

ARTICLE 41 - PLANNED UNIT DEVELOPMENT (PUD)

(Amended 10/21/85)

Section 41.00 - Purpose & Intent

The purpose of this Planned Unit Development Ordinance shall be to prescribe procedures under which a planned unit development may be submitted for review and approval by Hood River County. The intent of the Planned Unit Development Ordinance is to recognize and provide the following: (a) Permit lowering of land development costs where space devoted to streets, sidewalks and utilities can be reduced; (b) Reduce monotony of individual lot development generated by normal partitioning or subdividing; (c) Permit flexibility by allowing exceptions from standard setback and lot size limitations; (d) Allow greater intensity and density of use in certain locations, while retaining usable common open space; and (e) Allow protection of environmental sensitive areas and protection of the public from hazardous areas.

Section 41.05 - Definitions

- A. Planned Unit Development: The development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations otherwise required by the County Zoning Ordinance.

- B. Common Open Space: An area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general. Common open space land will be maintained in perpetuity.

Section 41.10 - Applicability

- A. Approval of the final planned unit development plan will constitute zoning requirements for the property.

- B. A planned unit development shall be permitted on a tract of land of sufficient size to accommodate a planned unit development pursuant to provisions in Article 41 - Planned Unit Development.

- C. Pursuant to compliance with provisions in Article 41, planned unit developments may be applied to County zoning districts not listed below.
 - 1. A planned unit development is not applicable to land zoned Exclusive Farm Use (EFU) unless a Goal 2 Exception can be justified.

 - 2. A planned unit development is not applicable to land zoned Primary Forest (F-2).

 - 3. A planned unit development is not applicable to lands zoned Environmental Protection (EP), Floodplain (FP) or Geologic Hazard (GH), however lands so designated can be used for computation of density requirements within a

planned unit development.

- D. Planned unit developments proposed in the Forest Zone (F-1) shall provide affirmative findings through documentation that the following provisions are met:
1. All uses either permitted or conditionally allowed in the F-1 Zone are permitted.
 2. The planned unit development will meet the density standard of the F-1 Zone. The density standard is one dwelling per 40 acres, only if all provisions in Article 5 – Forest Zone (F-1) are affirmatively met.
 3. Proposed uses shall comply with provisions in Article 5 - Forest Zone, Section 5.30 - Criteria and Standards for Approval.
 4. The above findings shall be submitted with other information required in Section 41.25 - Preliminary Planned Unit Development Plan Application Requirements.

Section 41.15 - Permitted Uses

- A. Planned Unit Residential Developments: Single-family dwellings, multi-family dwellings, two family dwellings, uses permitted or conditionally allowed in the parent zone, and commercial uses as specified under Section 41.35 - Planned Unit Development Standards.
- B. Planned Professional, Civic, Commercial and/or Industrial Developments: Uses permitted or conditionally allowed in the parent zone and accessory buildings and uses.
- C. Parent Zone: Uses permitted or conditionally allowed in the parent zone.

Section 41.20 - Planning Director's Conference and Review

- A. The applicant shall have a pre-application conference with the Planning Director or his designate.
- B. Based upon the pre-application conference, the applicant shall make a formal application. The applicant is required to pay a filing fee and present affirmative findings addressing applicable provisions in Article 41 - Planned Unit Development. The applicant and Director shall meet and determine whether the requirements in Article 41 have been met.
- C. The Director shall send referrals to applicable agencies, prepare a report and schedule a public hearing before the Planning Commission.

Section 41.25 - Procedure for Review

- A. The procedure for review and approval of a planned unit development requires making application for a conditional use permit and a public hearing by the Hood River County Planning Commission pursuant to provisions in Article 60, Hood River County Zoning Ordinance. The Commission shall determine whether the request is complete and complies with at least the following provisions:
 - 1. Applicable provisions of Article 41 - Planned Unit Development.
 - 2. Applicable elements of the County Comprehensive Plan (County Background Report, County Policy Document, County Subdivision and Zoning Ordinances, County Plan and Zoning Maps).
 - 3. The parent zoning designation.
 - 4. County Planning Department's report and referral comments from applicable agencies, special districts, and the cities of Hood River and Cascade Locks.
- B. Only after affirmative findings are presented addressing the above provisions, shall the Commission approve or conditionally approve the preliminary planned unit development plan. If affirmative findings cannot be made, the Commission will deny the application or require further information to substantiate affirmative findings.
- C. Approval of the preliminary planned unit development shall be binding on both the County and the applicant. However, no construction shall commence on the
- D. The decision of the Planning Commission is final unless an appeal is filed within 15 days with the Director of Records & Assessments, or if three members of the Board of Commissioners order review within 15 days of the Planning Commission's action.

Section 41.30 - Preliminary Planned Unit Development Application Requirements

A preliminary development plan shall be prepared and submitted to the Hood River County Planning Department and include at least the following information:

- A. A letter of intent to initiate a planned unit development.
- B. A written statement setting forth the sources of water supply, methods of sewage disposal, fire protection, means of drainage, dwelling types, non-residential uses, lot layout, public and private access, height of structures, lighting, landscaped areas, lands to be devoted to various uses, and unit densities per net acre and per gross acre.
- C. A schematic drawing, drawn to a minimum scale of one inch equals two hundred

feet (1" = 200') showing the general relationship contemplated among all public and private uses and existing physical features.

