

**PROPOSED Chapter 18.401:  
PLANNED UNIT DEVELOPMENTS**

**Sections:**

- 18.401.010 - Purpose.
- 18.401.020 - Applicability.
- 18.401.030 - Permitted uses.
- 18.401.040 - Information requirements.
- 18.401.050 - Approval procedures.
- 18.401.060 - Modified final PUD.
- 18.401.070 - Constrained lands, parks and trails.
- 18.401.080 - General conditions.
- 18.401.090 - Site plan requirements.
- 18.401.100 - Limits on modifying standards.
- 18.401.110 - Time Requirements and Extensions.
- 18.401.120 - Bonding and enforcement.
- 18.401.130 - Parties bound.
- 18.401.140 - Homeowner association.
- 18.401.150 - Building permits.
- 18.401.160 - Recording.
- 18.401.170 - Revocation.

**18.401.010 - Purpose.**

The purpose of the planned unit development (PUD) approval process is to allow flexibility in site planning, building design, open space, parks and trails, circulation facilities and other features, while providing for the orderly development of the city consistent with the RUACP and the following objectives:

- A. Allow for planned development equal to or superior to traditional lot-by-lot subdivisions by providing for a mixture of single-family or multifamily residential buildings, including but not limited to single-family homes, townhouses and condominiums in one development that are architecturally and spatially compatible;
- B. Promote flexibility, variety and innovation in site and building design subject to provisions of this chapter. Buildings in groups shall be related by common materials and roof styles, but contrast shall be provided throughout the site by the use of varied materials, architectural detailing, building scale and orientation;
- C. Encourage efficient street design, utility systems and public services and uses of land that could include development clustering;
- D. Provide and ensure preservation and enhancement of usable open spaces, parks and trails;
- E. Ensure that pedestrian and vehicular circulation facilities, parking facilities and other pertinent amenities are an integral part of the landscape and provide a safe integration of pedestrian, bicycle and vehicular traffic;
- F. Ensure that recreational areas (active and passive) generally are dispersed throughout the development and easily accessible from all dwelling units;

G. Preserve and enhance natural vegetation and natural landscape features of the site; avoid development on steep slopes, wetlands and riparian areas; and protect and enhance critical fish and wildlife habitat areas, pursuant to Chapter 18.280;

H. Maintain surface water and groundwater quality through employment of best management practices and recent science in planning and designing stormwater drainage systems that are uniquely adapted to the site and the affected environment;

I. Provide for a multi-modal transportation system;

J. Provide for the transition of new developments into the existing community through innovative design, screening, buffering, building setbacks and other measures to assure compatibility with existing zoning and plan districts, and adjacent existing neighborhoods. (*Ord. 743 § 1 (part), 1999*).

#### **18.401.020 - Applicability.**

The PUD process is discretionary on the part of the applicant. All PUDs shall be reviewed under Type III procedures, in accordance with Chapter 18.310, Review Procedures. PUD proposals which include mixed-use development shall be finally approved through a Type III review by the city council after recommendation from the review authority. (*Ord. 743 § 1 (part), 1999*).

#### **18.401.030 - Permitted uses.**

A. Where the proposed uses are permitted outright in the underlying zone, the review authority shall approve the proposed development, or approve it with conditions designed to mitigate identified impacts, provided that the proposal meets the criteria and standards of this chapter.

B. PUD approval involving uses that are not permitted outright or conditionally in the underlying zone is discretionary. Such uses may only be approved by the city council after consideration of the recommendation of the review authority and adoption of a finding that the proposal is consistent with the policies of the RUACP.

C. Short plat residential PUD. A PUD consisting entirely of four or fewer residential dwelling units shall be exempted from review under this chapter.

D. Land divisions. Whenever the division or re-division of property for the purpose of sale, lease or transfer of ownership is proposed, the applicant must also meet the requirements of Chapter 18.600, Subdivisions—General. Modifications to subdivision standards may be approved by the review authority or city council in accordance with Chapter 18.350 and Chapter 18.401. (*Ord. 743 § 1 (part), 1999*).

#### **18.401.040 - Information requirements.**

The planning director shall not consider an application for a PUD unless it satisfies all of the requirements of this section. The review authority shall not accept an application which proposes development, other than required public facilities, on unbuildable land as defined in Chapter 18.280. Accuracy of all data and information submitted on or with a preliminary development plan shall be the responsibility of the applicant. The review authority shall determine whether an application is technically complete, pursuant to Chapter 18.310, and shall thereafter process an application.

