

White Salmon Planning Commission Meeting

A G E N D A

February 23, 2022 – 5:30 PM

Via Zoom Teleconference

Meeting ID: 820 7007 7265 Passcode: 560980



We ask that the audience turn off video and audio to prevent disruption. Thank you.

Dial by your location:

346 248 7799 (Houston)	669 900 6833 (San Jose)
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Call to Order/Roll Call

Discussion Items

- 1.** Possible Downtown Core Commercial District
- 2.** Edits to WSMC Title 19 Administration of Land Development Regulations
- 3.** Edits to WSMC Ch. 17.81 Site and Building Plan Review
- 4.** Edits to WSMC Ch. 17.75 R-PUD Residential Planned Unit Developments

Adjournment

File Attachments for Item:

1. Possible Downtown Core Commercial District



CITY OF WHITE SALMON

MEMORANDUM

Meeting Date:	February 23, 2022	Meeting Title:	Planning Commission
Submitting Department:	Planning Department	Presenter:	Brendan Conboy, City Planner
Agenda Item:	Work Session - Text Amendments: Draft DC Downtown Core Commercial District zone; WSMC Title 19; WSMC Ch. 17.81; WSMC Ch. 17.75	Public Comment:	No

Purpose and Policy Considerations

Staff has identified the following sections of the White Salmon Municipal Code for text amendments:

- WSMC Ch. 17.75 R-PUD Residential Planned Unit Developments
- WSMC Ch. 17.81 Site and Building Plan Review
- WSMC Title 19 Administration of Land Development Regulations

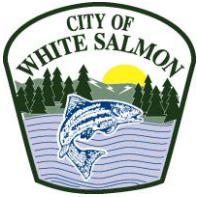
Staff proposes the creation of a new zone specific to the downtown commercial core of White Salmon, the DC - Downtown Core Commercial District.

Assessment

Staff proposes minor edits to Ch. 17.75 R-PUD Residential Planned Unit Developments in order to encourage the use of the tool where certain requirements have caused roadblocks for would be developers of housing. Caps on affordable housing within the tool do not meet the current realities of building. Clarification of requirements for Homeowner’s Associations and development agreements are also proposed.

Staff proposes to amend WSMC Title 19 Administration of Land Development Regulations and WSMC Ch. 17.81 Site and Building Plan Review in order to create a more robust review process for all Type II land use decisions. Type II land use decisions currently include Site Plan review, Short Plats, Conditional Uses and Variances. Staff proposes to process all development requiring Site Plan review as a Type III review, and to require City Council approval for Conditional Uses. The Planning Commission would make recommendations to the City Council on such matters. Zoning variances and Short Plat approval will still be subject to Planning Commission determination. The purpose of such changes is to ensure that projects and approvals are properly vetted before the public and the City Council.

Staff proposes the creation of a new zone specific to the downtown commercial core of White Salmon to better address issues pertaining to design standards, height, allowed uses, parking, and other matters which are not fitting in other areas of the city zoned C - General Commercial Districts. This item is being brought as a work session to identify key areas to refine in the creation of such a zone and the general location of the area which will be rezoned.



CITY OF WHITE SALMON

MEMORANDUM

Comprehensive Plan Goals and Policies

On August 18, 2021, The City Council enacted [Ordinance 2021-08-1084](#), Adopting Revised Comprehensive Plan. Relevant Goals and Policies are:

GOAL LU-1: Establish and maintain a land use pattern that accommodates the current and future needs of the City and provides housing and employment choices that are cohesive with the community's vision.

Policy LU-1.1: Promote new development in areas with existing public services and near transportation networks and essential facilities, to better support a variety of housing and employment choices. Discourage suburban sprawl and "leapfrog" development by promoting redevelopment or infill development to support the efficient use of land downtown, and near the hospital commercial area.

Policy LU-1.2: Revise White Salmon's Land Use Map to provide clear guidance to property owners on which lands can accommodate future residential, commercial, and industrial growth consistent with the City's vision.

Policy LU-1.3: Encourage mixed-use development, with residential and commercial components, that fosters small business development, an increase in net new housing and employment opportunities and a walkable, compact community that reduces car trips.

GOAL LU-3: Establish and maintain design and aesthetic standards for public places that preserve and enhance White Salmon's "sense of place."

Policy LU-3.1: Support vibrant and attractive public spaces and streets that are walkable and pedestrian-friendly.

Policy LU-3.2: Consider the establishment of auto-free, pedestrian/bicycle zones or public spaces, such as alleys and squares in or near downtown.

GOAL EC-1: Create a distinctive downtown along Jewett Boulevard that is an attractive place to walk, dine, shop, and gather.

Policy EC-1.1: Support the creation of a downtown central business district association made up of downtown merchants, policy makers, and other interested parties. A strong organizational foundation ensures that all resources (funding, volunteers, etc.) are mobilized to achieve a common vision for White Salmon's downtown.

Policy EC-1.2: Support enhanced pedestrian and bicycle improvements in the downtown core that help capture pedestrian and bicycle consumers.



CITY OF WHITE SALMON

MEMORANDUM

Downtown pedestrian and bicycle improvements should connect to other key areas of the city.

Policy EC-1.3: Support mixed-use and a variety of housing options in downtown, contributing to a recognizable town center that supports local businesses. For mixed-use buildings, the ground floor should be reserved for commercial/office uses with residential uses located above.

Policy EC-1.4: Establish incentive-based design guidelines for new development that is proposed along Jewett Boulevard. Provide incentives for existing businesses to make design improvements to meet these guidelines.

Policy EC-1.5: Enhance the look and character of downtown with the inclusion of public art, including filling blank walls with murals by local artists, painted crosswalks, and establishing art near gateway locations and where human activity is desired to be concentrated.

GOAL EC-4: Attract, plan for, and support new businesses and industries in White Salmon.

Policy EC-4.1: Ensure the availability of an adequate supply of developable commercial land through appropriate zoning.

Chapter 17.47 DC DOWNTOWN CORE COMMERCIAL DISTRICT

17.48.010 Purpose and Intent.

1. General Intent. The intent of the Downtown Core Commercial District zone is to provide for a vibrant mixed-used area with a variety of uses and amenities, consisting of wide sidewalks and retail shopfronts pulled up to the street.
2. Buildings. Buildings can be up to 4 stories in height. Massing, articulation, openings, and step backs are used to reduce bulk and mass. Buildings are located close to the sidewalk, creating an attractive street edge. Large storefront windows invite and encourage pedestrian activity.
3. Parking. Parking is primarily provided off-site on public lots and on-street. Parking provided on-site is underground or screened from view by buildings.
4. Land Use. Active and engaging uses are required on ground floors adjacent to commercial street frontage, with offices, apartments, single-family attached, and lodging primarily located on upper stories or below grade.

17.48.020 Principal uses permitted outright.

Principal use listed as uses permitted outright in the C district are intended to be retail and service oriented uses focused on sales of goods and services to end users. Permitted uses include:

- A. Retail - Retail stores and shops providing goods and services, including hardware, dry goods, apparel, home appliances, jewelry, photographic studio, furniture and boat sales; gift shop;
- B. Service and Professional Space - Cafe, tavern, theater (including outdoor)
- C. Preparation and Sales - Formulating and preparing for sale such products as bakery goods, candy, cosmetics, dairy products, drugs, food and beverage products; including brewer, distillery, or winery in conjunction with a pub eatery or tasting room;
- D. Hospitality - Hotel, motel and tourist facilities; places of public assembly; commercial recreation;
- E. Artisan Manufacture and Sales - Boatbuilding; instruments, dishware, candles, glassware; metal work and welding; other items assembled from various raw materials such as wood, bone, cellophane, canvas, cloth and glass; spinning or knitting of cotton, wool, flax or other fibrous materials; stone, marble and granite monument works;
- F. Other commercial uses determined to be similar to the above uses may be permitted, subject to approval of the planning commission.

(Ord. No. 2012-12-910, 12-19-2012)

17.48.030 Conditional uses.

Uses which may be authorized subject to conditional use permit review by the planning commission in the DC district are intended to provide for compatible residential, lodging, and other in conjunction with retail and service uses. Uses possible to permit conditionally include:

- A. Residential - Condominium, apartment, and other dwelling types including balconies, outside courts or patios and constructed or renovated to be included as an integral part of a commercial or retail structure with the following conditions:

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1. The dwelling units shall have a maximum living area of one thousand five hundred square feet.
 2. If located on or along a commercial street frontage the building design shall be required to support and contribute to street front commerce. Residential uses shall not be located on any ground or street levels adjacent to commercial street frontage(s).
 3. The design of commercial establishments which include dwellings shall be a matter subject to review and approval by the city council.; or

Stand alone dwellings incidental to and used in conjunction with the primary permitted use when found to be compatible with and clearly incidental to the primary use and surrounding uses, e.g., care taker cottage or housing for family or others principally engaged in the primary business. This provision is intended for application in conjunction with a business that is not located in an area characterized by typical commercial street frontage.

The city council specifically reserves the right to disapprove construction of dwellings in conjunction with commercial development on the basis of health, safety and welfare of potential occupants or if location of dwelling units displaces or is likely over time to displace the street front commercial presence of a retail structure.

- B. Small animal hospitals, veterinary facilities or offices, bank, business or professional office
- C. Any other uses judged by the city council to be no more detrimental to adjacent properties than, and of the same type and character as, the above-listed uses.

In addition to conditions applied in response to conditional use permit criteria; design standards listed in the commercial zone will be applied and included as conditions of approval when necessary to achieve compatibility with existing and permitted uses in the area.

