



NOTICE OF DECISION

Project Name: Redemption Church (SPR17-010/BLA20-001/VAR20-001)

Project Location: 15305 Main Street NE, Duvall, WA 98032

To all parties of record: The Hearing Examiner issued a Decision on **June 22, 2021** granting:

- A. APPROVE Preliminary Site Plan and variance subject to conditions; APPROVE a revised Boundary Line Adjustment 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 on June 17, 2021.

This decision will become final and effective: **July 13, 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: July 13, 2021
Application Submittal Date: December 18, 2017
Notice of Complete Application: December 19, 2017
Days to Hearing: 1281
Days to Decision: 1286
Threshold Determination: August 13, 2020
Date of this Notice: June 22, 2021

Attachments:

- Hearing Examiner Findings of Fact, Conclusions of Law, and Decision – Issued June 22, 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

FILE NUMBERS: SPR17-010/BLA20-001/VAR20-001

APPLICANT: Redemption Church Eastside
15305 Main Street NE
Duvall, WA 98032

TYPE OF CASE: Consolidated: 1) Preliminary Site Plan Approval to convert a former bank building into a church; 2) Boundary Line Adjustment to convert three lots into one parcel and one sensitive areas tract; and 3) Variance from Duvall Municipal Code 14.38.090, Table 14.38.090.A, a portion of the Duvall Unified Development Regulations, to reduce the width of the landscape strip between a sidewalk and a parking area from 10 feet to five feet

STAFF RECOMMENDATION: Approve all applications subject to conditions

EXAMINER DECISION: APPROVE Preliminary Site Plan and variance subject to conditions;
APPROVE a revised Boundary Line Adjustment subject to conditions

DATE OF DECISION: June 22, 2021

INTRODUCTION¹

Redemption Church Eastside (“Redemption Church”) seeks three land use entitlements: 1) Preliminary Site Plan Approval (“SPA”) to convert a former bank building into a church; 2) Boundary Line Adjustment (“BLA”) to convert three lots into one parcel and one sensitive areas tract; and 3) Variance from Duvall Municipal Code (“DMC”) 14.38.090, Table 14.38.090.A, a portion of the Duvall Unified Development Regulations (“UDR”), to reduce the width of the landscape strip between a sidewalk and a parking area from 10 feet to five feet.

Redemption Church filed a Master Permit Application and Site Plan Review Permit Application for Preliminary SPA on December 18, 2017. (Exhibits 3 & 4²) The Duvall Planning Department (“Planning”) deemed the application to be complete on December 19, 2017. (Exhibit 30)

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. 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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Redemption Church filed a Boundary Line Adjustment Application on February 21, 2020. (Exhibits 5 & 6) Planning deemed the application to be complete on or about March 19, 2020. (Exhibits 33 & 34)

Redemption Church filed a Variance Permit Application on February 21, 2020. (Exhibit 7) Planning deemed the application to be complete on or about March 19, 2020. (Exhibits 33 & 34).

Planning issued an initial Notice of Application on December 22, 2017, (Exhibits 31 & 32) and a Revised Notice of Application on March 19, 2020. (Exhibits 33 & 34)

On December 16, 2020, Redemption Church requested that the three applications be consolidated for processing as allowed under DMC 14.08.010(b)(2). (Exhibit 10)

The subject property is located at 15305 Main Street NE on the west side of Main Street NE. Its Assessor's Parcel Numbers are 2129900060, 2129900070, and 2129900080 ("Lots 6, 7 and 8," respectively). (Exhibit 1)

The Duvall Land Use Hearing Examiner ("Examiner") is generally familiar with the subject property and the surrounding area.

The Examiner held an open record hearing on June 17, 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 DMC. (Exhibits 49 - 51)

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

- Exhibits 1 - 57: As enumerated in Exhibit 1, the Departmental Staff Report
- Exhibit 58: Boundary Line Adjustment (recorded) for Darci's Dinky Donuts

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, p. 2) Redemption Church 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 11)

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. Redemption Church desires to convert a former bank building into a church. The project includes expansion and renovation of the existing building, reconfiguration of an existing parking lot, and

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creation of an additional parking area. To facilitate its proposal, Redemption Church has applied for three land use entitlement permits and two administrative design departures.