A. Preliminary PUD application requirements. An application for a preliminary PUD shall include one original and three paper copies of all application materials, as well as electronic copies of all materials that include graphic and text files. The applicant shall provide a proposed site development and conservation plan which shall include (but is not limited to) the following:

1. The proposed boundaries and legal description of the property to be developed, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
2. The proposed functions, size, percentage of lot coverage, grades, landscaping and method of maintenance for common or dedicated open space, parks and trails upon completion of the project;
3. A rendering and conceptual development plan showing all single-family and multifamily residential and nonresidential structures, if any, including proposed building footprints, floor plans and unit sizes of typical dwelling units, and showing typical architectural styles and proposed elevations when viewed from the street(s) or from adjacent properties;
4. Concept plan showing all proposed improvements and natural features, including (but not limited to):
  - a. Recreational facilities, parks and trails,
  - b. Existing site features to be retained and removed (natural slopes, stands of trees, etc.), walls, fences, refuse areas, streets, sidewalks, paths, landscaping (including the means to provide permanent maintenance to all planted areas and open spaces),
  - c. Areas proposed to be conveyed, dedicated or reserved for parks, parkways, trails, playgrounds, common open space, public buildings and similar public and semipublic uses,
  - d. Proposed building areas and densities, setbacks and height,
  - e. Topographical maps of existing and proposed terrain showing a maximum five-foot contour interval where slopes equal or exceed twenty-five percent and a maximum two-foot contour interval where slopes are less than twenty-five percent, including one hundred-year floodplains (identified under the National Flood Insurance program),
  - f. All existing and proposed utility systems, including sanitary sewers, water, electric, gas and telephone lines, public facilities and storm drainage collection, conveyance and treatment systems,
  - g. Proposed public transit facilities and the location and dimension of all off-street parking facilities (public and private),
  - h. The proposed location, size and means of access of all public and semipublic sites if applicable (e.g., private schools, churches, etc.),
  - i. Proposed building envelopes, proposed streets, proposed site grading plan including cut and fill areas and site elevations after development, and existing native vegetation (including all trees of six inches in diameter at five feet above ground level, and

vegetation communities map which describes characterizing species) where development or streets are proposed in areas designated as critical areas,

j. Calculations of the absolute area and the percentage of the site which is included in the critical areas maps, including but not limited to wetlands and wetland buffers, fish and wildlife habitat areas, areas subject to landslides or slumping, stream corridors and riparian areas, 100-year floodplain areas, zero to 14 percent slope, 15 up to 24 percent slope, and 25 percent slope and greater,

k. Calculations of buildable land to be dedicated as public right-of-way and land reserved for open space, parks and trails,

l. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the development and to and from existing thoroughfares, including roads, electric vehicle travel ways and trails, and any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern,

m. Information on a map which shows the development in relation to the surrounding area and its uses, both existing and proposed, including land uses, zoning classifications, densities, circulation systems, public facilities and unique and sensitive natural features of the adjoining landscape, and

n. The proposed lot dimensions, yard setbacks and treatment of the perimeter of the PUD, including materials and techniques such as screens, fences and walls;

5. Geotechnical and environmental reports required by the city engineer or planning director;

6. A tabulation of the percentage of total building coverage and additional impervious surface area coverage on critical areas;

7. A determination of buildable and unbuildable areas and a tabulation of densities within each project area, phase or sector as prescribed in Section 18.401.080(A)(B);

8. A narrative justification for the density bonus, if any, requested by the applicant;

9. A proposed phasing and/or timing schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed;

10. Intent as to final ownership, including plans for rental, sale or combination;

11. A narrative explaining how open spaces, parks and trails or public facilities will be managed;

12. A copy of provisions to assure permanence and maintenance of common open space and common recreation areas and facilities through restrictive covenants, a homeowners' association or similar association, condominium development or other means acceptable to the city (e.g., dedications and easements); and

13. Compliance with Chapter 18.810, Environmental Standards, by filing of a SEPA checklist.

B. Final PUD application. An application for a final PUD shall include a site development plan which shall contain (but is not limited to) all of the following:

1. Final and complete set of plans, specifically showing all requirements contained in Section 18.401.040(A);
2. Road, drainage and utility plans with recommendations by the city engineer;
3. Assurance of building code compliance with recommendations by the city building department;
4. Assurance of fire code compliance with recommendations by the fire marshal;
5. Documentation of compliance with any conditions of approval required by the review authority;
6. Maps showing existing and finished contours at two-foot intervals, provided, however, that five-foot contours shall be sufficient for unbuildable areas where no development is proposed;
7. Submission of declaration of covenants, conditions and restrictions for the planned unit development;
8. Documentation of bonding or other security in compliance with Section 18.401.120;
9. Binding site plan and other documentation required by Sections 18.401.130 and 18.401.160; and
10. Documentation of compliance with Chapter 18.810, Environmental Standards.
11. Documentation of compliance with the Subdivision final plat process.

*(Ord. 743 § 1 (part), 1999).*

**18.401.050 - Approval procedures.**

A. Pre-application conference. Prior to making application, the applicant shall participate in a pre application conference held pursuant to RDC 18.310.030. The conference is mandatory and may not be waived.