(Ord. No. 2012-12-910, 12-19-2012)

17.48.040 Accessory uses.

Accessory uses permitted outright in a DC district are as follows:

- A. Uses and structures customarily incidental to principal uses permitted outright;
- B. Signs as permitted by the Sign Ordinance, Chapter 15.12 of this code;

17.48.060 Density provisions.

Density provisions for the C district are as follows:

- A. Maximum building height: four stories, but not to exceed forty-five feet;
 1. A minimum 10' step-back for any portion of the building adjacent to a commercial street frontage. Architectural features may encroach up to a maximum of 40% within the required step-back if deemed to be compatible in design and aesthetic by the City Council.
- B. Minimum lot: 5,000 square feet;
- C. Minimum front yard depth: 0-5';
- D. Minimum side yard: 0' or 5';
- G. Minimum rear yard: 0-5'

(Ord. No. 2012-12-910, 12-19-2012)

17.48.070 Prohibited uses.

- A. Industrial and manufacturing uses or services.
- B. Warehouses and storage facilities unless limited in nature and permitted in accordance with uses listed above.
- C. Junk and salvage yards, automobile or truck wrecking yards.
- D. Open storage areas.
- E. Any business, service, repair, processing or storage not conducted wholly within an enclosed building, except for off-street parking, off-street loading, automobile service stations and limited outside seating for restaurants and cafes.
- F. Processes and equipment and goods processed or sold determined to be objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, water-carried waste, or not in compliance with the fire code.

(Ord. No. 2012-12-910, 12-19-2012)

17.48.075 Development and design standards.

- A. Property development standards—All new development shall conform to Chapter 17.81, Site and Building Plan Review, and to any and all architectural and design standards which may be adopted by the city.
- B. Roof standards/surfacing:
 - 1. Finished roof material shall meet Class "C" roof standards. Dark and non-reflective roofing material shall be used for all visible roof surfaces.
- C. Roof standards/mechanical equipment and venting:
 - 1. All mechanical equipment located on roof surfaces such as, but not limited to, air conditioners, heat pumps, fans, ventilator shafts, duct work, or related devices or support work, shall be screened from view when possible and visible equipment shall be of a matte and/or non-reflective finish, unless reviewed and determined by the planning commission to be compatible with or a positive addition to the design and character of the commercial area. This restriction shall not apply to radio/television antennas or dishes (see Chapter 17.78).
 - 2. All exposed metal flashing, roof jacks and plumbing vents shall be matte finishes/non-reflective.
- D. Drainage—All storm water concentrated by the structure and related impervious surfaces must be handled on site. Concentration of roof drainage shall not be shed by drip or overflow at points that cross pedestrian walkways or paths. A plan of the roof and surface drainage shall insure that pedestrian walkways and paths remain free from concentrated water shedding. Such plans shall be included in the proposed site drainage plan required for site and building plan review in Chapter 17.81.
- E. Exterior walls/siding—Acceptable siding shall be of lap, plank, shingle, board and batten style. Siding with brushed, sanded or rough sawn texture may be permitted, if approved by the planning commission. Siding shall be finished in natural or earth-tone colors. Other colors or styles may be permitted if approved by the city council. All other composition materials shall be carefully reviewed for visual compatibility by the city council.
- F. Exterior walls/masonry—Masonry walls or walls with masonry veneer may be native or cultured stone or standard-sized brick of natural or earth-tone colors. Ceramic tile, manufactured concrete block or slabs may

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be permitted, but shall be subject to review by the city council to insure use of earth-tone colors, matte finish, and compatible relationship to native materials.

- G. Exterior walls/metal—Metal walls, panels, partitions, facing or surfacing of any type is subject to review by the city council and must be found to be compatibly designed and intentionally applied rather than relied on solely as a less expensive option. Window panel fillers, exterior metal doors, door casings and windows shall be allowed.
- H. Windows and doors—All window and door frames shall be dark or earth-tone in color. Doors may be painted graphic colors as a part of the ten percent graphic color and signing limitation.
- I. Garbage and refuse areas—Building plans shall include provisions for the storage of garbage containers. Garbage containers shall be fully enclosed and covered. Disposal and storage of hazardous or toxic substances in garbage or refuse receptacles is strictly prohibited. On-site hazardous waste treatment and storage facilities shall conform to State Siting Criteria, RCW 70.105.210.
- J. Orientation of entry and display space—Entry and window display area shall be oriented toward the city street. Parking shall be provided behind and/or under the rear or side portion of a new commercial structure. In this case additional entry may be oriented toward the parking area but such additional entry area will be in addition to rather than in place of window display and entry area addressing the street and sidewalk.
- K. Utilities—All electrical, telephone, and other utilities shall be brought underground into the site and to the buildings.
- L. Loading—All loading must be on-site and no on-street loading is permitted. All truck loading aprons and other loading areas shall be paved with concrete or asphalt, be well-drained and of strength adequate for the truck traffic expected.
- M. Parking—All vehicles must be parked on the site unless otherwise provided for in accordance with [Chapter] 17.72. On-street parking may be permitted towards parking requirements by the city council. Minimum parking stall width should be eight feet, six inches and length nineteen feet. All parking areas shall be paved with concrete or asphalt and shall conform to all regulations hereinafter in effect.
- N. Outside storage—All storage and refuse shall be visually screened by landscaping barriers, walls or coverings and be included in plans and specifications. Such barriers, walls or coverings shall not restrict access to emergency exits.
- O. Noxious effects:
 - 1. No vibration other than that caused by highway vehicles or trains shall be permitted which is discernible at the property line of the use concerned.
 - 2. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building. Exterior lighting shall be directed away from adjacent properties.
 - 3. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a hazard.

Commented [P1]: Add dimensions for underground parking and structured parking

(Ord. No. 2012-12-910, 12-19-2012; Ord. No. 2016-10-995, § 1, 11-16-2016)

17.48.080 Off-street parking space.

In the C district, minimum off-street parking shall be provided as specified in Chapter 17.72. Most notably Section 17.72.060 exempting some existing structures from being required to meet off street parking standards and limiting the instances in which expanded building areas are required to meet a parking standard. Allowances for parking to be located walking distance from a new structure and joint use of spaces per Section 17.72.070 may

also be authorized when determined by the planning commission to provide appropriate flexibility in the application of parking requirements in the core downtown area. (Jewett commercial street front.)

(Ord. No. 2012-12-910, 12-19-2012)

File Attachments for Item:

2. Edits to WSMC Title 19 Administration of Land Development Regulations

Title 19

ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS

Chapter 19.10 LAND DEVELOPMENT ADMINISTRATIVE PROCEDURES

ARTICLE I TYPES OF PROJECT PERMIT APPLICATIONS

19.10.010 Purpose and definitions.

- A. Purpose. White Salmon adopts its comprehensive plan and development regulations pursuant to RCW 35A.63, Planning and Zoning in Code Cities. In enacting this chapter, and pursuant to RCW 36.70B.150, the city council intends to establish a mechanism for implementing most of the provisions of Chapter 36.70B RCW (the Regulatory Reform Act) regarding compliance, conformity, and consistency of proposed projects with the city's adopted comprehensive plan and development regulations.
- B. Definitions. The following definitions shall apply throughout this chapter:
1. "Administrator" means the city planning administrator as designated by the city council.
 2. "Aggrieved party" means a party of record who can demonstrate the following: (a) the land use decision will prejudice the person; (b) the asserted interests are among those the city is required by city code to consider in making a land use decision; and (c) a decision on appeal in favor of the person would substantially eliminate or redress the prejudice alleged to be caused by the land use decision.
 3. "Closed record hearing" means an administrative closed record hearing before the city council based upon the record following an open record hearing on a project permit application. The hearing is on the record with no new evidence or information allowed to be submitted. In an appeal, at the city council's discretion, the council may allow argument based upon the record established at the open record hearing.
 4. "Days" means calendar days.
 5. "Effective date of decisions" means all preliminary and final decisions shall be effective on the date stated in Section 19.10.280(B).
 6. "Effective date of notices" means all notices provided to applicants and any members of the public shall be effective on the date deposited in the mail and when first published or posted on properties.
 7. "Open record hearing" means a hearing, conducted by a single hearing body, that creates the record through testimony and submission of evidence and information. An open record hearing may be held prior to a decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.
 8. "Parties of record" means the land use permit applicant, persons who have testified at an open record hearing, and any persons who have submitted written comments concerning the application that form part of the public record that is considered at the open record hearing (excluding persons who only signed petitions or mechanically produced form letters).

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9. "Project permit" or "project permit application" means any land use or environmental permit or license required from the city for a project action, including but not limited to land divisions, planned unit developments, conditional uses, shoreline substantial development permits, permits or approvals required by the Critical Areas Ordinance (Chapter 18.10 of this code), site-specific rezones authorized by the White Salmon comprehensive plan or a formally adopted subarea plan, but excluding the adoption or amendment of the White Salmon comprehensive plan, a subarea plan, or development regulations except as otherwise specifically included in this subsection.
 10. "Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to a decision. A public meeting may include, but is not limited to, a city council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.020 Procedures for processing development project permits.

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I-A, Type I-B, Type II, Type III or Type IV. Legislative decisions are Type V actions, and are addressed in Section 19.10.060. Exemptions from the requirements of project permit application processing are contained in Section 19.10.080.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.030 Determination of proper type of procedure.

- A. Determination by Planning Administrator. The planning administrator or his or her designee (hereinafter the "Administrator") shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the administrator shall resolve it in favor of the higher procedure type number.
- B. Optional Consolidated Permit Processing. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by the code. The applicant may determine whether the application shall be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure. For purposes of this section, "highest number" is Type V and lowest number is Type I (or Type I-A).
- C. Decision Maker(s). Applications processed in accordance with subsection B of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decision-maker(s). The city council is the highest, followed by the planning commission, and then the administrator. Joint public hearings with other agencies shall be processed according to Section 19.10.050.
- D. SEPA Review. Project review conducted pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall occur concurrently with project review set forth in this chapter. The SEPA review process, including all public comment procedures, is set forth in Chapter 18.20 of this code. Nothing contained in this chapter shall be construed to restrict the need for full environmental review in accordance with Chapters 18.10 (Critical Areas Ordinance) and 18.20 (Environmental Protection/SEPA Review).

