

**BEFORE the HEARING EXAMINER for the  
CITY of LYNNWOOD**

**DECISION**

FILE NUMBERS: PLT-004043-2016 and RZN/PUD-004033-2016

APPLICANT: Best Harbour Development, LLC  
ATTN: Chuck Crosby  
2905 170<sup>th</sup> Street SW  
Lynnwood, WA 98037

TYPE OF CASE: Consolidated: (1) Preliminary subdivision utilizing (2) Planned Unit Development provisions (*Arianna Place* <sup>1</sup>)

STAFF RECOMMENDATION: Approve subject to conditions

EXAMINER DECISION: APPROVE subject to conditions

DATE OF DECISION: August 31, 2016

**INTRODUCTION** <sup>2</sup>

Best Harbour Development, LLC (Best Harbour) seeks approval of a revised version of *Arianna Place*. The current proposal is for an 11-lot single family residential subdivision of a 2.5 acre site, owned by Best Harbour, which is zoned RS-8. The proposed subdivision relies upon Planned Unit Development (PUD) provisions.

Best Harbour filed a Land Use Application seeking Preliminary Subdivision and Preliminary PUD approval on July 14, 2016. (Exhibits 2.1 – 2.5 *et al.* <sup>3</sup>) The Lynnwood Community Development Department (CDD) deemed the application complete on July 20, 2016.

The subject property is located at the western end of 177<sup>th</sup> Place SW, “behind” the Orthodox Presbyterian Church whose address is 17711 Spruce Way.

The Lynnwood Hearing Examiner (Examiner) viewed the subject property on January 21, 2016, prior to hearing the original version of *Arianna Place*.

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<sup>1</sup> See Findings of Fact 1 and 2, below: An approved, valid preliminary subdivision exists with the same name.  
<sup>2</sup> Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.  
<sup>3</sup> 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 Examiner held an open record hearing on August 25, 2016. CDD gave notice of the hearing as required by the Lynnwood Municipal Code (LMC). (Exhibits 16 and 17)

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

- Exhibit 1: Departmental Staff Report
- Exhibit 2.1: Application forms
- Exhibit 2.2: Planned Unit Development Application Project Narrative
- Exhibit 2.2.1: Planned Unit Development Application Rezone Narrative
- Exhibit 2.3: The Banbury II elevations
- Exhibit 2.4: The Madrona Park elevations
- Exhibit 2.5: Environmental Review Application
- Exhibit 3: Planned Unit Development Site Plan, Sheet S1
- Exhibit 4: Landscape Plans, Sheets L1.1 and L1.2
- Exhibit 5: Preliminary Stormwater Site Plan (textual document) for Arianna Place, October 9, 2015
- Exhibit 6: Preliminary Site Development Plan and Preliminary Road Profile, Sheets C1 and C2
- Exhibit 7: Affidavit of Ownership, dated June 7, 2016
- Exhibits 8 - 21: As listed in Exhibit 1 at p. 3
- Exhibit 22: Letter of Completeness, July 20, 2016
- Exhibit 23: Determination of Nonsignificance for PLT-003243-2015/BLA-003244-2015, November 13, 2015
- Exhibit 24: Preliminary plat<sup>4</sup>

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. On October 19, 2015, Best Harbour applied for a 10-lot subdivision (*Arianna Place*) of the subject 2.5 acre site (PLT-003243-2015). That proposal was reliant on a Boundary Line Adjustment (BLA) to create the parcel (BLA-03244-2015). The preliminary subdivision application was heard by the undersigned Examiner on January 21, 2016, and was approved subject to conditions on February 22, 2016. (Exhibit 20) For ease of reference within this Decision, that project will be referred to as *Arianna Place I*.