B. Community information meeting. Prior to submitting an application for preliminary PUD, the developer shall host a community information meeting, in a workshop format. The community information meeting shall be required for any proposed PUD located in a residential zone or within 200 feet of a residential zone. At this meeting the applicant shall present the development proposed to interested residents. Information shall reflect updated studies and concepts based on input of the pre-application conference. Notice shall be given in the local newspaper of record at least ten days prior to the meeting date. Written notice, including a fact sheet describing the proposed plan of development, shall be mailed first-class to all property owners within a radius of not less than 300 feet of the exterior boundary of the property subject to the application and a copy shall be posted in City Hall in the customary place. A copy of all the information intended for use at the meeting shall be available at the City Hall for public review at least ten days prior to the meeting date. Any alleged failure of any property owner to actually receive the notice of meeting shall not invalidate the proceedings.

C. Preliminary development plan review.

1. An applicant shall submit a PUD application and SEPA checklist pursuant to Section 18.401.040. The application shall address the entire property and shall include the information and guidance from the pre-application conference and community workshop.
2. The planning director shall make a determination of technical completeness, pursuant to Chapter 18.310.050 and shall consider the recommendations from the community information meeting.
3. If, after the planning director determines the application to be technically complete, the applicant makes major modifications to the proposed PUD, the planning director may toll the 120-day decision clock to allow the public an opportunity to review and comment on the proposed modifications. A modification will be considered major or minor consistent with the provisions of RDC 18.401.060(B). If the application is determined to be a major modification the planning director shall conduct a new review for technical completeness.
4. The city clerk shall provide public notification of the determination of major modification in the local newspaper of record and shall mail the notice to property owners within 300 feet of the proposed site boundaries.

D. Hearings requirements.

1. Each preliminary development plan shall require a public hearing pursuant to Chapter 18.310.080. At the public hearing the applicant will present the preliminary PUD development plan and the other technical documents pertaining to the application.
2. A decision of the hearing examiner shall be final and is subject to appeal pursuant to Section 18.310.100.
3. If the proposed PUD includes mixed-use development, the hearing examiner shall make a recommendation for action to the Ridgefield city council. The city council shall review the application on the record, and shall issue a final decision within 30 days after the hearing examiner has forwarded its recommendation to the city council.

E. Final development plan. Where the PUD request involves a subdivision of land, within five years following issuance of a final decision on the preliminary plan, the applicant shall submit a final development plan in accordance with the requirements of Section 18.401.040(B), together with any required SEPA documentation, to the planning director. Where the PUD request does not involve a subdivision of land, within three years following issuance of a final decision on the preliminary plan, the applicant shall submit a final development plan in accordance with the requirements of Section 18.401.040 (B), together with any required SEPA documentation, to the planning director.

1. An extension of time for development permit application may be made in writing by the applicant. The planning director may grant no more than one extension of time for a period not to exceed one year if:
  - a. Unforeseen circumstances or conditions necessitate the extension of the preliminary development plan;
  - b. Termination of the preliminary development plan would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and

c. An extension of the preliminary development plan will not cause substantial detriment to existing uses in the immediate vicinity of the subject property or to the community as a whole.

2. If the city does not issue a development permit within the applicable period, including an extension of time, the PUD approval shall become null and void and shall not take effect.

3. Final approval/disapproval of the final PUD shall be made by the city council. A public hearing is not required if the final development plan does not vary substantially from the previously approved preliminary development plan. If substantial modifications are proposed, the provisions of Section 18.401.060(B)(2) shall apply. If the final plan complies with the approved preliminary plan, required SEPA mitigation measures and all other standards of this code, the final plan shall be approved.

*(Ord. 743 § 1 (part), 1999).*

**18.401.060 - Modified final PUD.**

A. After final approval of a preliminary PUD, an applicant may submit an application for a modified final approval with the planning director.

1. The planning director may approve minor adjustments to the approved preliminary PUD through a Type II decision making process. (See Chapter 18.310.070)

2. The hearing examiner shall approve or disapprove a final PUD with major modifications at a public hearing, conducted consistent with RDC 18.310.080, and shall issue a final decision within one hundred twenty days of application for modification. The criteria for a major modification shall be those criteria covering the original approval of the permit which is subject to the proposed modification request.

3. An applicant shall not commence construction until the appropriate review authority approves a modified final PUD.

B. The planning director shall determine whether a minor modification or major modification is required, based on criteria below. A minor modification shall not result in a deviation to a numeric performance standard of more than 10 percent.

1. Minor modification. The planning director may approve minor modifications to an approved preliminary or final PUD. Modifications are deemed minor if all the following criteria are satisfied:

a. The modification will not result in more than a 10 percent reduction in the amount of landscaping, buffering and open space, or the relocation of open space;

b. No more than a 10 percent reduction in the amount of parking is proposed;

c. No more than a 10 percent reduction of any landscape buffer, in width or density of planting, between the development and adjoining properties is proposed;

d. No more than a 10 percent increase in the total ground area covered by buildings or other impervious surfaces is proposed;

- e. No more than a 10 percent change in the preservation of trees or other unique natural features which were required to be preserved by the preliminary PUD approval is proposed;
- f. No structures are relocated closer to the perimeter of the site, to water bodies or to sensitive areas; and,
- g. No increase in traffic volumes or change in traffic patterns is proposed.