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19.10.040 Project permit application framework.

Table 1—Permits/Decisions

Type I-A	Type I-B	Type II	Type III	Type IV	Type V
Building permits	Site and building plan review (1)	Site and building plan review (1)	Preliminary plat for full subdivision	Final plat	Development regulations
Short plat (simple)	Boundary line adjustment	Short plat (defer to PC)	Preliminary PUD	Final PUD	Zoning text and map amendments
Grading permits	Conditional use (simple)	Conditional use (defer to PC) ; zoning variances	Site specific rezone		Comprehensive plan text and map amendments
Manufactured home placement permit		Zoning variances (defer to PC)	Site and building plan review (1)		Shoreline Master Program amendments
Permitted uses not requiring notice of application			Shoreline permits: substantial development, conditional use, or variances		Annexations

Procedure Project Permit Applications (Type I — IV)						Legislative
	Type I-A	Type I-B	Type II	Type III	Type IV	Type V
Notice of application:	No	Yes	Yes	Yes	Yes	Yes
Recommendation made by: commission	N/A	N/A	Administrator Planning Commission	Planning commission	Administrator	Planning commission
Final decision made by:	Administrator	Administrator	Planning commission City council (2)	City council	City council	City council

Open record public hearing	No	No	Yes (3)	Yes (3)	No	Yes (4)
Administrative appeal	Yes (5)	Yes (6), closed record before planning commission	Yes (6), closed record before city council	N/A	N/A	N/A
Judicial appeal	Yes	No	No	Yes	Yes	Yes

- (1) The administrator [may](#) makes the final decision on some site and building plan review applications considering the degree of discretion to be employed. ~~Implementation of clear and objective standards and review of site plans for uses already approved for land use permits will typically be subject to type I-B review while site plans addressing more subjective concerns and criteria will follow type II procedure.~~

Table 2—Action Type

- (2) The administrator may make the final decision on some applications, as specified in Chapter 17.81.
- (3) Open record hearings will be held before the planning commission to make recommendations to city council.
- (4) Open record hearings will be held both before planning commission to make recommendations to city council, and before city council for final decision.
- (5) Appeal provisions specified in Section 19.10.290 Appeal of administrative interpretations and approvals.
- (6) The planning commission will hear appeals of staff decisions; the city council will hear appeals of planning commission decisions. Both appeals are closed record hearings.

Summary of Decision Making:

Type I-A — Administrative without notice; administrative appeal by applicant only.

Type I-B — Administrative without notice; administrative appeal by the applicant only; appealable to the planning commission.

Type II — ~~Planning commission makes a recommendation to city council. City council makes the final decision. Notice and public hearings will be held both before the planning commission to make recommendations to city council, and before city council for final decision. Planning commission makes the final decision on short plats and variances~~ ~~Planning commission review. Notice and open record hearing before the planning commission. Planning commission makes the final decision subject to a right of appeal.~~

Type III — Planning commission makes a recommendation to city council. City council makes the final decision. Notice and public hearings will be held both before the planning commission to make recommendations to city council, and before city council for final decision.

Type IV — Notice and decision by city council during regular council meeting.

Type V — Notice and public hearing before planning commission, with planning commission recommendation to city council. City council also provides notice and public hearing before making final legislative decision.

(Ord. No. 2012-11-907, § 1, 11-26-2012; Ord. No. 2016-10-996, § 1, 10-19-2016; Ord. No. 2017-05-1007, § 2, 5-3-2017)

19.10.050 Joint public hearings (other public agency hearings).

- A. Administrator's Decision to Hold Joint Hearing. The administrator may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as: (1) the hearing is held within the city limits; and (2) the requirements of subsection C of this section are met.
- B. Applicant's Request for a Joint Hearing. The applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in this chapter. In the alternative, the applicant may agree to a particular schedule if additional time is needed in order to complete the hearings.
- C. Prerequisite to Joint Public Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the city, as long as:
 - 1. The other agency is not expressly prohibited by statute from doing so;
 - 2. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
 - 3. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.060 Legislative decisions.

- A. Decision. The following decisions are legislative, and are not subject to the procedures in this chapter, unless otherwise specified:
 - 1. Zoning code text, development regulations and zoning district amendments;
 - 2. Area-wide rezones to implement city policies contained within the White Salmon comprehensive plan and any amendments thereto;
 - 3. Adoption of the White Salmon comprehensive plan and any plan amendments;
 - 4. Annexations;
 - 5. Shoreline master program (SMP) amendments; and
 - 6. All other master land use and utility plans and amendments thereto.
- B. Except as otherwise provided in this chapter, the administrative procedures for the legislative decisions specified in this section are set forth in Chapter 19.60 of this code.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.070 Legislative enactments not restricted.

Nothing in this chapter or the permit processing procedures shall limit the authority of the city to make changes to the White Salmon comprehensive plan as part of an annual revision process, the city's development regulations, or to undertake any other legislative actions.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.080 Exemptions from project permit application processing.

- A. Whenever a permit or approval in the White Salmon Municipal Code has been designated as a Type I-A, I-B, II, III or IV permit, the procedures in this title shall be followed in project permit processing. The following permits or approvals are specifically excluded from the procedures set forth in this title:
1. Landmark designations;
 2. Street vacations;
 3. Public works projects identified as planned actions in the White Salmon comprehensive plan or any amendments thereto. Planned actions are those public or private projects specifically identified by city ordinance or resolution adopted after environmental review conducted in conjunction with the adoption or amendment of the White Salmon comprehensive plan.
- B. Pursuant to RCW 36.70B.140(2), Type I-A permits, including but not limited to building permits, or other construction permits, or similar administrative approvals categorically exempt from environmental review under SEPA (Chapter 43.21C RCW and Chapter 197-11 WAC), or permits/approvals for which environmental review has been completed in connection with other project permits shall be processed and permitted within one hundred twenty calendar days (subject to Section 19.10.110). However, Type I-A permits are not subject to other requirements of this chapter, and are excluded from the following procedures as defined in this section:
1. Determination of completeness;
 2. Notice of application;
 3. Except as provided in RCW 36.70B.140, optional consolidated project permit review processing;
 4. Single report stating that all of the decisions and recommendations made as of the date of the report do not require an open public record hearing;
 5. Notice of Decision. Unless the time deadlines are waived in writing by the applicant, the Type I-A permit shall be processed within one hundred twenty calendar days after the applicant files complete application, subject to the provisions of Section 19.10.110.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

ARTICLE II TYPE I—IV PROJECT PERMIT APPLICATIONS

19.10.090 Preapplication conference.

- A. Recommended Conference. It is recommended that applicants for project permit Type I-A actions proposing impervious surfaces equal to or exceeding five thousand square feet and/or nonsingle-family structures five thousand square feet or more, Type II, and Type III actions schedule and attend a preapplication conference

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with the administrator. The purpose of the preapplication conference is to acquaint the applicant with the requirements of the White Salmon Municipal Code and to allow the administrator to provide the applicant with preliminary comments based upon the applicant's preliminary sketch of the proposal.

- B. Assurances Unavailable. It is impossible for the conference to be an exhaustive review of all potential issues. The discussions at the conference shall not bind or prohibit the city's future application or enforcement of all applicable law and ordinances. No statements or assurances made by city representatives shall in any way relieve the applicant of his or her duty to submit an application consistent with all relevant requirements of city, state, and federal codes, laws, regulations and land use plans.
- C. Optional Conferences. Preapplication conferences for all other types of applications not specified in this section are optional, and requests for conferences will be considered on a time-available basis by the director.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.100 Development permit application.

- A. Applications for project permits shall be submitted upon forms provided by the city. The applicant is encouraged to schedule a presubmittal conference with the city prior to submittal of the application.
- B. An application shall consist of all materials required by the applicable development regulations, and shall include the following general information:
 - 1. A completed project permit application form, including SEPA checklist submitted pursuant to White Salmon Municipal Code (WSMC) Title 18.20 Environmental Protection/SEPA Review;
 - 2. A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the written consent of all owners of the affected property. A photocopy of the property deed shall be provided;
 - 3. A property and/or legal description of the site for all applications, as required by the applicable development regulations;
 - 4. The applicable fees;
 - 5. A site plan, showing the location of all proposed lots and points of access and identifying all easements, deeds, restrictions, or other encumbrances restricting the use of the property, if applicable;
 - 6. Any supplemental information or special studies identified by the city.
- C. In addition to the requirements set forth in subsections A and B of this section, complete application requirements for the following land use permits are set forth in the following sections of the White Salmon Municipal Code:
 - [1.] Construction and Grading permits, see Chapter 13.01 of this code;
 - [2.] Boundary Line Adjustments, see [Title] 16 of this code;
 - [3.] Short Plats, see [Title] 16 of this code;
 - [4.] Preliminary Plat, see [Title] 16 of this code for contents of preliminary plat and notice to owners of contiguous land;
 - [5.] Planned Unit and Cottage Developments, see Chapters 16 and 17 of this code;
 - [6.] Site and Building Plan Review, see Chapter 17.80 of this code;
 - [7.] Conditional Uses, see Chapter 17.80 of this code;

[8.] Final Plats, see [Title] 16 of this code;

[9.] Amendments and Rezones, see Chapter 17.88 of this code;

[10.] Shoreline Substantial Development, Conditional Use, or Variance Permits, see WAC 173-27-180.