- D. A map showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.
- E. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.
- F. A plot plan for each building site and common open space area, showing the approximate location of building structures and other improvements and indicating the open space around buildings and structures.
- G. Elevation or perspective drawing of proposed structures.
- H. A development schedule indicating:
 - 1. The approximate date when construction of the project can be expected to begin.
 - 2. The stages in which the project will be built, and the date when construction of each stage can be expected to begin. Buildings shall conform to the Uniform Building Code as of the date of issuance of the building permit.
 - 3. The anticipated rate of development.
 - 4. The approximate dates when each stage of development will be completed.
 - 5. The area location and degree of development of common open space that would be provided in each stage.
- I. Agreements, provisions or covenants which cover the use, maintenance and continued protection of the planned unit development in any of its common open space areas.
- J. The following plans and diagrams:
 - 1. An off street parking and loading plan.
 - 2. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development, and to and from thoroughfares. Any special engineering features and traffic regulation devices shall be shown.
 - 3. A landscape and tree plan.

K. A written statement which is part of the preliminary plan shall contain the following information:

1. A statement of the present ownership of all land included within the planned unit development.
2. A general indication of expected schedule of development.

L. A letter designating the professional design coordinator.

Section 41.35 - Planned Unit Development Standards

A. Density in Excess of Parent Zone:

1. Planned unit developments proposed in urban growth boundaries may result in a density of 33% in excess of density requirements of the parent zone.
2. Planned unit development proposals outside urban growth boundaries may result in a density 25% in excess of density requirements of the parent zone.
3. If the County finds that any of the following conditions would be created resulting from the above density increases, it will either prohibit any increase in density, or limit the increase in density by an amount, which is sufficient to avoid the creation of any of the following conditions:
 - a. Inconvenient or unsafe access to the planned unit development.
 - b. Traffic congestion in the streets, which adjoin the planned unit development.
 - c. An excessive burden on sewage, water, parks, recreational areas, schools, or other public facilities, which serve or are proposed to serve the planned unit development.

B. Common Open Space Land:

1. Land shown on final development plan as common open space shall be conveyed to an association of owners or tenants, created as a non-profit corporation under the laws of the state. The homeowners association shall adopt and impose articles of incorporation and by-laws, and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continued care of the space. The association shall be formed and continued for the purpose of maintaining the common open space.

2. Open space shall be usable.
3. At least 40% of the gross project area shall be devoted to common open space.

C. Dimensional and Bulk Standards:

1. The minimum lot area, width, frontage requirements otherwise applying to individual building sites in the zone in which a planned unit development is proposed do not apply within a planned unit development. Minimum setbacks from planned unit development exterior property lines as required by the zone shall be maintained.
2. The building's off street parking and loading facilities, open space, landscaping and screening shall provide protection to properties outside the boundary lines of the development comparable to that otherwise required of a development in the zone.
3. The maximum building height shall not exceed building heights prescribed in the zone in which the planned unit development is proposed.

D. Accessory Uses of the Planned Unit Development: In addition to conditional uses and accessory uses allowed in the parent zone, additional accessory uses approved as part of a planned unit development may include the following areas: (1) golf course; (2) private park, lake or waterway; (3) recreation area; (4) recreational building, clubhouse or social hall; (5) other accessory structures which are designed to serve primarily the residents of the planned unit development and are compatible.

E. Combination Commercial/Residential Development:

1. Commercial service supported mainly from the planned unit development on parcels of land, which are suitable for, and of sufficient size.
2. Based upon the Planning Commission's affirmative findings, the uses are primarily for the servicing and convenience of residents within the development and the immediate neighborhood.
3. Commercial uses will not change or alter the predominant residential character of the planned unit development.
4. The amount of commercial use to be established by the Planning Commission.

F. Completion:

1. The applicant must begin and complete the planned unit development within two years of the date of final development plan approval, or within provisions

of an approved phase schedule established by the Planning Commission.

2. If the two year time limit of phasing schedule are not complied with, the PUD shall be reviewed by the Planning Department and a recommendation given to the Planning Commission recommending the planned unit development be revoked, the planned unit development be extended, or that the planned unit development be amended. The applicant shall be given notice of the pending review. The Planning Commission review will be conducted pursuant to Article 60.

Section 41.40 - Approval of Final Planned Unit Development

- A. The final development plan shall be submitted to the Director within six months of the date of approval of the preliminary development plan by the Commission. The Director may extend for six months the period for filing the final development plan. After review, the Director shall approve the final development plan if he finds the plan is in accordance with the approved preliminary development plan.
- B. Deviations from the approved preliminary development plan shall require the plan to be re-examined by the Planning Commission pursuant to Article 60 (public hearing).
- C. Within 30 days after approval of the final development plan, the applicant shall file and record the approved final development plan with the Hood River County Department of Records & Assessments. The final approved development plan shall continue to control the planned unit development after the project is completed.
- D. After the Building Official issues the certificate of completion, no change shall be made in development contrary to the approved final development plan, except as follows: (1) Minor modifications of existing buildings or structures; and (2) A building or structure that is totally or substantially destroyed may be reconstructed.
- E. An amendment to a completed planned unit development may be approved if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the County as reflected by the Comprehensive Plan or related land use regulations. Amendments shall be processed pursuant to Article 60 (public hearing).
- F. Failure to comply with the approved final development plan or any conditions of approval will result in the Commission, after giving notice and conducting a hearing, revoking building permits issued for the final development plan.