Examples of minor modifications include but are not limited to lot line adjustments, minor relocation of buildings or landscaped areas, minor changes in phasing and timing, and minor changes in elevations of buildings.

2. Major modifications. Major modifications are those adjustments which change the basic design, density, use, open space, appearance from streets or adjoining properties or other similar requirements or provisions. Major modification review is triggered if the applicant proposes to add additional land, increase density, increase the number of dwelling units or lots, change the location or number of access points, or substantially increases traffic volumes or a change in traffic pattern. Major modifications shall be processed as a Type III review pursuant to Chapter 18.310. (*Ord. 743 § 1 (part), 1999*).

#### **18.401.070 - Constrained lands, parks and trails.**

A. Constrained land. Constrained land is land on slopes of 15 to 24.99 percent that is not subject to the provisions of RDC 18.280, Critical Areas Protection. Critical areas and buffers shall be mapped and avoided consistent with the provisions of RDC 18.280. The review authority may permit development on constrained land, subject to the following special standards:

- 1. Existing tree canopy and native vegetation (as defined in the Ridgefield native plant list in RDC 18.830) on constrained land shall be retained wherever practicable through careful placement of building envelopes and conservation easements, or other effective means in accordance with standards of Sections 18.280.080(B) (5) and 18.280.050(B)(2).
- 2. Because constrained lands require additional grading and fill to create buildable areas, the topography, hydrology and habitat value of constrained lands could be altered significantly during site development. Consequently, for every acre (rounded upwards) of constrained used for development purposes, the developer shall provide developed parks and trails at the following ratios:
  - a. One acre of developed park land for every acre of constrained lands developed;
  - b. One quarter mile of developed trails for every acre of constrained developed; or
  - c. A combination of the developed park land and developed trails.
- 3. The planning director shall consult with the Ridgefield Parks Board about the location and type of park or trail best suited to the site.
- 4. The required park and trail area is necessary to offset impacts to constrained lands. Therefore, the development of these amenities is site specific and not eligible for park impact fee credits.

5. All parks and trails shall be built to Ridgefield Engineering Standards.
  5. The city may accept dedication of these parks and trails at its discretion.
- (Ord. 743 § 1 (part), 1999).*

**18.401.080 - General conditions.**

A. Residential Density.

1. The minimum density of residential development for any PUD shall be based on the allowable density for the underlying zoning district.

B. Open space. Every PUD shall provide a minimum of 25 percent of the total site area for common open space which shall be used for the collective enjoyment of occupants of the development. Open space shall not include public or private streets, driveways, parking areas, or the required yards for buildings or structures.

1. Open space areas may not be computed to include any submerged lands.
2. At least 50 percent of the required open space area, which is also not used for utility facilities, including storm water management, must be usable for active or passive recreation.
3. Open space within the PUD is to be designed as an integrated part of the project rather than an isolated element of the project. It should be dispersed within the development such that it is available for the enjoyment of the residents in an equitable manner.
4. Open space may contain such structures and improvements as are necessary and appropriate for the out-of-doors enjoyment of the residents of the PUD.
5. All dwelling units within the PUD must have legal access to the proposed area for dedication at the time of final PUD approval. Private or access roads, trees or other landscaping may separate the area proposed for dedication. However, access should not be blocked by major obstacles such as arterials or collectors, canyons, ravines or other obstructions.
6. Areas dedicated for active recreational open space shall have reasonable access from street frontages. Design measures should accomplish the purposes of access and security.
7. The developer shall provide a bond or other financial assurance acceptable to the city council that any improvements made in the common open space will be completed. The city shall release the bond or other assurance when the improvements have been completed in accordance with the development plan. (See Section 18.401.120.)
8. All developed open space areas shall be landscaped in accordance with the landscaping plan submitted by the applicant and approved by the city. Natural landscape features which are to be preserved, such as existing trees, drainage ways, etc., may be accepted as part of the landscaping plan.
9. Before approval of the final development plan may be granted, the developer shall submit to the city covenants, deeds and/or homeowners association bylaws and other documents guaranteeing maintenance, construction and common fee ownership, if applicable, of open space, community facilities, private roads and drives, and all other

owned and operated property. These documents shall be reviewed and approved by the city attorney to insure that they comply with the requirements of this chapter prior to approval of the final development plan by the city. Such documents and conveyances shall be recorded with the county auditor as a condition of any final development plan approval. (See Section 18.401.140.)