- D. The city may waive specific submittal requirements determined to be unnecessary for review of an application. In such event, the city shall document the waiver in the project file.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

**19.10.110 Submission and acceptance of application—Determination of completeness—
Additional information and project revisions.**

- A. Determination of Completeness. Within twenty-eight calendar days after receiving a project permit application, the city shall mail a determination to the applicant which states either: (1) that the application is complete; or (2) that the application is incomplete and what is necessary to make the application complete.
- B. Identification of Other Agencies with Jurisdiction. To the extent known by the city, other agencies with jurisdiction over the project permit application shall be identified in the city's determination required by subsection A of this section.
- C. Incomplete Application Procedure.
1. If the applicant receives a determination from the city that an application is not complete or that additional information is required, the applicant shall have one hundred twenty calendar days to submit the necessary information to the city. Within fourteen calendar days after an applicant has submitted the requested additional information, the city shall make the determination as described in subsection A of this section and notify the applicant in the same manner.
 2. If the applicant either refuses in writing to submit additional information or does not submit the required information within the one hundred twenty-day period, the director shall make a determination that the application has been abandoned and is therefore withdrawn.
 3. In those situations where the administrator has deemed an application withdrawn because the applicant has failed to submit the required information within the necessary time period, the applicant will forfeit the application fee.
- D. City's Failure to Provide a Determination of Completeness. A project permit application shall be deemed complete under this section if the city does not provide a written determination to the applicant that the application is incomplete as provided in subsection A of this section. Notwithstanding a failure to provide a determination of completeness, the city may request additional information as provided in subsection F of this section.
- E. Date of Acceptance of Application. When the project permit application is determined to be complete, the director shall accept it and note the date of acceptance.
- F. Additional Information. A project permit application is complete for purposes of this section when it meets the submission requirements in Section 19.10.100, as well as the submission requirements contained in the applicable development regulations. This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken after submittal. The city's determination of completeness shall not preclude the city from requiring additional information, that the applicant correct plans or perform studies at any time if new information is required for project review, or if there are substantial changes in the proposed action. No application shall be deemed complete before all applicable application review fees stipulated by Chapter 3.36 WSMC as well as fees applicable to other applicable review processes are collected.

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(Supp. No. 23)

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1. Any period during which the city has requested the applicant to correct plans, perform required studies, or provide additional information shall be excluded from the time period provided in this chapter.
 2. The time period for requiring additional information shall be calculated from the date the city notifies the applicant of the need for additional information until the earlier of: (a) the date the city determines whether the information satisfies the request for information; or (b) fourteen calendar days after the date the information has been provided to the city.
- G. Effect of Project Permit Application Revisions—Substantial Revisions. If, in the judgment of the administrator, the content of an application is so substantially revised by an applicant, either voluntarily or to conform with applicable standards and requirements, that such revised proposal constitutes a substantially different proposal than that originally submitted, the administrator shall deem the revised proposal to be a new application.
1. In reaching a decision whether a revision is substantial, the director shall consider the relative and absolute magnitude of the revision, the environmental sensitivity of the site, any changes in location of significant elements of the project and their relation to public facilities, surrounding lands and land uses and the stage of review of the proposal.
 2. Lesser revisions that would not constitute substantial revisions during early stages of review may be substantial during later stages due to the reduced time and opportunity remaining for interested parties to review and comment upon such changes.
 3. Written notice of such determination of substantial revision shall be provided to the applicant and all parties of record, including the reasons for the administrator's decision.
 4. A determination that any revision is substantial shall result in the time periods set forth in this chapter starting from the date at which the revised project application is determined to be complete. The revised project application shall be subject to all laws, regulations, and standards in effect on the date of the determination of completeness of the substantial revision.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.120 Referral and review of development permit applications.

Upon acceptance of a complete application, the administrator shall do the following:

- A. Transmit a copy of the application, or appropriate parts of the application, to each affected agency and city department for review and comment, including those agencies responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have ten calendar days to comment. The administrator may grant an extension of time if needed.
- B. Environmental Review. Developments and planned actions subject to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall be reviewed in accordance with the policies and procedures contained in Chapter 18.20 of this code and Chapter 197-11 WAC. SEPA review shall be conducted concurrently with development project review. The following are exempt from concurrent review:
 1. Projects categorically exempt from SEPA; and
 2. Components of planned actions previously reviewed and approved in the White Salmon comprehensive plan or amendments thereto to the extent permitted by law and consistent with the SEPA environmental determination for the planned action.
- C. If a Type III procedure is required, the administrator shall provide for notice and hearing as set forth in Sections 19.10.150 through 19.10.190 of this code.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.130 Scope of project review.

- A. Fundamental land use planning choices made in adopted comprehensive and subarea plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations, or in the absence of applicable regulations the adopted White Salmon comprehensive plan or subarea plan(s), under Section 19.10.140 of this code shall incorporate the determinations under this section.
- B. During project review, the administrator or any subsequent reviewing body shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations, the adopted White Salmon comprehensive plan or subarea plan(s). At a minimum, such applicable regulations or plans shall be determinative of the:
 - 1. Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as conditional uses, if the criteria for their approval have been satisfied;
 - 2. Density of residential development; and
 - 3. Availability and adequacy of public facilities identified in the White Salmon comprehensive plan, if the plan or development regulations provide for funding of these facilities.
- C. During project review, the administrator shall not reexamine alternatives to or hear appeals on the items identified in subsection B of this section.
- D. The administrator may determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific probable significant adverse environmental impacts to which the requirements apply. In making this determination, the administrator shall:
 - 1. Determine if the applicable regulations require measures that are sufficient to adequately address site-specific, probable significant adverse environmental impacts identified through project application review; and
 - 2. Determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures.
- E. Nothing in this section limits the authority of the city to approve, condition, or deny a project as provided in its development regulations adopted under Chapter 35A.63 RCW and in its policies and criteria adopted under RCW 43.21C.060, including project review under Chapters 18.10 (Critical Areas Ordinance) and 18.20 (Environmental Protection/SEPA Review) of this code.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.140 Project consistency.

- A. A proposed project's consistency with development regulations adopted under Chapter 35A.63 RCW or, in the absence of applicable development regulations, the appropriate elements of the White Salmon comprehensive plan or subarea plan adopted under Chapter 35A.63 RCW shall be determined by consideration of:
 - 1. The type of land use;
 - 2. The level of development, such as units per acre or other measures of density;

(Supp. No. 23)

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3. Infrastructure, including public facilities and services needed to serve the development; and
 4. The character of the development, such as development standards.
- B. In determining consistency, the determinations made pursuant to Section 19.10.130 shall be controlling.
 - C. For purposes of this section, the term "consistency" shall include all terms used in this chapter and Chapter 36.70A RCW to refer to performance in accordance with this chapter and Chapter 36.70A RCW, including but not limited to compliance, conformity, and consistency.
 - D. Nothing in this section requires documentation, dictates procedures for considering consistency, or limits the administrator from asking more specific or related questions with respect to any of the four main categories listed in subsections (A)(1) through (4) of this section.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

ARTICLE III PUBLIC NOTICE

19.10.150 Notice of application.

- A. Time of Issuance. Within fourteen calendar days of issuing the determination of completeness, the administrator shall issue a notice of application on all Type III project permit applications. If an open record predecision public hearing is required or requested, the notice of application shall be issued at least thirty calendar days prior to the hearing.
- B. SEPA Exempt Projects. A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record predecision hearing is required.
- C. The notice of application shall be posted on the subject property and at City Hall. The notice of application shall be issued prior to and is not a substitute for the required notice of a public hearing.
- D. Contents. The notice of application shall include:
 1. The name of the applicant;
 2. The date of application, the date of the determination of completeness for the application and the date of the notice of application;
 3. The street address location of the project or, if unavailable, the location in reference to roadway intersections;
 4. A description of the proposed project action and a list of the project permits included in the application;
 5. The identification of other permits required by other agencies with jurisdiction not included in the application, to the extent known by the city;
 6. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
 7. The name of the city staff contact and telephone number;
 8. A statement of the limits of the public comment period, which shall be ten calendar days following the date of notice of application (or thirty calendar days if the application involves a shoreline master program permit), and statements of the right of any person to comment on the application, receive

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- notice of and participate in any hearings, request copy of the decision once made, and any appeal rights;
9. The date, time, place and type of hearing, if applicable, and scheduled prior to issuance of the notice of application;
 10. A statement of the preliminary determination of consistency with applicable development regulations and the White Salmon comprehensive plan, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and determination of consistency as provided in Section 19.10.140 of this code;
 11. Any other information determined appropriate by the city, such as the city's pending SEPA threshold determination or a statement advising that a final environmental determination shall be made following a comment period;
 12. If a local government has made a determination of significance under Chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application;
 13. A statement that the final decision on the application will be made within one hundred twenty days from the date of the determination of completeness.
- E. Public Comment on the Notice of Application. All public comments on the notice of application must be received in City Hall by five o'clock p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible. Public comments may be provided at any time up to and during the public hearing. However, the city cannot ensure that comments provided after the comment period on the notice of application will be considered and addressed in staff reports on Type III projects. The SEPA threshold determination shall not be issued until after the expiration of the comment period following the notice of application. Regardless of the expiration of the notice of application comment period, any interested party may comment upon the SEPA threshold determination pursuant to applicable SEPA regulations.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.160 Methods of public notice of application.

- A. The city shall provide the public notice of application for a project permit by posting the property and by publication in the city's official newspaper, as provided in this section, unless otherwise provided in this chapter.
1. Posting. Posting of the property for site-specific proposals shall consist of one or more notice boards posted by the city as follows:
 - a. A single notice board shall be placed:
 - i. At the midpoint of the site street frontage or as otherwise to allow for maximum visibility; and
 - ii. Where it is completely visible to pedestrians and vehicle traffic.
 - b. Additional notice boards may be required when:
 - i. The site does not abut a public road;
 - ii. A large site abuts more than one public road; or
 - iii. The administrator determines that additional notice boards are necessary to provide adequate public notice.

