
3. Final plat shall comply with the terms of the Development Agreement between the City and the Developer (*see Exhibit 43*).

Single Family Residential Zoning Districts

4. Covenants shall be included on the face of the final plat indicating any reduced maximum allowable impervious surface for all residential lots and to put future residential purchasers on notice that future additions to residential structures and/or the addition of accessory structures may be limited or disallowed by the City due to impervious coverage limitations for the project and the amount of available detention volume within the stormwater vault. These restrictions shall also be set out in the CC&Rs for the Owner’s Association.

Design Guidelines

5. The Developer shall submit design details for the proposed mailbox prior to final plat submittal for verification of compliance with the requirements of §14.34.060.

6. **Planning Departure Request – Wall Height.** The Departure Request from the maximum 4-foot retaining wall height as required by DMC 14.34.030(B)(2)(a) shall be approved subject to the following conditions: a) retaining wall height shall not exceed 8 feet, b) protective fencing no greater than 6 feet in height shall be provided at the top of the retaining wall for safety, and c) the retaining wall shall be located outside the required Type II perimeter landscape buffer along existing roadways.
7. **Planning Departure Request – Landscape Strip.** The Departure Request from providing a landscape strip adjacent to Tracts T and U along 272nd Place NE shall be approved.

Landscaping Standards

8. All perimeter fencing, if provided, shall be located behind the Type II landscaping buffer required along external roadways.
9. The Developer shall submit to the City a final landscape plan consistent with DMC Chapter 14.38 prior to final plat for review and approval. All landscaping within Tracts T and U shall be installed or bonded prior to final plat. Landscaping in Tract J shall be installed in accordance with the Development Agreement between the City and Developer.
10. Four (4) additional street trees shall be provided along NE 143rd Place in order to meet the spacing requirements of DMC 14.38.120(B), specifically, south of Lots 17-19 and southwest of Lot 43.
11. The Developer shall submit to the City an acceptable irrigation plan prior to installation of landscape improvements. All irrigation shall be installed prior to final plat unless bonded for.

Tree Protections

12. Significant trees retained on-site shall be evaluated by the City and Developer prior to final plat submittal. Retained significant trees that are deemed unacceptable by the City or the Developer's arborist shall be removed and replaced in accordance with DMC Chapter 14.40.
13. Retained significant trees and replacement trees shall be identified on the final plat and in the Covenants, Conditions and Restrictions of the plat.
14. At least 266 replacement trees shall be planted on-site in order to meet the City's no-net loss policy for significant trees. Replacement trees shall be native to the Puget Sound region to the greatest extent possible.
15. Tree protection measures shall be taken to protect retained trees on-site and trees adjacent to the site. Tree protection measures shall be included in the grading and construction drawing plans and shall conform to the tree protection requirements of DMC 14.40.080.

Sensitive Areas

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16. Prior to construction drawing approval, submit a revised Wetland Mitigation Plan consistent with the recommendations made by the City's peer review consultant (Environmental Science Associates) in their report submitted June 9, 2016 (*see Exhibit 61*).

Exterior Lighting Standards

17. An exterior lighting plan consistent with the requirements of DMC Chapters 14.46 and 14.42 shall be submitted with application for construction drawing approval.

SEPA – Environmental Review

18. Stormwater Mitigation: Stormwater facilities shall be constructed to provide detention and water quality improvement in accordance with the City-adopted 2009 King County Surface Water Design Manual and the Phase II National Pollutant Discharge Elimination System (NPDES) Permit. The residential facility shall be located within a tract dedicated to the City upon final plat approval. The final TIR shall address any downstream drainage issues or required improvements, and comply with wetland recharge parameters described in the February 8, 2016, Wetland Hydrology Analysis.
19. Plant Mitigation: Required trees shall be installed (or bonded for) prior to final plat approval in accordance with an approved tree retention plan. Root protection zones from off-site trees that extend onto the project site shall also be protected.
20. Sensitive Areas: The project shall be designed to minimize impacts to wetlands and their associated buffers. The stormwater system shall be designed to maintain wetland hydrology.
21. Aesthetic Mitigation: Landscaping shall be installed (or bonded for) prior to final plat approval within all required open space areas, buffers, and rights-of-way (i.e. the planter strips) within the project site in accordance with an approved landscape plan. All landscaping improvements within commonly owned tracts, open space, and rights-of-way planter strips on the subject site shall be maintained by a home owners association.
22. Recreation Mitigation: Park impact fees shall be paid for each new dwelling unit to fund system wide capital improvement projects in accordance with DMC Chapter 14.58; however, park impact fee credits shall be applied in accordance with the February 10, 2015, Development Agreement between the City of Duvall and Rio Vista Joint Venture regarding the planned on-site neighborhood park property conveyance and improvement.
23. Traffic Mitigation: The developer shall install interior roadway improvements in accordance with the PWDDS. Pedestrian connectivity shall be provided between project open space areas and existing adjacent sidewalks. Traffic Impact Fees shall be paid for each new dwelling unit to fund system wide capital improvement projects in accordance with DMC Chapter 14.58.
24. Public Service Mitigation: School impact fees shall be paid for each new dwelling unit in accordance with DMC Chapter 14.58. Impacts to police and fire will be mitigated through the payment of property taxes by each respective homeowner.