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<sup>4</sup> According to Best Harbour's consultant, preparation dates and titling information on this exhibit are incorrect. It was prepared in 2016 to serve as the revised preliminary plat. (Testimony)

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At the time of the Examiner's January 2016 hearing, the CDD had not taken final action on the BLA. (Exhibit 20)

2. On July 14, 2016, Best Harbour filed the applications which are now before the Examiner. The current applications seek to replace the 10-lot *Arianna Place I* with an 11-lot subdivision utilizing the PUD provisions of the LMC. (Exhibits 2.1 – 6; and testimony) For ease of reference within this Decision, the current proposal will be referred to as *Arianna Place II*.
3. A PUD “allows for innovations and special features in site development, including the location of structures, conservation of natural land features, conservation of energy, and efficient utilization of open space.” [LMC 21.30.100] A PUD may be located in any zone. [LMC 21.30.600] A PUD may contain “any use not a direct contradiction to the objectives of the comprehensive plan” (subject to a limitation on the number of dwelling units in a residential PUD). [LMC 21.30.800]

PUD approval is a two-step process: Approval of a preliminary development plan establishes “the general intent and apportionment of land for buildings, stipulated use and circulation pattern, but shall not be construed to render inflexible the ultimate design, specific uses or final plan of the project.” [LMC 21.30.300, ¶ 1] Preliminary approval is valid for one year. Before the expiration of the one-year period, the applicant must submit a final plan for approval. [LMC 21.30.320] Once the final plan is approved, the PUD “shall be made a part of the zoning map”. [LMC 21.30.340]

4. The primary advantage of the PUD process is that it “may involve modifications in the regulations, requirements, and standards of the zone in which the project is located ....” [LMC 21.30.950]
5. The Examiner is required to “make findings as to the specific uses to be permitted within the PUD. Every other use shall be illegal unless granted through a subsequent revision of the PUD in the same manner as a rezone of property.” [LMC 21.30.800] Best Harbour is proposing a single-family-detached residential development, a use allowed under the current RS-8 zoning.
6. *Arianna Place II* differs from *Arianna Place I* in the following ways:
  - A. The property to be subdivided now legally exists. BLA-03244-2015 was approved and has been recorded. Best Harbour now owns the subject property. (Testimony)
  - B. The regulatory system governing creation of the lots is different. *Arianna Place* was designed using the lot size averaging provisions of the LMC. (Exhibit 20, p. 5, Finding of Fact 7) *Arianna Place II* has been designed using the PUD provisions of the LMC. (Exhibits 2.2 and 2.2.1)

Lot sizes will range from approximately 7,000 square feet (SF) to approximately 7,800 SF. Standard RS-8 zone setbacks will be followed. The new houses will be built in the Northwest Craftsman style. (Exhibits 2.2, 2.3, and 2.4)

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- C. The number of lots has been increased from 10 to 11. (Exhibits 20 and 24)
  - D. The proposal now includes a 4,784 SF recreation tract (located between Proposed Lots 4 and 5). (Exhibit 3) That tract will be developed with a play area, a picnic area, and landscaping.<sup>5</sup> (Exhibit 4)
  - E. The stormwater control system has been changed. *Arianna Place I* proposed an above-ground, concrete detention vault to be located south of the church on the abutting property to the west. (Exhibit 20, Finding of Fact 10.B) *Arianna Place II* proposes a buried, concrete detention vault to be located beneath the parking lot east of the church on the abutting property to the west.<sup>6</sup> (Exhibit 6) Best Harbour will be acquiring drainage easements from the church for the facilities that will be beneath its property. (Testimony)
  - F. Providing safe walking conditions for students walking to school was a significant issue in *Arianna Place I*. Essentially, Best Harbour had two alternatives: Construct a walkway along Spruce Way, or fill in a shorter gap along 177<sup>th</sup> Place SW between the east end of the sidewalk that will be constructed within the subdivision and the end of a current walkway near 36<sup>th</sup> Avenue W. (Exhibit 20, Findings of Fact 10.L and 16 (¶ 3), Conclusion of Law 8, and Condition 3.E) Best Harbour has now chosen the 177<sup>th</sup> Place SW option. (Exhibit 6, Sheet C1)
  - G. The maximum height of a proposed retaining wall along the south and west sides of the subject property has been reduced two feet from 8 to six feet. (Exhibits 6 and 20, Finding of Fact 8)
7. The descriptions of the site and surroundings, except references to the BLA status, contained in Exhibit 20 remain essentially accurate. Therefore, the following Findings of Fact in Exhibit 20 are incorporated herein by reference as if set forth in full: 1, 3 – 6, 10.C – 10.K, 11, and 12.
8. Lynnwood's State Environmental Policy Act (SEPA) Responsible Official adopted the Determination of Nonsignificance that had been issued for *Arianna Place I* to fulfill its obligations under SEPA for *Arianna Place II*. (Testimony)