(Supp. No. 23)

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- c. Notice boards shall be:
 - i. Maintained in good condition by the applicant during the notice period;
 - ii. In place at least ten calendar days prior to the date of hearing or decision; and
 - iii. Removed within fifteen calendar days after the end of the notice period.
 - 2. Published Notice. Published notice shall include at least the project's street address or location, project description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed in a newspaper of general circulation in the county.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.170 Shoreline master program (SMP) permits.

SMP permits require notice as provided in WAC 173-27-110 and additional mailing of the notice as provided herein:

- A. Mailing. The notice of application shall be mailed to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the development is proposed.
- B. Content of SMP Notice. Except as provided in subsection C of this section, the content of SMP notices shall be identical to the notice set forth in WAC 173-27-110.
- C. SMP Comment Period. The public may provide comments for thirty calendar days after the notice of publication date. (SMP notice is twenty calendar days longer than the comment period for other Type III permits as required by RCW 90.58.140.) A notice of application for a shoreline substantial development permit shall notify the public of the thirty-day comment period.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.180 Optional additional public notice.

- A. As optional methods of providing public notice of any project permits, the city may:
 - 1. Notify the public or private groups with known interest in a certain proposal or in the type of proposal being considered;
 - 2. Notify the news media;
 - 3. Place notices in appropriate regional or neighborhood newspapers or trade journals;
 - 4. Publish notice in agency newsletters or send notice to agency mailing lists, either general lists or lists for specific proposals or subject areas;
 - 5. Mail to neighboring property owners; and
 - 6. Place notices on the Internet.
- B. The city's failure to provide the optional notice as described in this subsection shall not be grounds or invalidation of any permit decision.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.190 Notice of public hearing.

- A. Content of Notice of Public Hearing for All Types of Applications. The notice given of a public hearing required in this chapter shall contain:
1. The name and address of the applicant or the applicant's representative;
 2. Description of the affected property, including the street address (if any) and either a vicinity location (including roadway intersections) or written description, other than a legal description, reasonably sufficient to inform the public of the location;
 3. The date, time and place of the hearing;
 4. A description of the nature of the proposed use or development;
 5. A statement that all interested persons may appear at the hearing and provide oral or written comments or testimony;
 6. Where information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be submitted;
 7. The name of the city staff contact or representative and the telephone number where additional information may be obtained;
 8. That a copy of the application and staff report, and all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at City Hall at no cost.
- B. Mailed Notice. Mailed notice of the public hearing shall be provided as follows:
1. Type I-A, Type I-B, Type IV, and Type V Actions. No mailed public notice is required.
 2. Type II Permits - Limited Public Notice. A notice of development application for a Type II permit shall be sent by mail by the administrator. The applicant is responsible for mailing costs of said notice and shall obtain the official list of names and addresses from the county assessor's office. If the applicant/owner of the proposed project permit owns contiguous property to the project, notice shall apply to the boundaries of such contiguous parcels. Public notice shall be mailed to the property owner(s), applicant(s), authorized agents, and also to all owners of adjacent properties that abut the subject property or properties under contiguous ownership of the owner/applicant of the subject permit not fewer than ten nor more than forty-five days prior to the closed record public hearing. For the purposes of this section, properties separated by public right-of-way are considered to be adjacent properties.
 3. Type III Actions. The notice of public hearing shall be mailed to:
 - a. The applicant;
 - b. All owners of property within three hundred feet of any portion of the subject property; and
 - c. Any person who submits written comments on an application.
 4. Type III Preliminary Plat Actions. In addition to the notice for Type III actions above, additional notice for preliminary plats and proposed land divisions shall be provided as follows:
 - a. Notice of the filing of a preliminary plat application of a proposed land division located adjoining the city's municipal boundaries shall be given to the appropriate county officials;
 - b. Notice of the filing of a preliminary plat application of a proposed land division located adjacent to the right-of-way of a state highway shall be given to the Washington State Secretary of Transportation, who must respond within fifteen calendar days of such notice;

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- c. Special notice of the hearing shall be given to adjacent landowners by any other reasonable method the city deems necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed land division. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, mailed notice under RCW 58.17.090(1)(b) and this section shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.
 - 5. Type V Actions. For Type V legislative actions, the city shall publish notice at City Hall and by one publication in a newspaper of general circulation in the county at least ten days before the hearing and all other notice required by city code and RCW 35.23.221.
 - 6. General Procedure for Mailed Notice of Public Hearing. All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.
 - C. Procedure for Posted or Published Notice of Public Hearing.
 - 1. Posted notice of the public hearing is required for all Type II and Type III project permit applications. The posted notice shall be posted as required by Section 19.10.160(A)(1) of this code.
 - 2. Published notice is required for all procedures involving an open record public hearing. The published notice shall be published in a newspaper of general circulation in the county. Published notice is not required for closed record public hearings before the city council, as no new testimony or evidence is allowed at such hearings. Mailed notice of the closed record public hearing shall be provided for all parties of record.
 - D. Time and Cost of Notice of Public Hearing.
 - 1. Notice of a public hearing shall be mailed, posted and first published not less than ten nor more than forty-five calendar days prior to the hearing date. Any posted notice shall be removed within fifteen calendar days following the public hearing.
 - 2. All costs associated with the public notice shall be borne by the applicant.
- (Ord. No. 2012-11-907, § 1, 11-26-2012; Ord. No. 2015-12-979, § 1, 12-2-2015)

ARTICLE IV PROJECT REVIEW AND APPROVAL PROCESS

19.10.200 Administrative approvals without notice (Type I-A).

- A. The administrator may approve, approve with conditions, or deny (with or without prejudice) all Type I-A permit applications without notice.
 - B. The administrator's decisions under this section shall be final on the date issued.
- (Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.210 Administrative approvals subject to notice (Type I-B).

- A. The administrator may grant approval, preliminary approval, or approval with conditions, or may deny (with or without prejudice) all Type I-B permit applications, subject to the notice and appeal requirements of this section. The administrator shall issue written findings and conclusions supporting Type I-B decisions.
- B. Final Administrative Approvals. Administrative decisions under this section shall become final subject to the following:
 - 1. An applicant may appeal the decision to the planning commission; provided, that a written appeal is filed within thirty calendar days after the notice of the decision.
 - 2. If no appeal is submitted, the preliminary approval becomes final at the expiration of the notice period.
 - 3. If a written notice of appeal is received within the specified time the matter will be referred to the planning commission for a public hearing. The decision of the planning commission shall be the final city decision.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.220 City council action.

- A. Actions. Upon receiving a recommendation from the planning commission, an appeal of a planning commission's decision or notice of any other matter requiring the council's attention, the council shall perform the following actions as appropriate:
 - 1. Hold a closed record public hearing and make a decision on a planning commission recommendation;
 - 2. Hold a closed record public hearing and make a decision on an appeal of a planning commission decision;
 - 3. Hold an open record public hearing and make a decision on a legislative matter (Type V action);
 - 4. Make a decision on Type IV actions;
 - 5. At the council's discretion, hold a public hearing and make a decision on the following matters: other matters not prohibited by law.
- B. Decisions. The city council shall make its decision by motion, resolution, or ordinance as appropriate. In its decision regarding appeals of planning commission decisions, the city council shall adopt written findings and conclusions (either those rendered by the planning commission or findings and conclusions prepared by the council).
 - 1. A city council decision on a planning commission recommendation or on an appeal of a planning commission decision following a closed record public hearing shall include one of the following actions:
 - a. Approve as recommended;
 - b. Approve with additional conditions;
 - c. Modify, with or without the applicant's concurrence; provided, that the modifications do not:
 - i. Enlarge the area or scope of the project;
 - ii. Increase the density or proposed building size; or
 - iii. Significantly increase adverse environmental impacts as determined by the responsible official;

(Supp. No. 23)

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- d. Deny without prejudice (reallocation or resubmittal is permitted);
 - e. Deny with prejudice (reapplication or resubmittal is not allowed for one year); or
 - f. Remand for further proceedings and/or evidentiary hearing in accordance with Section 19.10.270 of this code.
2. A council decision following a closed record appeal hearing shall include one of the following actions:
- a. Grant the appeal in whole or in part;
 - b. Deny the appeal in whole or in part; or
 - c. Remand for further proceedings and/or evidentiary hearing in accordance with Section 19.10.270 of this code.
3. A council decision on a Type IV action shall include one of the following actions:
- a. Approve;
 - b. Approve with conditions in accordance with the White Salmon Municipal Code or other regulations; or
 - c. Deny without prejudice (reapplication or resubmittal is permitted).

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.230 Planning commission review and city council decision (Type II).