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25. Utility Mitigation: The developer shall install sewer and water system improvements in general accordance with the June 27, 2016, Sewer and Water Availability Letter and Public Works Development Design Standards (PWDDS). Sewer General Facilities Charges and Water Capital Improvement Charges shall be paid for each new dwelling unit. Storm Drain Area Charges and Sewer Equalization Fees shall also be collected to fund system-wide mitigation projects.

Additional Development Standards

26. All recreational infrastructure to be installed on Tract J shall be reviewed by the City for compliance with the Development Agreement between the City and the Developer as part of the Landscape Plan approval process. **Note:** Parks greater than ½ acre in size are processed as Type III decisions requiring hearing examiner approval.
27. Prior to construction drawing submittal the Development Agreement between the City and the Developer shall be amended to reflect the correct acreage to be conveyed to the City as a neighborhood Park (specifically, the 5.5 acre requirement listed in item #4 of the Terms of Agreement).

FROM PUBLIC WORKS/ENGINEERING

General

28. The developer shall submit construction plans and supporting documentation for Public Works review and approval. Construction drawing review shall address comments within the June 17, 2016 comment letter (*see Exhibit 63*).
29. All utility connections shall be located below ground and be brought to the plat 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 the Public Works Development Design Standards (PWDDS).
30. Final Plat shall be developed using the City of Duvall Final Plat Submittal Checklist.
31. As-builts shall be provided, reviewed, and approved prior to final plat or Performance Bond release.
32. Street lights shall be installed on all frontages as part of the project. An Intolight (PSE) Street Lighting design shall be provided to the City for review and approval during the Construction Drawing review process.
33. Cluster box units (CBUs) mail boxes shall be installed as part of the project. Coordinate with the Post Office and Public Works on CBU placement.
34. A City of Duvall demolition permit shall be approved prior to removal of the existing structures.
35. 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 NPDES/Department of Ecology requirements.

Roads

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36. Frontage improvements, include two-minimum 11-foot travel lanes, dedicated parking, curb/gutter, landscape strip, and 5-foot wide sidewalk shall be installed along project frontage located on NE 143rd Place and 272nd Place. NE. Frontage improvements shall not be required on 272nd Place NE north of the NE 143rd Place intersection.
37. Roads A and B shall be constructed to include a minimum 22-foot wide street improvement with curb and gutter, curb-dedicated parking minimum one side (28-foot wide total roadway width), a 5-foot wide sidewalk, a 5-foot wide landscape strip in accordance with the preliminary plans (*see Exhibit 18*).
38. Private Access Tracts A, B, C, and E shall include an unobstructed 22-foot travel way, and 0.5 dedicated guest parking stalls per unit in dedicated pull-outs or other public parking locations distributed consistently within or adjacent to the tract in accordance with Standards 3-2.06.E. Reverse-slope road surface crowns are not allowed within the tracts. Tracts shall be posted “No Parking” except at dedicated parking areas.
39. A channelization and signage plan shall be submitted as part of the construction drawing review process. All areas lacking dedicated parking, shall be signed “No Parking Anytime”.
40. All new or repaired road sections shall be designed and installed with ½” HMA type asphalt concrete pavement with section thickness in accordance with PWDDS Section 3.4. A full width 1.5-inch thick grind and ½” HMA type asphalt concrete pavement overlay shall be completed along all frontage improvements and roadway excavations in accordance with PWDDS Section 1-1.07 unless otherwise approved by the City Engineer because of existing good pavement condition.
41. Driveways shall be clustered within the development as much as possible in accordance with PWDDS 1-1.07.
42. All damaged or removed curb/gutter and sidewalk shall be removed and replaced joint to joint.
43. Seepage barriers shall be installed on all roadways inclined at greater than 7 percent in accordance with PWDDS 2-1.05.
44. **Engineering Variance Request— Exceed 4 Residential Units on Tracts A and B** (*see Exhibit 21*): The Variance request for more than 4 units per each residential access tract is approved by staff because sufficient dedicated parking is provided along the west side of 272nd Place NE south of NE 143rd Place.
45. **Engineering Variance Request—Omit on-street parking lanes** (*see Exhibit 22*): The Variance request omitting the parking lane(s) along internal Road A and Road B is approved by staff because of high-driveway density and the resulting low yield of feasible on-street parking in these locations.