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<sup>5</sup> The landscape plan (Exhibit 4, Sheet L1.1) depicts an existing chain link fence which runs along a portion of the north property line. Sheet L1.1 does not indicate that such a fence is proposed along the east or west sides of the tract. In fact, the CDD testified that chain link fences are no longer allowed in single-family residential zoned areas of the City.

<sup>6</sup> Best Harbour has not had detention calculations revised for the new proposal. Because Best Harbour proposes to incorporate Low Impact Development (LID) drainage control techniques in *Arianna Place II*, it expects the required detention volume will be less. (Testimony)

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9. The CDD received one comment regarding *Arianna Place II*. Burt, the owner of the “exception” parcel (See Exhibit 20, Findings of Fact 1 and 15, ¶8.), wants Best Harbour to make gas, power, and sewer hook-ups accessible to the Burt lot. (Exhibit 18)
10. Best Harbour submitted a preliminary plat (Exhibit 24), PUD plan (Exhibit 3), typical building elevation drawings (Exhibits 2.3 and 2.4), plans for the recreation tract (Exhibit 4), and textual discussion of compliance with PUD provisions and approval criteria. (Exhibits 2.2 and 2.2.1).
11. The CDD recommends approval subject to conditions, some of which are proposed to be carried forward from *Arianna Place I*. (Exhibit 1, pp. 12 and 13)
12. Best Harbour asked that any *Arianna Place I* conditions being carried forward be spelled out rather than incorporated by reference. Best Harbour believes that *Arianna Place I* Condition 3.E is no longer relevant. Best Harbour questions the intent and requirement in new Recommended Condition 4(1) dealing with fence types. Finally, Best Harbour notes that new Recommended Condition 4(5) is essentially a duplicate of *Arianna Place I* Condition 4 which the CDD recommends be incorporated into the *Arianna Place II* conditions. (Testimony)
13. Best Harbour’s intent is that, if approved, *Arianna Place II* will replace/supersede *Arianna Place I*. (Testimony)
14. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

## LEGAL FRAMEWORK <sup>7</sup>

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

### Authority

Both preliminary subdivisions and preliminary PUDs are Process I applications which require 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. [LMC 1.35.100, .168, and .175, LMC 19.15.010(A), and LMC 21.30.300 and .320]

### Review Criteria

The review criteria for preliminary subdivisions are set forth at LMC 19.20.035:

- A. The preliminary plat shall conform to ... the following factors as they now exist or as they may be amended:

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<sup>7</sup> 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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1. The goals, policies and objectives of the Lynnwood comprehensive plan;
  2. The Lynnwood comprehensive parks and recreation plan;
  3. The Lynnwood zoning code;
  4. The standards of [Title 19 LMC] and Chapter 58.17 RCW;
  5. The Lynnwood comprehensive street and arterial plan;
  6. The standards of LMC Title 17, Environment;
  7. The Lynnwood water system comprehensive plan;
  8. The Lynnwood comprehensive flood and drainage management plan, and Chapter 13.40 LMC, Drainage Plans;
  9. The compatibility of the plat to the existing neighborhoods;
  10. Other plans and programs as the City of Lynnwood may adopt.
- B. A proposed subdivision and dedication shall not be approved unless the hearing examiner makes written findings that:
1. appropriate provisions are made for, but not limited to:
    - a. the public health, safety, and general welfare;
    - b. open spaces, drainage ways, streets, roads, alleys, other public ways and transit stops;
    - c. potable water supplies, and sanitary wastes;
    - d. parks and recreation, playgrounds, schools and school grounds;
    - e. all other relevant facts, including sidewalks and other planning features that assure safe walking conditions.
  2. the public use and interest will be served by the platting of such subdivision and dedication.
  3. the proposed subdivision and dedication is in conformity with the Lynnwood zoning code and land use controls.