- A. The planning commission shall review and make findings, conclusions and issue ~~final decisions~~ recommendations to city council for final decision on all Type II permit applications, with the following exceptions over which the planning commission shall have final decision:-

1. Short plats

2. Zoning variances

- B. Staff Report. The administrator shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of city departments, affected agencies and special districts, and evaluating the development's consistency with the city's development code, adopted plans and regulations. If requested by the planning commission, the staff report shall include proposed findings, conclusions and recommendations for disposition of the development application. The staff report shall include and consider all written public comments on the application.
- C. Planning Commission Hearing. The planning commission shall conduct a public hearing on Type II development proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the city's development code, adopted plans and regulations. Notice of the planning commission hearing shall be in accordance with Section 19.10.190. All appeals of administrative project permit decisions shall be considered together with the decision on the project application in a single, consolidated public hearing.
- D. Required Findings. In addition to the approval criteria listed in this code, the planning commission shall not approve a proposed development unless it first makes the following findings and conclusions:
- 1. The development is consistent with the White Salmon comprehensive plan and meets the requirements and intent of the White Salmon Municipal Code;
 - 2. The development is not detrimental to the public health, safety and welfare;

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3. The development adequately mitigates impacts identified under Chapters 18.10 (Critical Areas Ordinance) and 18.20 (Environmental Protection/SEPA Review) of this code; and
 4. For land division applications, findings and conclusions shall be issued in conformance with White Salmon Municipal Code Title 16 and RCW 58.17.110.
- E. Final Decision. In the planning commission's decision regarding Type II actions ([short plat, variances](#)), it shall adopt written findings and conclusions.
1. The planning commission's decision following closure of an open record public hearing shall include one of the following actions:
 - a. Approve;
 - b. Approve with conditions;
 - c. Deny without prejudice (reapplication or resubmittal is permitted); or
 - d. Deny with prejudice (reapplication or resubmittal is not allowed for one year).
 2. The decision shall be a final decision, appealable in accordance with Sections 19.10.300 and 19.10.310 of this code.
- F. [Recommendation. In the planning commission's recommendation decision regarding Type II actions, it shall adopt written findings and conclusions. The planning commission's recommendation following closure of an open record public hearing shall include one of the following actions:](#)
1. [Recommend approval;](#)
 2. [Recommend approval with conditions; or](#)
 3. [Recommend denial.](#)

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.235 Planning commission review and recommendation (Type III).

- A. The planning commission shall review and make findings, conclusions and issue recommendations on all Type III permit applications.
- B. Staff Report. The administrator shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of city departments, affected agencies and special districts, and evaluating the development's consistency with the city's development code, adopted plans and regulations. If requested by the planning commission, the staff report shall include proposed findings, conclusions and recommendations for disposition of the development application. The staff report shall include and consider all written public comments on the application.
- C. Planning Commission Hearing. The planning commission shall conduct a public hearing on Type III development proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the city's development code, adopted plans and regulations. Notice of the planning commission hearing shall be in accordance with Section 19.10.190 of this code.
- D. Required Findings. In addition to the approval criteria listed in this code, the planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:
 1. The development is consistent with the White Salmon comprehensive plan and meets the requirements and intent of the White Salmon Municipal Code;

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(Supp. No. 23)

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2. The development is not detrimental to the public health, safety and welfare;
 3. The development adequately mitigates impacts identified under Chapters 18.10 (Critical Areas Ordinance) and 18.20 (Environmental Protection/SEPA Review) of this code; and
 4. For land division applications, findings and conclusions shall be issued in conformance with Sections 19.10.230 Planning commission review and decision (Type II) and 19.10.235 Planning commission review and recommendation (Type III) of this title, and RCW 58.17.110.
- E. Recommendation. In the planning commission's recommendation decision regarding Type III actions, it shall adopt written findings and conclusions. The planning commission's recommendation following closure of an open record public hearing shall include one of the following actions:
1. Recommend approval;
 2. Recommend approval with conditions; or
 3. Recommend denial.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.240 Procedures for public hearings.

Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. Questions directed to the staff or the applicant shall be posed by the chair at its discretion. In cases where scientific standards and criteria affecting project approval are at issue, the chair shall allow orderly cross-examination of expert witnesses presenting reports and/or scientific data and opinions. The hearing body may address questions to any party who testifies at a public hearing. The chair shall open the public hearing and, in general, observe the following sequence of events:

- A. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.
- B. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.
- C. Testimony or comments by the public germane to the matter.
- D. Rebuttal, response or clarifying statements by the staff and the applicant.
- E. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.250 Procedures for closed record hearings and appeals.

Closed record hearings on planning commission appeals shall be conducted in accordance with the city council's rules of procedure and shall serve to provide argument and guidance for the body's decision. Closed record hearings shall be conducted generally as provided for other public hearings. Except as provided in Section 19.10.270 of this code, no new evidence or testimony shall be given or received. The parties to an appeal of a planning commission decision may submit timely written statements or arguments.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.260 Reconsideration.

A party of record at a public hearing or closed record appeal may seek reconsideration only of a final decision by filing a written request for reconsideration with the administrator within five calendar days of the oral announcement of the final decision. The request shall comply with Section 19.10.310(B) of this code. The council or hearing body shall consider the request at its next regularly scheduled meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the council or hearing body may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.270 Remand.

In the event the city council determines that the public hearing record, the record on appeal as applicable, are insufficient or otherwise flawed, the council may remand the matter back to the planning commission or administrator, as applicable, to correct the deficiencies. The council shall specify the items or issues to be considered and the time frame for completing the additional work.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.280 Final decision—Exclusions to one hundred twenty-day deadline.

- A. Time. The final decision on a development proposal shall be made within one hundred twenty calendar days from the date of the determination of completeness. In determining the number of calendar days that have elapsed after the determination of completeness, the following periods shall be excluded:
1. Any time needed to amend the White Salmon comprehensive plan or development regulations;
 2. Pursuant to Section 19.10.110(F) of this code, any time required to correct plans, perform studies or provide additional information; provided, that within fourteen calendar days of receiving the requested additional information, the administrator shall determine whether the information is adequate to resume the project review;
 3. Pursuant to Section 19.10.110(G) of this code, substantial project revision(s) made or requested by an applicant, in which case the one hundred twenty calendar days will be calculated from the time that the city determines the revised application to be complete and issues a new determination of completeness in accordance with Section 19.10.110(A) of this code;
 4. All time required for the preparation and review of an environmental impact statement;
 5. Any time needed to process an application for projects involving the siting of an essential public facility;
 6. An extension of time mutually agreed upon by the city and the applicant;
 7. Any remand to the planning commission.
- B. Effective Date. The final decision of the council or hearing body shall be effective on the date stated in the decision, motion, resolution, or ordinance; provided, that the appeal periods shall be calculated from the date of issuance of the land use decision, as provided in the Land Use Petition Act, Chapter 36.70C RCW. For the purposes of this chapter, the date on which a land use decision is issued is:

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1. Three days after a written decision is mailed by the city or, if not mailed, the date on which the city provides notice that a written decision is publicly available;
 2. If the land use decision is made by ordinance or resolution by the city council sitting in a quasi-judicial capacity, the date the city council passes the ordinance or resolution; or
 3. If neither subsection (B)(1) nor (2) of this section applies, the date the decision is entered into the public record.
- C. Notice of Decision. Upon issuance of the final decision, administrator shall mail or hand deliver a copy of the final decision to the applicant, any persons who have filed a written request for a copy of the decision, and to all persons who submitted substantive written comments on the application. The notice of decision shall include a statement of the threshold determination made under Chapter 18.20 (Environmental Protection/SEPA Review) of this code and the procedures for an appeal (if any) of the permit decision or recommendation.
- D. Notice of Delayed Decision. If the city is unable to issue its final decision within the time limits provided in this chapter, the city will provide written notice of this fact to the applicant. The notice shall contain a statement of reasons why the time limits have not been met and an estimated date for issuance of the final decision.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

ARTICLE V APPEALS

19.10.290 Appeal of administrative interpretations and approvals (Type I-A and I-B).

Administrative interpretations may be appealed, by applicants or parties of record, to the planning commission. Type I-A approvals may be appealed to the planning commission in accordance with Section 19.10.200. The decision is final on the date issued and no notice of the decision is required. Type I-B approvals may be appealed to the planning commission in accordance with Section 19.10.210 Administrative approvals subject to notice (Type I-B) of this title.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.300 Appeal of planning commission decisions (Type II)—Standing to appeal.

Planning commission decisions may be appealed by parties of record from the open record hearing to the city council. "Parties of record" include: the land use permit applicant; persons who have testified at the open record hearing; and any persons who have submitted written comments concerning the application that forms part of the public record that is considered at the open record hearing (excluding persons who only signed petitions or mechanically produced form letters).

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.310 Appeals—Procedure.

- A. Filing. Every appeal of an administrative decision, as well as planning commission decisions, shall be filed with the administrator within thirty calendar days after the date of the recommendation or decision of the matter being appealed; provided, however, appeals of Type II decisions shall be filed within the time periods set forth in Section 19.10.210 of this code (thirty calendar days) and SEPA appeals shall be filed in accordance

(Supp. No. 23)

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with Chapter 18.20 (Environmental Protection/SEPA Review) of this code (ten calendar days). A notice of appeal shall be delivered to City Hall by mail or personal delivery, and must be received by five o'clock p.m. on the last business day of the appeal period, with the required appeal fee.

- B. Contents. The notice of appeal shall contain a concise statement identifying:
1. The decision being appealed;
 2. The name and address of the appellant and his or her interest(s) in the matter;
 3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;
 4. The desired outcome or changes to the decision; and
 5. The Appeal Fee. All requests for reconsideration filed pursuant to Section 19.10.260 of this code shall contain all information required in this section.
- C. Any notice of appeal not in full compliance with this section shall not be considered, and the appellant shall be so notified.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.320 Judicial appeal.

- A. Appeals from the final decision of the city council and appeals from any other final decisions specifically authorized (subject to timely exhaustion of all administrative remedies) shall be made to Superior Court within twenty-one calendar days of the date the decision or action became final, as defined in Section 19.10.280(B) of this code, unless another time period is established by state law or local ordinance. All appeals must conform with procedures set forth in Chapter 36.70C RCW.
- B. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the city clerk, and all persons identified in RCW 36.70C.040, within the applicable time period. This requirement is jurisdictional.
- C. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. Prior to the preparation of any records, the appellant shall post with the city clerk an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.330 Effective date—Severability.