C. Density bonus for additional parks and trails.

1. A PUD may increase density on buildable land, not constrained land, above the maximum density permitted in the underlying zone, by up to 20 percent over the maximum allowable net residential density by providing by parks and trails consistent with the provisions of RDC 18.401.070, Constrained land parks and trails.
2. The park and trail area provided shall be in addition to the 25 percent open space requirement in RDC 18.401.080.2.
3. The density bonus is only available for park and trail areas open to the general public.

D. Perimeter compatibility.

1. The development of the perimeter of the PUD shall achieve substantial compatibility with the existing and planned development of the abutting area so that there will be a graduated transition between the existing and new development. The review authority may require inclusion of such features as screening, fencing, landscape design or walls to achieve compatible perimeter boundaries.
2. Within a PUD, only detached single-family dwellings or platted open space shall abut any property line external to the proposed PUD where the abutting property is less than five acres and the platting of the abutting property into less than five acres predates the proposed PUD.
3. Building yard setbacks, for lots abutting the exterior boundary line of the PUD area or across a public right-of-way from a PUD boundary shall be comparable to and/or compatible with those of the existing or future development of the adjacent properties; provided, however, that lot size and yard setbacks for lots abutting the perimeter shall not be less than that permitted in the underlying zone.
4. If adjacent property is undevelopable under this title, the review authority may reduce the perimeter lot size and building setback requirement to the minimum standards permitted in this chapter and may also reduce or eliminate requirements for screening of the affected perimeter area.

E. Phased Development. Phased development of any PUD may be permitted provided that:

1. A phasing schedule is provided as part of the application;
2. The total development for the project is completed within the time limit for the approval of the final development plan (See Section 18.401.110); and
3. Bonding or other assurances acceptable to the city council are provided by the developer that guarantees that all common open spaces, recreation spaces and other public or common utilities, streets and facilities approved in the final PUD shall be constructed and maintained. (See Section 18.401.120). (*Ord. 743 § 1 (part), 1999*).

### **18.401.090 - Site plan requirements.**

The development standards in this chapter are intended to accomplish the following design criteria objectives in all PUDs. The applicant shall bear the burden of supporting any change in requirements. If a modification of any criteria is proposed, the applicant must provide justification, including clear demonstration that the proposed modification complies with the purposes of this chapter as stated in Section 18.401.010. The city may increase any requirement necessary to make the project conform to the purposes of this chapter.

A. Natural landscape. Open spaces, pedestrian and vehicular circulation facilities, parking facilities and other pertinent amenities shall be an integral part of the landscape, and particular attention shall be given to the retention of natural landscape features of the site.

B. Facilities and utilities. The layout of structures and other facilities shall effect a conservation in street and utility improvements.

C. Recreation. Recreational areas (active and passive) shall be dispersed throughout the development and shall be easily accessible (not more than one-quarter mile distance) from all dwelling units.

D. Improvements and amenities. Every PUD shall make adequate provision for utilities, drainage, lighting, pedestrian and vehicular circulation and access, public safety, landscaping and accommodation of environmentally sensitive features and other similar items. With respect to drainage:

1. All lots shall be provided with adequate storm drainage connected to the storm drainage system of the city or other system approved by the city engineer; and
2. When there is a need to use a stream for stormwater control purposes, public improvement and maintenance easements at least twenty feet wide shall be provided for storm drainage, and when possible, such easements shall be located along the centerlines of such facilities.

E. Street design. All streets shall be constructed consistent with city of Ridgefield Engineering Standards, except as explicitly modified below or through a modification of standards approved through the subdivision review process.

1. Within the PUD, local street pavement widths may be reduced from standard street widths to 20 feet for one-way traffic or 28 feet for two-way traffic provided that all the following conditions are fulfilled:
  - a. On-site parking shall be provided which is functionally convenient to dwelling units, and which is at least equal to the underlying zone requirement plus one stall per unit for guest parking;
  - b. At least four on-site spaces shall be provided for each single-family residential dwelling unit (two in a garage and two in front of the garage), and multifamily units shall provide a minimum of three parking spaces per unit;
  - c. One-way streets or loop streets with one access point shall serve no more than 15 single-family residential units and will be no more than 1,000 feet long, and one-way streets shall be signed at every intersection;

- d. On-street parking shall be limited to one side of the street, and "no parking" or "fire lane" signs shall be required;
- e. There shall be provided, through covenants or other legal means, assurance of permanent maintenance of private streets and parking areas;
- f. All areas that are to be occupied or traveled over by motor vehicles shall be paved and constructed to city standards; and
- g. Where there is no reasonable alternative except to allow a street through sensitive lands, and abutting lots do not take access directly from this street, parking lanes shall not be required.

