

**CITY OF WHITE SALMON WASHINGTON  
ORDINANCE NO. 2016-10-994**

**AN ORDINANCE AMENDING WSMC CH 17.75 REGARDING RESIDENTIAL  
PLANNED UNIT DEVELOPMENT (R-PUD), AND PROVIDING FOR SEVERABILITY  
AND AN EFFECTIVE DATE**

**WHEREAS**, the White Salmon Planning Commission has met and discussed the current Residential Planned Unit Development (R-PUD) code and recommends Council revise the code to provide greater opportunities for a mix of housing types and sizes throughout the city to promote efficient and innovative use of the land; and

**WHEREAS**, the City feels that it is in the best interest of its residents and workforce housing initiatives to update the code in line with the Planning Commission's recommendations.

**NOW, THEREFORE**, the City of White Salmon do ordain as follows:

**SECTION 1.** WSMC Ch. 17.75 is hereby amended as follows:

Key: Deleted = ~~strikethrough~~

Added = **bold underlined**

Chapter 17.75 - RESIDENTIAL PLANNED UNIT DEVELOPMENT (R-PUD)

Sections:

17.75.010 - Purpose.

The purpose of this chapter is to provide regulations and procedures to guide residential planned unit development in order to:

- A. Provide flexibility and support for implementation of innovative residential site plans that address diversity in housing types;
- B. Ensure efficient and adequate provision/extension of services in areas where a variety of low density residential and higher density residential uses can co-exist;
- C. Provide opportunities for households of various sizes, ages, and incomes by promoting diversity in the size, type and price of new residential development in the city;
- ~~E~~ **D.** Provide for development of compatible streetscapes and carefully designed lot configuration that accommodates a density comparable with densities permitted in the R-1, R-2, and R-3 zones ~~in specific areas otherwise characterized or surrounded by lower density (one-half acre lot) development;~~
- ~~F~~ **E.** Facilitate efficient use of land through the application of flexible standards to provide opportunities for permitting innovative and diversified living environments that master

plan and employ a creative placement of structures, provision for open space and access ways, etc.;

- G F.** Preserve existing landscape features including established trees, vegetation, and drainage ways by supporting planned developments that consider and respond to valuable or unique site characteristics.

17.75.015 - Permitted location and size of R-PUD.

R-PUDs may be permitted ~~only in the city's R-L (low density residential)~~ **in any residential** zoned ~~land~~ on a parcel or contiguous tract of two acres or more.

17.75.020 - Permitted uses in R-PUD.

Uses listed in each underlying zone within the project area may be permitted in the R-PUD. Alternative housing types are permitted subject to specified development criteria.

A. Planned uses that can be permitted include:

1. Residential units, either single-family detached or attached units, including planned clusters of cottage dwellings, ADUs, and/or town houses, on their own or in combination with some multifamily as long as all dwelling types meet the applicable definitions and standards in the zoning ordinance;
2. All accessory and conditional uses permitted in residential districts;
3. Recreational facilities, tennis courts, playgrounds, and community halls.

17.75.030 - Permitted modifications and conditions of approval.

A. Planned unit residential developments may be permitted to modify the zoning and subdivision requirements of Title 16 and the balance of Title 17 if consistent with the purposes expressed in Section 17.75.010 and the other applicable requirements of this chapter, except:

1. Exterior setbacks from public streets along the perimeter of the R-PUD unless set back averaging is requested and approved as shown on a preliminary plat and implemented in accordance with the binding site plan;
2. Surveying standards;
3. Engineering design and construction standards of public improvements (not including street right-of-way width and street development standards); and
4. Stormwater and erosion control standards.

B. Modifications of setbacks and other standards in the underlying zones must be shown clearly on a binding site plan.

17.75.040 - R-PUD development standards.

A. Size and permitted location of residential planned unit development (R-PUD) must comply with the following:

1. The subject parcel must be a single lot or contiguous tract of land greater than or equal to two acres.
2. The subject lot or tract of land must be located in a residential zone.