The review criteria for PUDs are set forth at LMC 21.30.300, ¶ 1:

Before approval of any plan, the hearing examiner shall determine that such plans comply with the development policies of the comprehensive plan, the purpose of this title, and provisions of this chapter.

A “consistency determination” is also required for every project application. A consistency determination follows four steps set forth at LMC 1.35.070. Consistency criteria are:

1. Type of land use permitted at the site, including uses that may be allowed under certain circumstances if decision criteria are met;

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2. Density of residential development (if applicable); and,
3. Availability and adequacy of public facilities (for those facilities identified in the Comprehensive Plan, if the Plan or the City's development regulations provide for funding of these facilities).

[LMC 1.35.070(A)]

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]

A PUD application which is inextricably intertwined with a subdivision application is vested with the subdivision. [*Schneider Homes, Inc. v. City of Kent*, 87 Wn. App. 774, 942 P.2d 1096 (1997)] The present PUD application is inextricably intertwined with the preliminary subdivision application and, thus, enjoys the same vested rights as the preliminary subdivision.

Therefore, this consolidated preliminary subdivision and preliminary PUD application is vested to the development regulations as they existed on July 20, 2016.

Standard of Review

The standard of review is preponderance of the evidence. The applicant has the burden of proof. [LMC 1.35.155]

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. The three major differences between *Arianna Place I* and *Arianna Place II* (one more lot, underground stormwater detention vault, and the recreation tract) will have relatively little adverse impact on the neighborhood and some definite positive impacts on the neighborhood. *Arianna Place I* Conclusions of Law 1 – 4, 6, and 9 – 12 are as valid and appropriate now as they were for *Arianna Place I*. Therefore, in the interest of economy, Conclusions of Law 1 – 4, 6, and 9 – 12 in Exhibit 20 are incorporated herein by reference as if set forth in full.

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2. The evidence demonstrates compliance with the PUD approval criteria in LMC 21.30.300. The evidence demonstrates that the number of units proposed is consistent with LMC limitations. The recreation tract will provide an amenity to the neighborhood.
3. *Arianna Place II* passes the consistency test: Single-family residential is a use specifically allowed under the applicable RS-8 zone; the proposed density is consistent with zoning regulations; and adequate utility facilities are available to serve the proposed new lots.
4. Best Harbour is proposing only single-family detached residences within the *Arianna Place* PUD. Such residences are fully consistent with the provisions of the underlying RS-8 zone. The PUD should be limited to single-family residences and associated accessory buildings/uses in keeping with LMC 21.30.800.
5. The Examiner need not impose any special conditions relating to Burt's concern: The various utility purveyors will ensure that their lines are installed so that as many customers as possible will be able to connect to them. Since those lines will run past the entire north side of the Burt lot, connection should not be an issue. The Examiner will add a clause to the condition regarding the location of the curb cut to serve the Burt property requiring that utility stub-out locations also be coordinated with the Burts.
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. Recommended Condition 1. Exhibit 3 is the PUD site plan, not the proposed preliminary plat. Exhibit 24 is the proposed preliminary plat. This condition will be revised to correctly cite the various plans.
  - B. Recommended Condition 2. The Examiner agrees with Best Harbour: The conditions being brought forward from the *Arianna Place I* Decision should be listed in full rather than by incorporation by reference. Incorporation by reference is fine for Findings of Fact and Conclusions of Law, especially if they do not address central issues in the current case, but incorporation by reference has the potential to become confusing in the future when developers (and staffers) are trying to determine exactly what conditions apply.

The Examiner agrees that Conditions 2.A, 2.C, and 2.D need to be carried forward. The Examiner also believes that the first part of Condition 2.B should be carried forward as it addresses downstream conditions that will be affected by drainage discharged from the proposed vault. The portions of the condition addressing the former above-ground vault are moot and will be omitted.

The Examiner agrees that Conditions 3.B, 3.C, and 3.D need to be carried forward. Condition 3.A should also be carried forward as the proposal still contains a substantial (up to 6 foot

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high) retaining wall along a portion of the exterior boundary of the property. Condition 3.E can be vastly simplified now that Best Harbour has selected the 177<sup>th</sup> Place SW walkway route to meet its safe walking conditions requirement.