2. Each access street to the project which intersects an off-site collector or an arterial street (such as Hillhurst Road, NW 269th Avenue, or the proposed northern east-west collector) shall be via a residential access street and shall meet residential access street width requirements as defined in the city of Ridgefield engineering standards. The review authority may consider and may require additional turning or queuing lanes at such intersections if public safety would otherwise be compromised. If the intersecting residential access street functions as through street to other subdivisions or off-site roads, the applicant may not reduce the design standards of the through access street. If the access street is not a through street, and the applicant submits studies acceptable to the review authority which quantify and document queuing and public safety impacts, the design standards of the access street may be reduced. No reduction in design standards will be allowed at the intersection of the access street and the collector or arterial street.

F. Multifamily and commercial off-street parking. Except as modified below, off-street parking shall be as required in Chapter 18.720. Parking shall be located in the rear or side of multifamily residential and all nonresidential structures. A minimum of five feet of landscaped area shall separate parking lots from adjoining buildings streets. Large continuous parking areas shall be avoided, and at least one parking space in ten shall be a landscaped island.

G. Attachment of conditions. In conjunction with the approval of a preliminary PUD, final PUD or modified final PUD; conditions shall be attached which will assure that the property will be developed and maintained in accordance with this title, other applicable state or federal statutes or regulations, and the approved development plan and subdivision plat. (See Section 18.401.120.)

H. Perpetual maintenance. All improvements and amenities that are held in common and are part of the PUD shall be perpetually maintained in a good, safe and serviceable condition at no expense to the city. The city shall have the right to compel the maintenance of such improvements, amenities or common areas if the review authority finds that the public health, safety or welfare may be compromised unless such maintenance is completed. The documents necessary to provide assurance of perpetual maintenance shall be approved by the city attorney. (See Section 18.401.120.)

I. Minimum frontage. Each lot used for single-family residential purposes shall have a 35-foot minimum frontage on a public or private street. Each lot used for multifamily residential purposes shall have a 25-foot minimum frontage on a public or private street.

J. Minimum yards and setbacks. The minimum setbacks of the underlying zone shall apply to lots abutting exterior project boundaries. For interior lots, yards (building envelopes) shall be as approved on the PUD site development plan. In its recommendation, the review authority is to consider whether minimum distances between structures adequately ensures that each room has adequate light and open space. Building spacing may be reduced where there are no windows or very small window areas and where rooms have adequate provisions for light and air from another direction; provided, that minimum distances required by the Uniform Building Code and the Uniform Fire Code shall be met.

K. Maximum building height. A building or structure within a PUD shall not exceed 35 feet in height as measured from the established grade of the building.

L. Maximum coverage. Building coverage and development coverage of individual lots may exceed the percentage permitted by the underlying zone, provided that overall coverage of the project as a whole does not exceed the percentage permitted by the underlying zone.

M. Signage standards. Signage standards for uses in the PUD shall be as provided in Chapter 18.710.

N. Storage standards. All storage in the PUD shall be within a closed building, except for the storage of retail products which are for sale or rent which may be stored outdoors during business hours only, and not within any required front or side yard nor in any public or private street, road right-of-way or pedestrian circulation route. The review authority may approve screened outdoor storage of recreation vehicles, boats or similar items of property.

O. Refuse storage. All outdoor trash, garbage and refuse storage areas shall be screened on all sides from public view and, at a minimum, be enclosed on three sides with a five and one-half foot high sight-obscuring fence or wall with a sight-obscuring gate for access.

P. Mechanical equipment. All rooftop mechanical equipment shall be placed behind a permanent screen, completely screened from public view.

Q. Utilities. All utilities shall be underground.

R. Pedestrian circulation facilities. Within the PUD, sidewalks shall be constructed in accordance with city of Ridgefield engineering standards. Pedestrian trails which connect to the city or county trail system and which will reasonably be used by residents or employees of the PUD shall be dedicated and constructed at the developer's expense. The cost of such dedication and construction of trail components listed as a system-wide project on the Ridgefield Capital Facilities Plan may be credited against, but shall not exceed, the amount charged for city park impact fees, pursuant to Chapter 18.070. Additional interior pedestrian facilities shall be required to connect with planned trail systems, including improvement or creation of public accessways to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks comprising a network of public paths which shall be:

1. Functionally and safely convenient to each dwelling unit served;
2. Functionally and safely convenient to schools and to industrial, commercial, recreational and utility areas within or adjacent to the project, and functionally convenient to a larger pedestrian circulation system outside the PUD;
3. Sufficiently wide to accommodate potential use; and

4. Lighted for security and safety.

S. Public transit. All PUDs requiring 20 or more parking spaces shall provide transit loading and shelter facilities if so required by the review authority in consultation with Clark Transit (C-Tran).

T. Traffic impacts. The developer shall be responsible for determining traffic impacts and construct improvements necessary to mitigate identified impacts, consistent with service levels established in the Comprehensive Plan, and:

1. Private access to collector and arterial streets shall be minimized;
2. Parallel through streets and contoured grid patterns shall be encouraged; and
3. Until level of service (LOS) levels have been adopted, no development shall exceed LOS of "D" (as defined by the city engineer) during any peak use periods.