B. Permitted Density.

1. The number of single-family dwelling units permitted in an R-PUD may be increased above the number permitted in **the RL (single-family large lot residential) applicable on half-acre zone** as follows:
  - a. Maximum dwelling unit density shall not exceed eight units per acre (max density likely to be accommodated in R-1, R-2, or R-3 zones);
  - b. Maximum permissible density is presumed to be site and design dependent and approval of development at the maximum permissible density is not assured in every instance;
  - c. Burden is on the applicant to demonstrate that innovative site planning techniques can be employed to accommodate densities comparable with densities provided for in other city residential zones in a manner that is responsive to the specific characteristics of the R-PUD site ~~and compatible with surrounding half-acre lot patterns.~~
2. The permitted density shall be computed to reflect the net density as follows:
  - a. Determine the gross development area—subtract from the total site area all land unsuitable for development e.g., wetland, flood hazard areas, steep or unstable slopes, and publicly owned land.
  - b. Determine the net development area, net area—subtract from the gross development area the actual percentage of area devoted to the street system to a maximum of twenty percent of the gross development area.
  - c. Determine the permitted number of dwelling units—divide the net development area (in acres) by eight.
  - d. Eight units per acre is the maximum permitted density for an R-PUD approved in the R-L low density residential zone.
3. The average lot size of single-family dwellings in the R-PUD shall not be less than two thousand square feet.
4. Density bonus of up to twenty percent over R-PUD density permitted by this subsection (see B.1. and 2. **for the RL zone**), may be allowed for provision of affordable housing for low and moderate income families (those who have family income of not more than sixty percent of Klickitat County median household income), with appropriate recorded CC&Rs which define such affordable housing as follows and require that the housing remain affordable. For the purpose of this chapter, such affordable housing is defined as residential housing for home ownership where the occupants pay no more than thirty percent of said gross family income for total housing costs, including utilities other than telephone and cable/satellite television. **R-PUDs in the R1, R2, and R3 zone are also eligible for this density bonus above the base density permitted in these zones.**
5. Protection of Trees. Master planning a larger site provides the opportunity to maintain some valuable native vegetation. A tree inventory shall be completed and submitted with the preliminary master plan. Native trees measuring eight inch

caliper or greater measured four feet from ground level (dbh) shall be shown on the inventory and clearly identified for preservation or removal. Large native trees should be preserved wherever practicable in the common areas. Where the decision maker determines it is impracticable or unsafe to preserve these trees, the applicant may be allowed to remove the trees.

If the developer determines it is necessary to remove more than half the large native trees shown on the site inventory, the developer can be permitted to do so as long as the trees removed are replaced by new native trees in accordance with an approved landscape plan that includes new plantings at least two inches to two and one-half inches in caliper.

Where this requirement would cause an undue hardship, the requirement may be modified in a manner which reasonably satisfies the purpose and intent of this section. Conditions may be imposed to avoid disturbance to tree roots by grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.

**C. Dimensional and Improvement Requirements.**

1. Building setbacks may be modified in accordance with approval of a binding site plan with the following exceptions:
  - a. Single- and multifamily dwellings must meet setbacks and height limits required in the zone in which they are located with respect to the outside perimeter of the R-PUD.
  - b. Setback averaging will be allowed from internal lot lines and may be allowed from external lot lines where adjoining parcels are located along the opposite side of a street or where setback averaging is determined to improve the traffic safety and flow, streetscape and/or to be otherwise compatible with surrounding uses.
  - c. Standard building setbacks from lot lines through the interior of the R-PUD shall be:

Setback	Dimension
Front and rear	10 feet*
Side	5 feet (except town house common walls)
Side (corner)	10 feet

\* A minimum eighteen foot driveway length shall be maintained inside of curb and sidewalk where a driveway curb cut is provided. This shall be done to eliminate the parking of vehicles on or over curbs or sidewalks.

2. Street width, street alignment, ROW width, and other street design standards shall comply with the subdivision ordinance unless access routes through the R-PUD are to serve primarily low volume local traffic. Low volume would be less than four hundred average daily trips. Local road means a road primarily serving a destination in or adjacent to the proposed development and not collecting traffic from other local roads or transporting through traffic. (American Association of State Highway and Transportation Officials, Guidelines for Geometric Design of Very Low Volume Roads, 2005 as hereafter amended.)