The Examiner agrees that Condition 4 needs to be carried forward and that new Recommended Condition 5 is a duplicate and can be omitted.

- C. Recommended Condition 4(1). The Examiner concludes that this recommended condition has resulted from misinterpretation of the “chain link fence” notation on Exhibit 4, Sheet L1.1. Best Harbour is not proposing to place chain link fencing around the recreation tract. As far as split rail fencing is concerned, the Examiner does not believe that it would be effective or desirable as a fence choice between the recreation tract and the residential lot on each side of it. A standard board-style fence would provide much better privacy for the neighbors and safety for both the playground users and the neighbors. For security reasons the Examiner will not require that the street frontage also be similarly fenced. The recreation tract fencing requirement can be combined with the other recreation tract development conditions in Recommended Condition 4(4)
- D. Recommended Condition 4(3). The Examiner will delete this recommended condition. As stated in Finding of Fact 11 and Conclusion of Law 2 in Exhibit 20, Class II Tree Removal Permits are administrative in nature. The Examiner would have jurisdiction to address replacement tree specifications and fee-in-lieu amounts only if that application had been consolidated with the preliminary subdivision and PUD applications. But it has not been so consolidated. Therefore, imposing such conditions regarding the Class II Tree Removal Permit is beyond the scope of the Examiner’s jurisdiction in this proceeding.
- E. A few minor, non-substantive structure, grammar, and/or punctuation revisions to Recommended Conditions 3 and 4 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:

- A. **APPROVES** the Preliminary Planned Unit Development for *Arianna Place*; and

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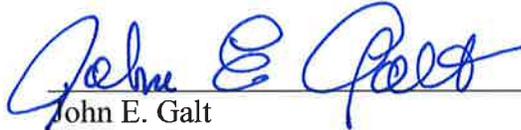
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B. **APPROVES** the preliminary subdivision of *Arianna Place*, which approvals shall, if and when any and all reconsideration and/or appeal proceedings have been favorably resolved, supersede that certain preliminary subdivision approved February 22, 2016, under file number PLT-003243-2015, both **SUBJECT TO THE ATTACHED CONDITIONS.**

Decision issued August 31, 2016.

  
\_\_\_\_\_  
John E. Galt  
Hearing Examiner

**HEARING PARTICIPANTS**<sup>8</sup>

Lee Michaelis  
Arnold Kay

Chanda Emery

**NOTICE of RIGHT of RECONSIDERATION**

This Decision is final subject to the right of any party of record to file with the Community Development Department a written request for reconsideration within seven calendar days following the issuance of this Decision in accordance with the procedures of LMC 1.35.168. Any request shall specify the error of law or fact, procedural error, or new evidence which could not have been reasonably available at the time of the hearing conducted by the Examiner which forms the basis of the request. See LMC 1.35.168 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 (See LMC 1.35.148.) with standing, as provided in RCW 36.70C.060, to file a land use petition in Superior Court in accordance with the procedures of LMC 1.35.175 and the Land Use Petition Act [Chapter 36.70C RCW]. See LMC 1.35.175 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."

<sup>8</sup> The official Parties of Record register is maintained by the City's Hearing Clerk.

**CONDITIONS OF APPROVAL**  
**PLT-004043-2016 & RZN/PUD-004033-2016**  
***ARIANNA PLACE***

This consolidated Preliminary Subdivision and Preliminary Planned Unit Development is subject to compliance with all applicable provisions, requirements, and standards of the Lynnwood Municipal Code, standards adopted pursuant thereto, and the following special conditions:

1. Exhibit 3 is the approved preliminary planned unit development site plan and Exhibit 24 is the approved preliminary plat; Exhibits 2.3, 2.4, 4, and 6 are approved preliminary supporting plans. Minor plat revisions are allowed pursuant to LMC 19.25.005(B).
2. Uses within this Planned Unit Development are limited to single-family residences and associated accessory buildings/uses allowed within the RS-8 zone.
3. Prior to initiation of site development work:
  - A. The required Class II Tree Retention Permit shall have been sought and obtained. In preparing the application for that permit the developer's arborist shall: Seek to preserve significant trees over non-significant trees; seek to preserve significant trees on the subject property that will help sustain trees on abutting properties; remove any trees that are unhealthy or would pose a safety risk after development of the subject property; identify any trees on abutting properties that would be rendered unsustainable if the subject property were cleared and graded as planned and propose steps to preserve the sustainability of such trees; and identify any trees on abutting properties whose drip lines extend onto the subject property and need to be protected to ensure their sustainability. In that regard, cuts or fills shall be held back from such trees if they would threaten the safety of the neighboring tree or render it unsustainable or, in the alternative, the developer may reach agreement with the owner of the lot on which such tree is located to remove such tree at the developer's expense. In that case, such tree shall be included in the Class II Tree removal Permit application.
  - B. The required detailed, final drainage plans shall: Include a detailed downstream analysis of the conveyance system along Spruce Way to the maximum extent required/allowed by the 2005 SWMMWW, together with required improvements as required by the 2005 SWMMWW.
  - C. The developer shall demonstrate to the City's satisfaction that departure sight distance requirements are met at the 36th Avenue W/177th Place SW intersection. If they are not, then construction plans shall include corrections to provide compliant sight distance at that location.

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- D. The location and width of the curb cut to serve the “exception” shall meet City standards and shall be coordinated with the owner of the “exception,” as shall location of utility stub-outs to serve the “exception.”
4. The Recreation Tract as shown on Exhibit 4 shall be maintained by the *Arianna Place* homeowners association. This shall be stated on the face of the final plat in language substantially as follows: “The Recreational Tract is for both private and public use by City of Lynnwood residents but shall be owned and maintained exclusively by the *Arianna Place* homeowners association.”
  5. Prior to final plat approval, the developer shall meet all conditions and requirements and provide all improvements which include:
    - A. The developer shall provide some sort of architectural treatment to the proposed segmented block wall(s). In addition, the developer shall plant evergreen climbing vines, of types and spacing recommended by a licensed landscape architect, along the bases of those wall(s).
    - B. Driveways for single-family residences shall be constructed using a product that allows stormwater infiltration (such as “Grasscrete” or pervious concrete) to achieve a “green,” innovative design as called for by LMC 21.30.100.
    - C. The cul-de-sac bulb shall be signed “No Parking” using at least three (3) circle-slash-P style signs with horizontal arrows indicating where parking is not allowed. The shared mailbox enclosure must be placed within the area designated as “No Parking.”
    - D. The children’s play structure and outdoor adult exercise equipment installed in the Recreation Tract shall be of commercial grade and permanently fastened to the ground. The units shall be stationary (no moving parts) and be made of metal (not wood). The adult equipment may be a single unit with multiple components, such as an outdoor adult exercise “circuit training” station unit that has both a sit-up bench or plank and/or pull-up bar. The City recommends that a poured-in-place or rubber tile system (not rubber mats) be installed underneath both the children’s play structure and the outdoor adult exercise equipment; wood chips are not acceptable. Landscaping vegetation, as recommended by a licensed landscape architect, shall be low maintenance and drought tolerant. A standard board privacy fence shall be installed along the west, north, and east sides of the Recreation Tract.
    - E. All on-site improvements associated with the proposed development shall be constructed according to City standards. These improvements include but are not limited to the proposed road, sidewalk system, and stormwater detention system. The developer must post bonds or other securities in amounts and type acceptable to the City for improvements not constructed prior to final plat approval.

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- F. A street light shall have been installed and made operational on an existing utility pole selected by the City or Public Utility District along that portion of 177<sup>th</sup> Place SW between the subject property and 36<sup>th</sup> Avenue W.
  - G. A walkway or sidewalk shall be provided along the north side of 177<sup>th</sup> Place SW between the east end of the sidewalk in the subdivision and the west end of the existing walkway near 36<sup>th</sup> Avenue W generally as depicted on Exhibit 6, Sheet C1. Design and construction standards are subject to review and approval by the Department of Public Works.
6. A sign permit is required for any signage proposed as part of this development. Any sign proposed shall comply with Lynnwood Municipal Code Chapter 21.16 regulating signs.