U. Attractive streetscapes. The PUD design shall ensure an attractive streetscape, especially along collector and arterial streets, by planting street trees and other vegetative buffers, minimizing the visibility of parking lots and garages, and avoiding the canyon-like effects of walled or fenced subdivisions. Along collector or arterial streets, all buildings shall face the collector or arterial street. The combined height of all fences and berms along collector and arterial streets shall not exceed three and one-half feet.

V. Subdivisions. Except where specifically exempted under this section, the standards and procedural requirements of Chapter 18.600 shall also apply to land divisions.

*(Ord. 836, 2004; Ord. 743 § 1 (part), 1999).*

**18.401.100 - Limits on modifying standards.**

A. The city, using the PUD process, may allow the following development standards to be modified:

1. Building setbacks;
2. Height of non-residential building or structure;
3. Landscaping requirements;
4. Lot size;
5. Lot width;
6. Density;
7. Common open space and recreation areas;
8. Width of street right-of-way and pavement; or
9. On-street parking.

B. The following zoning code requirements may not be varied with the PUD process:

1. Any provisions of this chapter;
2. Standards pertaining to SEPA and development in environmentally sensitive areas;
3. Any provision that specifically applies to development on a regulated slope;

4. Regulations pertaining to uses permitted in the underlying zone;
5. Any provision pertaining to the installation and maintenance of stormwater retention/detention facilities;
6. Any provision pertaining to the installation of public improvements;
7. Any provision regulating signs; and
8. Any provision regulating arterial or collector streets or off-street parking.

*(Ord. 743 § 1 (part), 1999).*

#### **18.401.110 - Time requirements and extensions.**

A. Where the PUD involves a subdivision of land, if no construction has begun within five years of the date of approval of the preliminary PUD, such approval shall automatically expire and all permits and approvals issued shall become null and void, and a new application, subject to the applicable laws and regulations then in effect, shall be required for any development on subject property. The review authority may extend approval for one additional year period if an application for extension is received at least thirty days before the authorization expires. If no construction has begun at the end of this extension the authorization granted for the final development plan shall terminate.

B. Where the PUD does not involve a subdivision of land, if no construction has begun within two years of the date of the preliminary PUD approval, such approval shall automatically expire and all permits and approvals issued shall become null and void, and a new application, subject to the applicable laws and regulations then in effect, shall be required for any development on the subject property.

C. If construction has been commenced but the work has been discontinued for a period of one year or more and an extension of time for completion has not been requested and granted by the review authority, for good cause shown and at its discretion, the authorization shall expire and the land and the structures thereon may be used only for a lawful purpose permissible within the zone in which the PUD is located.

D. The time period of commencing or continuing construction shall not include periods of time during which commencement of construction or continuation of construction was reasonably halted or reasonably delayed due to the filing of a pendant legal action challenging an approval granted by the city pursuant to this chapter; provided, that in all cases, when more than five years have elapsed subsequent to the date of approval of the preliminary development plan, whether due to pendency of litigation, city approved extensions of time for development, or otherwise, the permittee shall be required to comply with all current building, construction, subdivision and other applicable standards of the city; provided further, that a change in zoning classification enacted subsequent to approval of the final development plan shall not affect the project.

*(Ord. 743 § 1 (part), 1999).*

#### **18.401.120 - Bonding and enforcement.**

A. No final PUD, or a phase thereof, shall be implemented until the applicant files with the planning director a bond approved by the city, executed by a surety company authorized to do

business in the state, or other equivalent security approved by the city attorney, in an amount equal to the city engineer's estimate of the cost of all public improvements, improvements made in the common open space, utilities and all landscaping portions of the final PUD, conditioned upon the permittee's completion of such portions of the project according to the approved final PUD and provisions of this chapter, and, in addition, providing that no change, extension of time, alteration or addition to the project will in any way affect the obligation on the bond. Such bond, or an additional bond or other equivalent security, shall also be conditioned upon full restoration of the site in the event that grading, clearing or any other site preparation or work is begun and abandoned, and in the determination of the city, it will better serve the public health, welfare and safety to restore the site rather than to require completion of public improvements, utilities and landscaping.

B. Before acceptance by the city of any improvements, the developer shall file a warranty bond or other suitable security in a form approved by the city attorney and in an amount to be determined by the city engineer guaranteeing the repair or replacement of any improvement which proves defective within a minimum one-year time period after final acceptance of the improvements by the city. The city shall withhold acceptance of the improvements until any required security for completion is filed.

C. Prior to the issuance of any building permit, the developer shall furnish a performance bond to the city equal to a minimum of one hundred fifty percent of the cost of installation of the approved landscaping, such bond to be maintained until all landscaping is completed. A bond shall be provided for the maintenance of such landscaping for a period of three years thereafter. Such landscaping maintenance bond may be waived if another acceptable maintenance arrangement is ensured, such as mandated responsibility by homeowners' association or through condominium bylaws.