If streets within the R-PUD are determined to be low volume local roads and emergency vehicle access and safety and traffic flow issues are addressed, then alternate street standards may be deemed acceptable if approved by the public works director. The possibility of flexibility in street design standards shall be considered initially in a preapplication conference prior to completing an application. Notwithstanding, private streets shall have a minimum improved width of ten feet for each lane of traffic, not to include street parking and one way streets shall be required to provide for fourteen feet of lane width not to include parking.

3. Engineering design and construction standards for all other public improvements, such as water, sewer, on site stormwater retention, etc., will not be modified for R-PUDs.
4. Comprehensive parking plans are required. Off-street parking shall be provided in accordance with the requirements of the base zone in which the development is located and in accordance with parking requirements for specific dwelling types. Additional off street parking may be required in lieu of on street parking if street widths are decreased to preclude on street parking. Shared parking may be accepted to meet additional residential parking required due to an absence of on street parking as long as it can be demonstrated to adequately serve demands of the planned residential development.

D. Homeowners Association, Common Facilities, Open Space, Roads, Easements.

1. In any R-PUD a minimum of fifteen percent of the net development area shall be established, maintained and preserved as open space and community facilities by the landowner until such obligations are vested in the R-PUD homeowners' association pursuant to RCW Chapter 64.38 and this chapter. The landowner shall establish a Washington nonprofit corporation for the R-PUD homeowners' association. Within three years of R-PUD approval, ownership and maintenance of all open space, common areas and common facilities shall be vested in the homeowners' association. Common area or amenities established by easement over private lots, may be considered part of the open space and community facility calculation if such easements provide continuing irrevocable community benefits. Articles and bylaws of the homeowners' association and CC&Rs in a form acceptable to the city attorney shall be recorded with the county auditor and shall be binding on all heirs, successors and transferees of landowner, guaranteeing the following:
  - a. The continued use of such land consistent with the R-PUD approval;

- b. Continuity of maintenance of roads, landscaping, irrigation, public facilities and open space;
  - c. Availability of funds required for such maintenance;
  - d. Adequate insurance protection of community facilities; and
  - e. That all conditions of R-PUD approval continue to be met and maintained.
2. Open space provided in the R-PUD shall be planned to provide for connectivity with and enhancement of other public improvements, park lands, natural areas or community amenities. Open space means an area intended for common use and shall be designed for outdoor living and recreation or the retention of an area in its natural state. Open space may include swimming pools, recreation courts, gazebos and patios, open landscaped areas and community gardens, and green belts with pedestrian and bicycle trails. Open space does not include off street parking, service, or loading areas.
  3. Direction to Plant Natives. Planting plans for common areas shall be developed with a predominance of drought tolerant and native vegetation. Owners of independently owned parcels are encouraged to plant natives. Planting of native and drought tolerant species in the common areas is required as a means to decrease water demands for irrigation and increase the survivability of selected plant materials.
  4. Landowner shall be required to grant appropriate easements to the city for repair, replacement and maintenance of city utilities and services installed within the R-PUD.
  5. At the option of the city or applicant, conditions of approval and other standards can be addressed through a development agreement pursuant to RCW Chapter 36.70B in lieu of or in conjunction with CC&Rs.

17.75.050 - R-PUD approval criteria.

An applicant requesting approval of an R-PUD has the burden of proving, by a preponderance of the evidence that:

- A. All applicable standards have been met, modified or can be adequately addressed by conditions of approval;
- B. The master plan uses an innovative approach to meet the purposes stated in Section 17.75.010, e.g., it integrates a variety of residential uses, provides community and public benefits, protects existing natural resources, and provides adequate and efficient public services and utilities;
- C. The streets, buildings, open space, public facilities and landscaping are designed and located to preserve existing trees, topography and natural drainage;
- D. Structures located on the site are located on ground that is not subject to instability;
- E. Public services will not be over burdened by the proposed development:
  1. The R-PUD plan shall provide direct access to collector or through streets or demonstrate that minor or local streets have the capacity to carry increased traffic to collector or through streets.