The three land use entitlements, which have been consolidated for processing and review, are:

- A. SPR17-010. Preliminary SPA for Redemption Church Eastside church.
- B. BLA20-001. A BLA to convert three lots into one parcel and one sensitive areas tract.
- C. VAR20-001. A Variance from DMC 14.38.090, Table 14.38.090.A, a portion of the UDR, to reduce the width of the landscape strip between the sidewalk and the existing former bank parking area from 10 feet to five feet. (The existing landscape strip is only three (3) feet wide, so this “variance” will increase the landscape strip width by two (2) feet, but will not meet the 10-foot UDR requirement.) The new parking area will meet the 10-foot UDR requirement.

The two administrative design departures (which are not before the Examiner) are: 1) Departure from DMC 14.34.062(D)(5) regarding roofline configuration; and 2) Departure from DMC 14.34.062(D)(1) regarding modulation of the western façade of the building. (Exhibits 8 & 9) Planning has approved both requested departures. (Exhibit 1, pp. 5 & 6)

- 2. 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 reviewed Redemption Church’s proposed site plan on November 23, 2020. (Exhibits 46; 48) The Commission recommends (by unanimous vote) approval of the proposed site plan. (Exhibit 47, p. 2)

- 3. Redemption Church’s consolidated applications have engendered no public or agency interest: No testimony or evidence was entered into the record by the general public or any agency either in support of or in opposition to the application. Planning’s staff report, as usual, is very thorough, detailed, and comprehensive with respect to the SPA and Variance portions of the consolidation. It addresses all required review criteria for each of those applications. (Exhibit 1) Redemption Church concurs with Planning’s analysis. (Testimony) The Examiner also concurs with Planning’s analysis of the SPA and Variance. In the interest of economy and efficiency, Planning’s analysis and conclusions regarding the SPA and Variance applications as contained in Exhibit 1 are incorporated herein by reference as if set forth in full.

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4. The staff report's treatment of the BLA application, while providing analysis of each BLA criterion for approval, misses an issue which was discussed during the hearing: The lack of access to one of the proposed reconfigured lots. The remainder of this Decision will focus on the requested BLA.
5. The subject property consists of Lots 6, 7, and 8 in the recorded plat of *Duvall Business Tracts*. (Exhibit 17, p. 3) Lots 6, 7, and 8 run east to west, each fronting on Main Street NE. A variable percentage of the eastern portion of each lot is natural and/or filled (at some unknown time(s) in the relatively ancient past) upland. The remaining western portion of each lot is part of a large wetland area. (Exhibits 18, Sheet SP1; 26) Redemption Church proposes a reduced width buffer from the wetland with enhancement mitigation plantings as allowed by the DMC. (Exhibit 26)
6. Redemption Church's proposed BLA would remove the east-west lot lines between Lots 6, 7, and 8 and replace them with a single, more or less north-south lot line following the outer edge of the reduced wetland buffer. Thus, Parcel A would consist of the upland, developable portion of the property (containing 34,845 square feet ("SF")) and Parcel B would be the western wetland and buffer (containing 30,627 SF). As proposed, Parcels A and B would each be a separate lot. There would be no legal access whatsoever to Parcel B. (Exhibit 6) Parcel B is intended to be a "native growth protection area" ("NGPA") (Exhibit 5, unnumbered last page), also referred to as a "critical area protection area/easement" (Exhibit 6, Sheet 2). The proposed legal descriptions treat Parcels A and B as separate lots. (Exhibit 6, Sheet 1)
7. The BLA, with the legal descriptions as proposed, would violate two of the BLA approval criteria. Subsection 14.66.120(A) DMC ³ prohibits creation of a nonconforming lot. A lot with no access would be nonconforming. Subsection 14.66.120(B)(5) DMC ⁴ requires that all resultant lots in a BLA have legal access. When the Examiner raised these requirements during the hearing, Redemption Church's agent testified that Redemption Church's intent was simply to join the three current lots and create an NGPA over the wetland and buffer portion of the property. The Examiner suggested that that could be accomplished in conformance with the DMC by joining three lots into one with an NGPA over the wetland and buffer area. Redemption Church's agent had no objection to that approach. (Testimony)
8. Duvall's State Environmental Policy Act ("SEPA") Responsible Official issued a Mitigated Determination of Nonsignificance ("MDNS") on August 13, 2020. (Exhibit 43) The MDNS was not appealed. ⁵ (Exhibit 1, p. 13) The mitigation measures within the MDNS have not been expressly carried forward by Planning as recommended conditions of approval. (Exhibit 1, pp. 20 - 25)
9. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

³ See Legal Framework, Review Criteria, BLA Criteria, below.

⁴ See Legal Framework, Review Criteria, BLA Criteria, below.