Water

46. Existing water well(s) shall be identified as part of construction drawing review and shall be abandoned in accordance with Department of Ecology requirements.
47. The developer shall install a new 8-inch diameter water main along the NE 143rd Place frontage to replace the existing undersized 6-inch diameter water main.

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48. A new 8-inch 450-foot pressure zone main loop shall be installed from the NE 143rd Place project frontage, north along 272nd Place NE, and then west along NE 144th Street to connect immediately downstream of the NE 144th Street pressure reducing station. This loop shall bypass, and make improvements unnecessary to, the existing pressure reducing station along the NE 143rd Place frontage. The downstream (west) end of the existing NE 143rd Place pressure reducing station shall be connected to the new main.
49. The developer shall install 8-inch diameter water mains within Road A and Road B.
50. Lots 1 to 11 water services may connect directly to the existing 550-foot pressure zone main located within 272nd Place NE.
51. The water system for the development shall be constructed of ductile iron pipe and shall include valves, air-vac, blow-off, and other appurtenances as required by the Public Works Department.
52. The number of water service and fire sprinkler taps to the main line shall be minimized by branching services as possible.
53. Any home requiring fire sprinklers shall be identified during construction drawing review and include additional required tap size evaluation prior to Construction Drawing approval. Based on the preliminary plat, fire sprinklers shall be required at Lots 1 to 3, 5 to 7, 26 to 27, 34 to 37, and any attached residences with combined 5,000 square feet or greater.

Sewer

54. Existing sanitary system drainfield(s) shall be identified as part of construction drawing review and shall be abandoned in accordance with Department of Ecology requirements.
55. A gravity sewer system shall be constructed to the project limits of the site prior to any final plat at the site. The system shall include the internal street network, connect to the relocated sewer system on NE 143rd Place and the Road A alignment, and include sewer main extension on NE 143rd Place from the project to the existing sewer main located west of the NE 143rd Place/272nd Place. NE intersection.
56. The sewer system shall be video inspected prior to Performance Bond and Maintenance Bond Release inspections. Identified repairs or maintenance identified by the City Engineer shall be completed prior to bond release.

Storm Drainage

57. A final Technical Information Report (TIR) shall be submitted for the development during construction drawing review. The final TIR shall consider existing comments, address any downstream drainage issues or required improvements, and comply with wetland recharge parameters described in the February 8, 2016, Wetland Hydrology Analysis (*see Exhibit 25*) to maintain wetland hydrology.

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58. The final TIR shall include an evaluation of potential Low Impact Development (LID) measures, including but not limited to Soil Quality and Depth (BMP T5.13), shall be installed in accordance with the final TIR.
59. The final TIR shall identify and address downstream conveyance and other stormwater concerns. Deficient conveyances, including ditches, shall be removed and replaced with new piped conveyance to accommodate proposed flow from the development and properties adjacent to the conveyance.
60. Stormwater facilities shall be constructed to accommodate residential and public stormwater generated by development. The stormwater facilities shall be designed in accordance with the 2009 King County Surface Water Design Manual (KCSWDM) and city requirements. Exterior Type 2 manholes and control structures shall be required for detention vaults. Residential stormwater facilities shall be located within an individual tract in accordance with the KCSWDM and dedicated to the City upon Final Plat.
61. Certification of as-built detention/water quality systems for the stormwater facility shall be provided and shall identify lots and other impervious areas served.
62. The operation and maintenance of stormwater facilities shall be the sole responsibility of the developer for the first two years of operation following final plat approval or until the stormwater facility maintenance bond is released, whichever is longer.
63. The stormwater facilities shall successfully operate and shall remain free of defects in workmanship, materials, and design during the maintenance and performance bond periods. The developer shall clean the stormwater 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.

FROM KING COUNTY FIRE DISTRICT #45

General

64. New hydrants shall be installed by the developer at locations to meet the City of Duvall Design Standards. A fire hydrant shall be required at the Road A/Tract C intersection unless otherwise approved.
65. Any roads with an emergency vehicle drivable width (capable of supporting 25 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.
66. 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.
67. Any building that is in part, or totally, located greater than 150 feet from right-of-way, measured by hose-length distance from the front property line, shall include an approved automatic sprinkler.

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Based on the preliminary site plans, proposed residences at Lots 9, 10, and 11 require automatic sprinkler systems.

68. Any buildings that fall under the townhome definition (IRC Rf202) shall include an approved automatic sprinkler.
69. Combined or flow-through sprinkler systems shall be utilized at homes requiring automatic sprinklers unless otherwise approved by the City. Sprinkler system testing shall be required and provided pursuant to Duvall Design Standards.
70. 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. (2003 International Fire Code §501.4).

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. [paraphrased from DMC 14.66.060(D)]