D. If the PUD is to be developed in stages, sureties required by this subsection shall be required for the complete PUD.

E. The city may enforce the bonds or other security required by this section according to their terms, pursuant to any and all legal and equitable remedies. In addition, any bond or other security filed pursuant to this section shall be subject to enforcement in the following manner:

1. In the event the improvements are not completed as required, or warranty is not performed satisfactorily, the city engineer shall notify the property owner and the guarantor in writing which shall set forth the specific defects which must be remedied or repaired and shall state a specific time by which such shall be completed.

2. In the event repairs or warranty are not completed as specified in the notice referred to in subsection (E)(1) of this section by the specified time, the city may proceed to repair the defect or perform the warranty by other force account, using city forces, or by private contractor. Upon completion of the repairs or maintenance, the cost thereof, plus interest at twelve percent per annum, shall be due and owing to the city from the owner and grantor as joint and several obligation. In event the city is required to bring suit to enforce maintenance, the developer shall be responsible for any costs and attorneys' fees incurred by the city as a result of the action.

*(Ord. 743 § 1 (part), 1999).*

**18.401.130 - Parties bound.**

A. Once the preliminary development plan is approved, all persons and parties, their successors, heirs or assigns, who own, have or will have by virtue of purchase, inheritance or assignment, any interest in the real property within the proposed PUD, shall be bound by the conditions attending the approval of the development and the provisions of this title.

B. Approved plans for a PUD shall not be transferred to parties other than those who made the application for approval, unless the transfer is approved by the city council upon recommendation of the review authority.

*(Ord. 743 § 1 (part), 1999).*

**18.401.140 - Homeowner association.**

Unless all common facilities, amenities and open spaces are dedicated to the city, every PUD shall have a property owners' association and agreements to fund such an organization as follows:

A. Before approval of the final development plan may be granted, the developer shall submit to the city covenants, deeds and/or homeowners' association bylaws and other documents guaranteeing construction, maintenance, repair, common fee ownership, if applicable, of open space, community facilities, stormwater facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed and approved by the city attorney and planning director to insure that they comply with the requirements of this chapter prior to approval of the final development plan by the city. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the county auditor as a condition of any final development plan approval. (See Section 18.401.160.)

B. A homeowners' association bylaws, once reviewed and approved by the city, shall contain the following provisions:

1. The following clause: "Changes in these documents must be approved by the City of Ridgefield through the City Council or if the council designates an agency or department, by that agency or department." Any changes suggested shall be reviewed by the city attorney, who will make a written report to the city council concerning the effect of the proposed changes. The cost of review by the city attorney will be paid by the homeowners' association;

2. A clause whereby unpaid taxes on all property owned in common shall constitute a proportioned lien on all property of each owner in common;

3. Subject to due process, the city may enforce the terms of the covenants, conditions and restrictions and place a lien on property if the city is compelled to correct a problem which threatens public health, safety or welfare, or is compelled to undertake construction, repairs or modifications necessary to protect or preserve public property or facilities.

*(Ord. 743 § 1 (part), 1999).*

**18.401.150 - Building permits.**

The city shall issue building permits and other permits required for the construction or development of the property under the provision of this section only when the following conditions are met:

- A. In the opinion of the planning director, the work to be performed meets the requirements and conditions of approval of the final plan and program elements of the PUD.
- B. The building permit application must identify the location and dimensions of the proposed building in relation to all lot lines for the site and must provide proposed building elevations.
- C. No vertical construction may take place until the necessary fire flow and emergency vehicle access have been provided to the building(s).
- D. All required improvements have been completed or contracts have been entered into or security guarantees have been approved in Section 18.401.120 such that improvements approved in the final PUD will be completed.
- E. Partial or complete construction of structures shall not relieve the developer from, nor impair city enforcement of, conditions of PUD approval.
- F. Once issued, any building permit shall be valid only so long as there is compliance with the final development plan as accepted by the city. Any deviation from that plan shall operate to automatically invalidate the building permit and shall be a violation of this chapter.

*(Ord. 743 § 1 (part), 1999).*

#### **18.401.160 - Recording.**

The approved final development plan is binding and shall be a restriction on development which runs with the land. A binding site plan of the PUD and accompanying documents, together with covenants running with the land, binding the site to development in accordance with all the terms and condition of approval shall be recorded by the county auditor. *(Ord. 743 § 1 (part), 1999).*

#### **18.401.170 - Revocation.**

The review authority may revoke preliminary approval of a PUD upon a finding that the applicant has failed to comply with the standards and requirements established for the PUD. A PUD shall be revoked only after a public hearing pursuant to Section 18.310.080. The planning director or the superintendent of public works has the authority to stop work on the project or use any other enforcement mechanism or remedy allowed pursuant to the provisions of Chapter 18.390 et seq. *(Ord. 743 § 1 (part), 1999).*