⁵ 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)]

LEGAL FRAMEWORK ⁶

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

Authority

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)]

Redemption Church elected to consolidate its three applications for processing. (Exhibit 10)

SPA is a two-step process. Preliminary SPA for a site greater than 0.5 acres is a Type III process ⁷; a BLA is a Type I process; UDR Variances are a Type II process. Thus, the consolidated applications are processed as Type III applications. 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].

⁶ Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

⁷ Preliminary site plan review for sites up to 0.5 acres is a Type II administrative process. [DMC 14.08.010(C)(1)]

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).

BLA Criteria

The review criteria for BLA applications are set forth at DMC 14.66.120:

- A. A boundary line adjustment is a mechanism by which the city may approve the alteration of boundary lines between subdivided or unsubdivided lots or both, where such an adjustment does not create any additional lot, tract, parcel, site, or division nor create lots which are nonconforming or more nonconforming than exists.
- B. The director may approve an application for a boundary line adjustment provided the following criteria are met:
 - 1. The proposed adjustment shall meet the exemption requirements provided in RCW 58.17.040(6);
 - 2. The boundary line adjustment shall not result in the creation of any additional tract, lot, parcel, site or division;
 - 3. The property being transferred within the boundary line adjustment shall be combined with the benefiting parcel and shall not be a separate parcel, which could be mistaken as a separate and distinct, conveyable tract without proper research;
 - 4. The lots, tracts, or parcels resulting after the boundary line adjustment shall meet all dimensional requirements specified for the applicable zone as outlined in this title;
 - 5. All lots modified by the boundary line adjustment procedures shall have legal access meeting the standards of the City of Duvall;
 - 6. The boundary line adjustment shall not violate an applicable requirement or condition of a previous land use action, subdivision, short subdivision or binding site plan;
 - 7. All boundary line adjustments shall be recorded surveys consistent with the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC. All lot lines being adjusted shall be surveyed, and newly established lot corners shall be staked.

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;
- 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.

Standard of Review

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

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. As stated in Finding of Fact 3, above, the Examiner has adopted Planning's conclusions regarding the requested SPA and Variance. Nothing more need be said about them.
2. The BLA as proposed does not meet all criteria for approval. Because it would result in a lot having no legal access, it does not comply with DMC 14.66.120(A) and (B)(5). That deficiency can be easily corrected – without adversely affecting Redemption Church's intent: Parcel A should be the entire property (Lots 6, 7, and 8); currently proposed Parcel B should be an NGPA (or "Critical Area Protection Area/Easement") which would encumber that portion of Parcel A. This simple solution would require that the legal description for Parcel A be changed to incorporate the entire property. Parcel B, using the currently proposed legal description, would be made a critical area easement/area encumbering that portion of the property.
3. Although SEPA MDNS mitigation measures are arguably automatically conditions of permit approval, it is best to incorporate them in one fashion or another into a permit's special conditions, if only to serve as a reminder to the permittee and to other readers. Therefore, the Examiner will add a condition incorporating them by reference.
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 changes/additions discussed in Conclusions of Law 2 and 3, above, need to be made.

- B. Recommended Condition 4 cites Exhibit 7 as “the approved Variance subject to” listed conditions. (Exhibit 12, p. 21) Exhibit 7 is Redemption Church’s Variance application. While Exhibit 7 explains what Redemption Church wants and why it believes it qualifies for the requested relief, it does not depict the requested variance. Nor, of course, does it actually approve anything. The Examiner will rephrase the introductory line in Recommended Condition 4.
 - C. Recommended Condition 5 refers to “supporting plans” without providing any specificity. The only sheets in Exhibit 18 that are not cited elsewhere in the Recommended Conditions are SP1, SP3, SP4, C1 – C5, and EC1. Sheet EC1 is simply the record of survey; it contains no specifics of the proposal. The other sheets contain useful specifications about the proposal. The relevant sheet identification will replace the general reference.
 - D. Three minor, non-substantive grammar (Recommended Conditions 6 and 7) and punctuation (Recommended Condition 14) revisions to will improve parallel construction, clarity, and flow within the conditions. Those 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. SPR17-010 **SUBJECT TO THE ATTACHED CONDITIONS;**
- B. **GRANTS** a Boundary Line Adjustment under File No. BLA20-001 **SUBJECT TO THE ATTACHED CONDITIONS;** and
- C. **GRANTS** a UDR Variance under File No. VAR20-001 **SUBJECT TO THE ATTACHED CONDITIONS.**

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/s/ John E. Galt

John E. Galt
Land Use Hearing Examiner

HEARING PARTICIPANTS⁸

Ivana Halvorsen

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.”