2. The applicant shall work with the director of public works and/or city engineer to confirm adequacy of water, sanitary sewer, on site surface/stormwater, and all other utilities. If improvements are determined necessary to accommodate increased demand, improvements will be made at the developer's expense or the city and developer may enter into a development agreement pursuant to RCW 36.70B.170(4) and other relevant provisions of RCW Chapter 36.70B. All utilities shall be constructed to city approved standards of design, consistent with accepted engineering practices. All utilities shall be underground only.
  3. An applicant shall submit proof of adequacy of services including but not limited to: fire and police protection, schools, health care.
- F. Incorporation of Existing Dwelling(s) can be accommodated in an R-PUD. An existing detached or attached single-family dwelling that is incorporated into an R-PUD as a residence and is nonconforming, with respect to the standards of the general R-PUD or special use sections, shall be permitted to remain on a R-PUD site. Noncompliance of the structure may not be increased unless the proposed change is determined by the city to be consistent in character, scale and design with the R-PUD as controlled by the binding site plan. If an existing dwelling is retained it is counted as a standard single-family dwelling for density calculations unless it complies with the size requirements to be counted as a special use cottage or accessory dwelling.

17.75.060 - Submittal requirements and review procedures.

- A. R-PUD applications shall be reviewed as a subdivision application subject to Title 16 and site plan review pursuant to Chapter 17.81. A pre-submission conference pursuant to Title 19 will help identify application requirements and a neighborhood meeting is required.
- B. Applicant shall comply with application requirements of Title 19 and include the following additional tabular data and mapped items:
  1. Existing zoning;
  2. Total site area;
  3. Gross project area;
  4. Net project area;
  5. Total number of dwelling units proposed;
  6. Residential density calculation;
  7. Open space, common area, and facilities calculation;
  8. General description of natural setting and/or aerial and other photos of the site;
  9. Proposed development schedule and any plans to phase development;
  10. Resulting type of ownership, plans to rent [or] sell and type of ownership planned for common areas;
  11. Site maps with graphic scale and north arrow, and topography shown at five-foot intervals, water bodies, critical areas, and important natural features including rock outcroppings, steep slopes, and flood hazard areas;

12. Location and function of all buildings, including heights, nearest setbacks and closest distance between structures;
  13. Location and measurement, where applicable, of other proposed improvements;
  14. Preliminary landscape diagram identifying use areas, general types of landscape treatment, and areas of irrigated versus drought tolerant vegetation;
  15. Tree survey indicating location of all native trees measuring eight-inch caliper or greater measured four feet from ground and identifying inventoried trees to be removed and to be protected;
  16. Preliminary grading plan showing areas of substantial grading or recontouring;
  17. Any additional information required by staff and planning commission as necessary to evaluate the character and impact of the proposed R-PUD development;
  18. Initial lighting diagram indicating areas of the site to be lighted at night and a qualitative discussion of the type of lighting planned for those areas;
  19. Record of neighborhood meeting;
  20. Standards which applicant requests be modified and reasons for the modification; and
  21. Applicant's proposed conditions of approval.
- C. If the proposed site is within shoreline management jurisdiction an application for shoreline substantial development permit along with any other permits required, such as a flood plain permit or other local, state, or federal permits shall be filed.
- D. An environmental checklist shall be completed.
- E. A completed application shall be evaluated by staff, including emergency personnel, and it shall be reviewed at a public hearing held by the planning commission. If an environmental impact statement is required the final EIS shall be available for at least ten days before the hearing on the proposal.
- F. Site Grading and Clearing. Grading and site clearing in preparation for planned development shall not commence prior to approval of a preliminary master plan. This requirement is necessary to ensure that all necessary erosion control measures are in place prior to disturbance and is intended to limit disturbance to that necessary to accommodate the approved planned development.
- G. Review of a R-PUD application follows the Type III review procedures in Title 19. City staff and the applicant shall be available. Staff may provide supplemental information and respond to questions from the city council. The city council may approve the preliminary plat with some or all of the planning commission's recommended conditions, and may impose additional conditions. The city council may remand the application to the planning commission to address specific articulated concerns of the city council and/or the council's proposed changes to the preliminary plat and/or conditions. The council may deny the application upon findings of noncompliance with applicable standards. The city council may direct staff or the city attorney to draft proposed form of



findings and decision for review and consideration as specified at regularly scheduled council meeting not more than six weeks hence.