- A. Effective Date. This chapter shall be effective on December 1, 2012; provided, however, all complete land development applications meeting all requirements of the White Salmon Municipal Code filed on or after December 1, 2012 shall be subject to the requirement of a single, consolidated open record public hearing, including the requirements set forth in Sections 19.10.200 through 19.10.320 of this code.
- B. Conflict with Other Procedures. In the event of a conflict in project application and/or public hearing procedures found elsewhere in the White Salmon Municipal Code or found in the White Salmon shoreline master program, and the requirements of this chapter, the requirements and procedures set forth in this chapter shall prevail.
- C. Severability. If any clause, sentence, paragraph, section or part of this chapter or its application to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such

order or judgment shall not affect the validity or constitutionality of the remainder of any part of this chapter. To this end, the provisions of each clause, sentence, paragraph, section or part of this law are declared severable.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.10.340 Land development permit and appeal fees.

Land use permit and appeal fees are set in Chapter 3.36 WSMC.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

Chapter 19.20 COMPREHENSIVE PLAN AND DEVELOPMENT REGULATION AMENDMENTS

19.20.010 Purpose and definitions.

- A. Purpose. The purpose of this chapter is to establish the type of action, procedures for suggesting amendments, and to encourage public participation for comprehensive plan, subarea plan, and development regulation amendments.
- B. Definitions. The following definitions shall apply throughout this chapter:
 - 1. "Comprehensive land use plan" or "comprehensive plan" means a generalized coordinated land use policy statement of the city of White Salmon that is adopted pursuant to RCW 35A.63.
 - 2. "Development regulation" means the controls placed on development or land use activities by the city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, and land division ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, even though the decision may be expressed in a resolution or ordinance of the city council.
 - 3. "Subarea plan" means a section of the comprehensive plan which contains specific policies, guidelines, and criteria adopted by the council to guide land development, transportation facilities, community facilities, infrastructure, and capital improvement decisions within specific subareas of the city. The subareas of the city shall consist of natural homogenous communities, distinctive geographic areas, or other districts having unified interest.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.20.020 Type of action.

An amendment to the comprehensive plan, a subarea plan, or the development regulations is a Type V (legislative) action and shall be considered in accordance with the procedures for such actions as set forth in this chapter. Criteria and considerations for amendments to the comprehensive plan are listed in the plan.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.20.030 Application.

- A. An amendment to the comprehensive plan, a subarea plan, or the development regulations may be initiated by the city council, planning commission, planning administrator, or an owner(s) of real property within the city.
- B. An application made by a private party for a comprehensive plan, subarea plan, or development regulation amendment shall contain the following:
 - 1. Name, address and telephone number of the person(s) suggesting the amendment;
 - 2. Citation of the specific text, map, or other illustration suggested to be amended;
 - 3. The suggested amendment such as the proposed amendatory language, if applicable, with new language underlined and language proposed for deletion in strikeout;
 - 4. A statement of how the amendment is in the public interest;
 - 5. In the case of an amendment to the development regulations, a statement of how the amendment complies with the comprehensive plan;
 - 6. In the case of an amendment to the comprehensive land use plan map, a statement explaining how the subject parcels are physically suitable for the requested land use designation(s) and the anticipated land use development(s), including, but not limited to, access, provision of utilities, compatibility with neighboring land uses, and absence of physical constraints, and all materials specified in Chapter 17.88.040;
 - 7. Any additional information deemed reasonably necessary by the administrator to evaluate the proposed amendment; and
 - 8. Application fee(s) as established in Chapter 3.36 Land Use of Title 3 Revenue and Finance, WSMC.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.20.040 Timing and process for consideration of suggested amendments.

- A. Comprehensive plan and subarea plan amendments (text and map) shall be considered once annually. All amendments requested by the city or private parties shall be reviewed concurrently to ensure that the integrity of the comprehensive plan or subarea plan is preserved. All plan amendments are to be provided in writing and are to be submitted no later than December 31st of every year. Plan amendments shall be considered by the planning commission no later than April 30th of the following year and by the city council within sixty days of receipt of the recommended amendments.
- B. Development regulation amendments may be initiated at any time.
- C. The planning commission shall make recommendations to the city council on all comprehensive plan matters, including amendments to the plan text and map, development regulations, and subarea plans.
- D. Suggested amendments shall be considered by the city council or planning commission, in duly advertised public hearings, public meetings, workshops, and other settings as warranted to ensure that each suggested amendment is thoroughly deliberated. Continued hearings may be held at the discretion of the city but no additional notices need be published.
- E. Upon completion of the hearing or hearings on amendments to the comprehensive plan or subarea plan, the planning commission shall transmit a copy of its recommendations to the legislative body through the

(Supp. No. 23)

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planning administrator, who shall acknowledge receipt thereof and direct the clerk to certify thereon the date of receipt.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.20.050 Public participation.

- A. The public shall be made aware of the opportunity to suggest plan amendments and to comment on suggested amendments through methods including, but not limited to, direct mailings, newsletter and newspaper articles, legal advertisements, and notices posted in public places.
- B. At least one public hearing shall be held on any proposed amendment. Public notice requirements shall be as set forth in Sections 19.10.150 through 19.10.190 of the preceding chapter.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.20.060 Criteria for approval.

In order for an amendment to be approved, the council must find that:

- A. The suggested amendment is in the public interest;
- B. The suggested amendment is consistent with the provisions of the White Salmon comprehensive land use plan;
- C. In the case of an amendment to the comprehensive land use plan map, the subject parcels are physically suitable for the requested land use designation(s) and the anticipated land use development(s), including, but not limited to, access, provision of utilities, compatibility with neighboring land uses, and absence of physical constraints; and
- D. The suggested amendment addresses a need which was improperly or inadequately addressed by the present text or map.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.20.070 Council action.

- A. For comprehensive plan and subarea plan amendments, the city council shall consider a recommended amendment within sixty days of its receipt.
- B. After considering any recommendations and public comments, the council shall approve, approve with modifications, disapprove, or remand the proposed amendment to the planning commission for further proceedings based on the criteria required by this chapter and any other applicable provisions. If the city council remands the proposed amendment, it shall specify the time in which the planning commission shall report back to the city council its findings and recommendations on matters referred to it.
- C. Any amendment to the comprehensive plan or a subarea plan shall be adopted by resolution. An affirmative vote of not less than a majority of the total members of the city council shall be required for adoption of a resolution to amend the comprehensive plan.
- D. Any amendment to the development regulations shall be adopted by ordinance. [An] affirmative vote of not less than a majority of the total members of the city council shall be required for adoption of an ordinance.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

19.20.080 Denial of suggested amendments.

When a suggested amendment to the comprehensive plan, a subarea plan, or development regulations is denied, the same amendment shall not be considered again for a period of at least one year, unless the city council determines that the amendment meets one of the two following criteria:

- A. The amendment is essential to allow the siting of an employer who will bring more than twenty-five jobs into the community within one year; or
- B. The city council declares a state of emergency and adopts findings which clearly demonstrate that the amendment is essential to preserve or promote the general health, safety, or welfare of the city and/or its residents.

(Ord. No. 2012-11-907, § 1, 11-26-2012)

File Attachments for Item:

3. Edits to WSMC Ch. 17.81 Site and Building Plan Review

Chapter 17.81 SITE AND BUILDING PLAN REVIEW

17.81.010 Definitions.

As used in this chapter, the following terms are defined:

- A. "Existing use" means that use, or uses, to which a parcel of land is currently subject, or has been subject within two years of the proposal. A lot may have more than one "existing use."
- B. "Improvement" means addition to a site such as, but not limited to, utility lines, roadways, walkways, drainage devices, paving, grading and/or excavating which changes the natural topography of the site.
- C. "Modified proposal" means an amended proposal showing modifications which directly address the reasons for its original rejection.
- D. "Normal maintenance or repair" means that work which is necessary or intended to maintain a structure at the same level of soundness, livability and appearance that it originally held.
- E. "Significant change in use of site" means one which creates a change or increase in usage of city utilities, or would cause a different pattern or amount of public use of the structure, available parking or traffic, or increase sources of public nuisance factors.
- F. "Substantial change of appearance of a structure" means modification of the structure's profile (elevation) or footprint that increases the height or width or length of the structure's profile by more than four feet or increases the structure's footprint by more than one hundred twenty square feet, (Ord. 710 § 005, 1994).

(Ord. No. 2012-11-905, 11-26-2012)

17.81.020 Purpose.

The purpose of a site plan review is to ensure:

- A. That all new development is in accordance with applicable standards and regulations;
- B. Compatibility is achieved between new developments, existing uses and future developments;
- C. That development proposals will comply with density requirements and design standards which have been adopted for applicable zoning district(s); with environmental requirements; and with standards of public safety;
- D. Opportunity for public awareness of new development proposals and opportunities for public comment are provided when discretion is exercised in a site plan review.

(Ord. No. 2012-11-905, 11-26-2012)

17.81.030 Title.

The [planning commission city council](#) is designated as the site plan review committee. The site plan review committee reviews site plans referred to the committee as a Type II project review per Chapter 19.10.230. The planning administrator shall decide site plan review for applications specified in Section 17.81.060.

(Ord. No. 2012-11-905, 11-26-2012)

17.81.040 When required.

Site plan review and approval shall be required prior to:

- A. Site preparation, e.g., grading, or construction of improvements;
- B. A significant change in use of a building or other structure;
- C. Construction of any new building or structure;
- D. Remodeling of an existing building, structure, roadway and parking area within the city; or
- E. Significant change in use of a site.

Exceptions.