⁸ The official Parties of Record register is maintained by the City’s Hearing Clerk.

**CONDITIONS OF APPROVAL
SPR17-010/BLA20-001/VAR20-001
REDEMPTION CHURCH EASTSIDE**

This consolidated Preliminary Site Plan Approval, Boundary Line Adjustment, and UDR Variance 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. The building permit shall conform to all applicable requirements of DMC Tile 14 and the City's 2015 Comprehensive Plan.
2. The building permit shall be in substantial conformance with the conditions of Site Plan Review, Variance, and Boundary Line Adjustment approvals.
3. Exhibit 6 is the approved Boundary Line Adjustment subject to the following conditions:
 - a. The legal description for Parcel A shall be revised to include the entirety of the subject property (Lots 6, 7, and 8). Parcel B shall be denoted as a Native Growth Protection Area or as a Critical Area Protection Area/Easement, not a stand-alone parcel, overlaying a portion of Parcel A.
 - b. The Applicant shall provide the Boundary Line Adjustment, in a form acceptable to the King County records office, to the City for signatures.
 - c. Once the Applicant has obtained City signatures on the Boundary Line adjustment, the Applicant shall be responsible for recording the Boundary Line Adjustment with King County.
 - d. Once the Applicant has recorded the Boundary Line Adjustment, all adjusted lot lines shall be surveyed, and newly established lot corners staked.
4. The requested Variance is approved subject to the following conditions:
 - a. The Variance granted hereby is solely limited to reduction in the width of the landscape strip between a sidewalk and a portion of the parking lot required by DMC 14.38.090, Table 14.38.090.A, from 10 feet to 5 feet as shown on Exhibit 18, Sheet L1.

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- b. The required landscape buffer between the existing parking lot and the back of sidewalk at the eastern property line shall be landscaped in accordance with the requirements of DMC 14.38.080(B).
 - c. The Variance shall be recorded with King County.
5. Exhibit 18 Sheet SP2 is the approved preliminary Site Plan and Exhibit 18 Sheets SP1, SP3, SP4, and C1 – C5 are approved 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.
6. Exhibit 18 Sheets L1 through L3 are 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.
 - b. Root-barriers with a minimum length of 6 feet 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.
7. Exhibit 18 Sheets E1-E2 are the approved Lighting Plan subject to the following conditions:

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- a. Pedestrian scaled lighting shall be provided within the plaza consistent with DMC 14.34.050(B)(8)(b)(iii).
 - b. Exterior lighting shall not trespass into sensitive areas.
8. Exhibit 19 is the approved Elevation Drawings.
9. Exhibit 26 is the approved Sensitive Area Study and Mitigation Plan subject to the following condition:
- a. A performance bond shall be in place prior to building permit issuance.
 - b. Crushed gravel within the sensitive area buffer shall be removed prior to soil amendment and enhancement plantings.
 - c. A pre-planting meeting shall be scheduled with planning prior to mitigation plan implementation.

FROM PUBLIC WORKS/ENGINEERING

General

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 (*see Exhibit 41*).
11. All utility connections shall be located below ground and be brought to the project site underground.
12. As-builts with NAVD 1988/NAD 83 datum shall be provided, reviewed, and approved prior to 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.
13. All retaining walls over four (4) feet shall be engineered with drainage and included on the Construction Drawings to be submitted to the City for review and approval.
14. 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.

Roads

15. Frontage improvements shall consist of landscaping, in accordance with the approved Construction Drawing plan set.
16. Pavement restoration within the right-of-way shall consist of ½” HMA type asphalt concrete pavement and placed in accordance with PWDDS.
17. No Traffic Impact Fee credit eligible improvements are proposed as part of this project action.
18. Pedestrian networks shall meet ADA standards and shall be submitted as part of the Construction Drawing review process.
19. 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 per PWDDS.

Water & Sewer

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

Storm Drainage

21. 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.
22. 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.
23. All water quality infrastructure (filters, soils, etc.) shall be approved by the City Engineer.
24. Certification of as-built water quality systems for each facility shall be provided to Public Works and shall identify impervious areas served by each facility.
25. The operation and maintenance of stormwater facilities shall be the sole responsibility of the property owner for perpetuity. 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

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access and reporting agreement (Covenant) shall be developed and recorded prior to construction drawing approval.

26. The stormwater facilities shall successfully operate and shall remain free of defects in workmanship, materials, and design.
27. 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 of 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

28. 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.
29. 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.