- H. If the preliminary plat is approved, the applicant shall have five years with the opportunity to extend preliminary approval if deemed reasonable by the city to do so. Final binding site plan shall be submitted in accordance with Chapter 16.30 and Sections 17.81.090 through 17.81.100. If a binding site plan cannot be recorded within the initial five years, the applicant shall make written request for extension prior to the close of the two year recording period, and may be granted an additional year upon demonstration of good faith effort to file the site plan. Evaluation of requested extensions will include consideration of whether land use regulations affecting the application have changed since the decision was originally made. Where possible and applicable; extensions of final binding site plan approval shall be coordinated with timeframes for final subdivision plats submittal and approval.
- I. If the development is phased the final binding site plans and plat for each phase may be reviewed independently in accordance with the approved time frame.
- J. A binding site plan of an R-PUD and all accompanying documents, together with CC&Rs approved by the city attorney, binding the site to development in accordance with all the terms and conditions of approval shall be recorded by the county auditor, at the applicant's expense.

#### 17.75.070 - R-PUD application costs/compliance required before building permits.

A R-PUD applicant shall pay for all costs incurred by the city in processing the R-PUD application including legal, engineering and planning costs. In addition, the city may require engineering or transportation studies or plans which shall be provided at applicant's expense. No building permits shall be issued until all such fees have been paid and all approval requirements and conditions have been satisfied. An initial deposit to cover estimated costs shall be paid by applicant prior to the city's processing of the R-PUD application.

#### 17.75.080 - Alternative housing types—Cottage dwellings, townhouse, and ADUs within an R-PUD.

Alternative housing types and lot configurations may be employed in the R-PUD. Alternative housing types must meet the following site and structural requirements.

- A. Cottage Dwelling Units and Lots. Cottage development is an acceptable housing type for an R-PUD. Cottage infill standards and criteria in Chapter 17.73 must be met and though lot and structure sizes may be smaller; density limitations of the R-PUD continue to apply to this housing type in ~~the R-L~~ **all residential** zones.
- B. Townhouse Dwellings and Lots. Town houses are an acceptable housing type within an R-PUD. Town house design standards and review criteria (Section 17.68.1[5]0) must be met, the setbacks and density provisions **in the zone in which the R-PUD is located** of ~~the R-PUD in the R-L zone~~ continue to apply.
- C. Accessory Dwelling Units. Accessory dwelling units may be approved within an R-PUD. Such approval must be granted as part of the R-PUD site plan review process and in accordance with design standards and criteria applicable to ADUs (Chapter 17.64). An ADU within an R-PUD does not count toward the overall density count in an R-PUD as

long as it complies with all ADU size and use limitations (Chapter 17.64) and is located on a common lot with a principal dwelling.

17.75.110 - Alternative housing type provisions—Cottage, townhouse, and accessory dwelling unit designs.

The R-PUD ordinance is created to support design innovation. Design standards and approval criteria provide essential guidance to applicants and administrators but not every circumstance can be anticipated in the drafting of standards and criteria. The city recognizes that cottages and ADUs, in particular, could be designed in alternate ways that still achieve the overall objectives of the R-PUD. An applicant may request approval of a variation on specific standards during R-PUD review. A specific request for variation is not subject to variance criteria. Approval of a specific variation may only be granted with findings that the specific variation requested provides for an equal or better way to meet the purpose of the written standard.


17.75.120 - Neighborhood meeting required.


Any residential planned unit development application requires a specially noticed neighborhood meeting to be held and documented prior to completion of the development application and before any public hearing is scheduled. Such meeting shall comply with Section 17.74.120 - Special use—Neighborhood meeting requirements.

**SECTION 2- SEVERABILITY:** If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence or phrase of this Chapter.


**SECTION 3 - EFFECTIVE DATE.** This ordinance shall become effective following passage and publication as provided by law.

**PASSED** in regular session this 19<sup>th</sup> day of October, 2016.

  
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David Poucher, Mayor - Pro Tem  
Jason Saberi

  
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Leana Johnson, Clerk/Treasurer

APPROVED AS TO FORM:

  
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Kenneth B. Woodrich, City Attorney