- 1. All single family uses permitted in RL, R-1, and R-2 ~~R-3~~ zones;
- 2. Minor construction which does not substantially change the appearance of the structure such as:
 - a. Normal maintenance or repair;
 - b. Construction such as roof or siding replacement
- 3. Changes in the use of an existing building from one permitted use to another. At the discretion of the staff, a site plan review may be waived if the overall character or use of the site is not significantly altered by the change in use and anticipated impact of the use does not alter applicable standards.

The provisions of this chapter shall apply equally to public and private projects or proposals, except that city projects shall be exempt from the fee requirements.

(Ord. No. 2012-11-905, 11-26-2012)

17.81.050 Application.

The application shall consist of a project description, a site plan, a preliminary building plan, an environmental checklist, if applicable, and a filing fee. The site plan and preliminary building plan shall be submitted as originals plus four copies. Additional copies may be requested if needed.

- A. Project Description. Shall be a brief description of the development proposal, including the following:
 - 1. Names, addresses and phone numbers of owner, developer and architect or engineer;
 - 2. Proposed use of the land and building: Nature of the business or activity;
 - 3. Existing uses of neighboring lands within two hundred feet of the site;
 - 4. Estimated number of employees at full employment;
 - 5. Estimated number of customers/visitors, describing variations that may occur due to season, etc.;
 - 6. Number and type of deliveries and delivery vehicles;
 - 7. Type of waste and manner of storage and removal;
 - 8. Utilities and volume of use expected;
 - 9. Nuisance aspects, such as noise, smoke, odors, etc.;

(Supp. No. 23)

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10. Hazardous aspects, such as chemicals, heavy metals;
 11. Estimated dates of construction start and completion;
 12. Legal description of the lot or lots; and
 13. Estimated cost of project.

B. Site Plan. Shall be a detailed drawing or drawings containing the following information:

1. Name of owner, developer and architect or engineer;
2. North arrow, scale and title of proposed project;
3. Complete lot or lots, legal boundaries and markers;
4. All existing and proposed buildings and structures showing outside limits and dimensions;
5. Proposed site drainage plan;
6. Existing and proposed utilities;
7. Elevation contours every two feet, or at staff discretion, including maximum extent of grading.

NOTE: a grading and erosion control plan may also be required at discretion of city staff;

8. Location and design of signs;
9. Refuse storage areas with screening provisions;
10. Landscaping;
11. Sufficient clear space on the face of the plan to accommodate the city stamp, in event of approval (three inches by three inches);
12. All existing and proposed means of vehicular and pedestrian ingress and egress to and from the site and structures, the size and location of driveways, streets, roads, curbs, parking lots and pedestrian pathways and sidewalks, and bike paths;
13. Natural features;
14. Fences, light poles, and exterior light fixtures.

C. Building Plan.

1. Preliminary floor plans, elevations and descriptive sections of all proposed buildings and structures. Materials and finishes shall be indicated. The preliminary plans shall be sufficiently detailed to show the size, shape, uses and character of the intended buildings and structures.

Note: Complete and detailed plans and specifications for all proposed buildings and structures shall be submitted to the city building official at the time of applying for building permits for the approved proposal or portion thereof.

- D. Environmental checklist, unless the proposed project is exempt under SEPA Rules, an environmental checklist must be completed and submitted to the city along with the applicable fee. This fee is nonrefundable.
- E. Other Permits. Final approval of the site and building plan review will be contingent upon issuance of any other applicable environmental permits, such as shorelines, hydraulics, septic tank and water quality permits.
- F. Filing Fee. An application fee as set forth in Chapter 3.3[6] of this code for site plan review is required at the time of submittal of the proposal.

(Ord. No. 2012-11-905, 11-26-2012)

17.81.060 Review process.

- A. An application for a site and building plan review ~~may shall~~ be processed according to Type I-b by the Planning Administrator or their designee after a determination regarding land use decisions established in Chapter 19.10, Land Use Administrative Procedures for ~~projects that~~ the following:
- ~~1. Comply with the permitted uses for the subject zone district~~ Site preparation, e.g., grading, or construction of improvements;
 - ~~2. Do not include a use classified as a use permitted subject to site plan review~~ Remodeling of an existing building, structure, roadway and parking area within the city; and
 - ~~3. Clearly require no modification or alteration of applicable standards.~~ Short plat subdivisions in residential zones.
- The Planning Administrator or their designee may choose to elevate an application to Type III review before the city council at their determination for any reason.
- B. An application for a site and building plan review shall be processed according to Type III land use decisions established in Chapter 19.[10], Land Use Administrative Procedures for projects that include:
- ~~1. Include a use classified as a use permitted subject to standards and/or site plan review; A significant change in use of a building or other structure;~~
 - Construction of any new building or structure;
 - Involve a Planned Unit Development (PUD) or other review process triggering the need for a binding site plan; Require modification to or variation of a standard;
 - Requiringe a change in zone; ~~or~~
 - ~~5. Include a use classified as a conditional use in its zone district~~ Short plat subdivision in a Commercial zone;
 6. Significant change in use of a site; or
 7. Include a use classified as a conditional use in its zone district
- C. In addition to review under all requirements of Chapter [19.10], based on comments from city departments and applicable agencies, the city shall review the proposal subject to the criteria contained in this chapter, and shall approve any such proposal only when consistent with all of the provisions of this chapter.
- D. Amendment of Site Plan. A site plan approved by the city may be amended by the same procedures provided under this chapter for original plan approval. The fee may be waived for amendments submitted within one year of the date of approval on the original site plan and for relatively minor new work including, but not limited to work such as, a fence, refuse enclosure, or other minor changes. If a building permit has been issued for an approved project, an amended site plan shall require a new building permit unless waived by the building official, (Ord. 839 § 3, 2003: Ord. 710 § 040, 1994).

(Ord. No. 2012-11-905, 11-26-2012)

17.81.070 Optional phased development plan.

- A. Whenever a planned use of land is to be implemented in phases over a period of years, the applicant shall request review and approval of the phased development plan.

(Supp. No. 23)

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- B. In the case of a phased development, each phase shall be subject separately to the two year performance standard provided in Section 17.81.090 unless a modified time frame is expressly stated in the land use decision approving the project. The starting and completion dates of each phase shall be stated in the application, (Ord. 710 § 050, 1994).

(Ord. No. 2012-11-905, 11-26-2012)

17.81.090 Expiration of approval.

The approval of a site and building plan shall be revoked and nullified if within two years of the date the city approved the plan, construction has not been started or is not substantially completed, (Ord. 710 § 070, 1994).

(Ord. No. 2012-11-905, 11-26-2012)

17.81.100 Extension of approval.

The approval of a site plan may be extended for another year provided that:

- A. Within the initial two year approval period, the applicant requests in writing a time extension, stating his reasons for the extension request; and
- B. No change has been made in the plan; and
- C. No significant change has been made to the standards and criteria applicable to the proposed application since its original submittal; and
- C. A fee may be charged by the city in accordance with the city fee schedule at the time extension is made.

(Ord. No. 2012-11-905, 11-26-2012)

17.81.110 Approved site plan is binding—Penalty.

- A. Any development or use which fails to conform to the approved plan shall be a violation of this chapter punishable as provided in [Chapter] 17.92, below. Upon verification by the city building official that development has proceeded or a use or structure has been altered in a manner so as not to conform to the finally approved and signed plan, he shall issue and enforce a stop-work order halting any and all construction on a lot, parcel, or tract of land and/or enforcement proceedings may begin.
- B. Any use of land which requires site and building plan review and approval as provided in this chapter, for which such review and approval is not obtained shall constitute a violation of this chapter. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, occupy, or maintain any building or structure in the city, or cause the same to be done, contrary to, or in violation of any of the provisions of this chapter.

(Ord. No. 2012-11-905, 11-26-2012)

17.81.120 Utility construction.

The developer shall be responsible for construction of all utilities within the boundaries of the proposed development. Where connection with public infrastructure is planned the method and design of connection shall be approved prior to construction and will be subject to inspection while the point of connection is still easily visible.

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File Attachments for Item:

4. Edits to WSMC Ch. 17.75 R-PUD Residential Planned Unit Developments

Chapter 17.75 RESIDENTIAL PLANNED UNIT DEVELOPMENT (R-PUD)

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;
- 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;
- 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.;
- 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.

(Ord. No. 2012-11-905, 11-26-2012; Ord. No. 2016-10-994, § 1, 10-19-2016)

17.75.015 Permitted location and size of R-PUD.

R-PUDs may be permitted in any residential zone on a parcel or contiguous tract of two acres or more.

(Ord. No. 2012-11-905, 11-26-2012; Ord. No. 2016-10-994, § 1, 10-19-2016)

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.

(Ord. No. 2012-11-905, 11-26-2012)

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 [prior to final plat recordation](#).

(Ord. No. 2012-11-905, 11-26-2012)

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) 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 .
 - 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.

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- 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-eighty~~ percent of Klickitat County median household income), with appropriate recorded CC&Rs or deed restrictions 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 a~~ R-PUD homeowners' association pursuant to RCW Chapter 64.38, ~~or through a development agreement with an authorized and willing entity per RCW 36.70B.170 and this chapter. If a homeowners' association is required t~~The landowner shall establish a Washington nonprofit corporation ~~for the R-PUD homeowners' association and w~~. 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.

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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.

(Ord. No. 2012-11-905, 11-26-2012; Ord. No. 2016-10-994, § 1, 10-19-2016)

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. [Building design may be met through the provision of clear design guidelines.](#)
- 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.

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- 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.

(Ord. No. 2012-11-905, 11-26-2012)

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. [Preliminary 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;

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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 [or development agreement](#) 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.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)

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 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 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.

(Ord. No. 2012-11-905, 11-26-2012; Ord. No. 2016-10-994, § 1, 10-19-2016)

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.

(Ord. No. 2012-11-905, 11-26-2012)

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.

(Ord. No. 2012-11-905, 11-26-2012)