



Planned Unit Development

Discretionary Permits

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What is a Planned Unit Development (PUD)?

A planned unit development (PUD) is one or a group of specified uses, such as residential, resort, commercial or industrial, to be planned and constructed as a unit (within an Urban Growth Area short term planning area). Zoning and subdivision regulations related to lot size, building area, etc. may be varied to allow design innovations and special features in exchange for additional and/or superior site amenities or community benefits.

The purpose of a PUD is to:

- Provide mutual benefits to the public and to the proponent by utilizing innovative and efficient land use design and allowing greater flexibility in zoning than is otherwise permitted.
- Encourage creative and coordinated site planning, conservation of natural elements, use of mixed-use development, new technologies and an efficient layout of streets, utilities, etc.
- Encourage the creation of permanent open space and recreation facilities.
- Encourage development that provides a variety of living, working and recreational activities in a manner that is harmonious with surrounding on- and off-site land uses.
- Move toward the attainment of the goals and policies of the Comprehensive Plan.

In other words, by providing certain amenities and meeting certain design criteria, the proponent may qualify for any of the following:

1. **Density increase:** Density refers to the number of units permitted on a particular parcel of land. Density is governed by the availability of public water and sewer. For example, in the Urban Residential 4 (UR4) zone, if public water and sewer are **not** available, the gross density is one dwelling unit per 5 acres of land, regardless of the maximum allowable density under the zone designation. However, in short term planning areas (designated on the zoning map) with both public sewer and water, the gross density **is 4** dwelling units per acre.

The above rule varies from zone to zone. For example in the Residential Rural (RR) zone, the density is calculated on the availability of public sewer **and/or** water. So the higher density may be achieved if the property has either public water or public sewer.

In the case of a PUD, the county may approve an increase in dwelling unit density for residential development, or floor area for commercial and industrial development of not more than 35% greater than that permitted by the underlying zoning, rounded to the nearest whole number.

- a) A 15% increase in base density for meeting the requirements of WCC 20.85 (PUD Section).
- b) A 10% increase in base density for improvements to common open space for the benefit of the future residents. Examples are, swimming pools, tennis courts etc.
- c) A 10% increase in base density for preservation of historically or architecturally significant structures or preservation of natural features. Preservation of wetlands and/or wildlife habitat is a good example.
- d) A 10% increase in base density for the design and construction of energy efficient buildings.
- e) A 10% increase in base density for the use of energy from a renewable source. For example, solar power.
- f) A 15% increase in the base density for the creation and preservation of significant public access on shorelines.
- g) *Transfer of development rights (TDRs) shall be utilized in designated TDR receiving areas before other density bonus provisions can be used.

Note: Density increases are to be treated as additive and not compounded.

2. Lot sizes, building spacing and height, improvement coverage and yard requirements:

- a) The minimum lot size, lot width and yard requirements or the underlying zone may be waived if the project meet the design standards of WCC 20.85 (PUD Section).
- b) Building spacing and setbacks may be reduced when it is demonstrated that a better or more appropriate design can be achieved by not applying the provisions of the underlying zone.
- c) That compensating design and/or structural measures are used to ensure the protection of the users of the development, health safety and welfare, including but not limited to visual and acoustical privacy and adequate light and air.
- d) Maximum lot coverage of individual parcels may exceed the percentage permitted by the underlying zone; provided that the overall lot coverage of the entire project does not exceed the percentage permitted by the underlying zone.
- e) Building height may exceed the maximum permitted in the underlying zone by 50%, provided the project design protects adjacent uses from adverse impacts on privacy, light and air.
- f) Lot width may be decreased where the design is such that light, air and privacy can be provided, especially for living spaces and bedrooms.

Application process

PUD's are normally processed with long plat applications. The application process and review period are similar to other discretionary permits. However, following the SEPA Official's determination a Technical Review Committee (TRC) meeting is scheduled to discuss the project, including conditions and requirements placed on the proposal, prior to drafting a staff report. The TRC consists of the Zoning Administrator, the County Engineer, and a representative from the County Health Department. In addition, the SEPA Official, Deputy Fire Marshal and Critical Areas Specialist all attend meetings, but do not vote. This committee is in charge of ensuring that the proposed PUD has adequate provisions for public health, safety, and general welfare and complies with Zoning and Development Standards.

Following a vote to recommend approval, a staff report is drafted and a recommendation forwarded to the Hearing Examiner. The Hearing Examiner holds a public hearing and then sends his recommendation of approval or denial to the County Council. Final approval is made by the Council and may be appealed to the court.

The applicant shall have five years from the date of Council action to complete the requirements to finalize the PUD. A written request for extension may be granted by the Council for a one-year extension to complete the necessary requirements. The Council may also grant two, one-year extensions beyond the one-year extension authorized above.

What information do I need to provide at the first appointment?

- Tax parcel number
- Vicinity map showing the size, shape, and dimensions of the property as well as abutting access roads

What is the review process of my project?

Following submission of the application packet and payment of the required fees, PDS staff will review the application and mail you a "Determination of Completeness" letter, at which time the review period begins. The entire file is copied and the originals are routed to the Hearing Examiner's Administrator, who will eventually schedule the hearing. Public notices are sent to the Bellingham Herald and to all persons owning property within 300 feet (if parcel is located in an Urban Growth Area) or 1000 feet (if parcel is located outside of an Urban Growth Area) from the boundaries of the subject site.

An "Agency Distribution" is also sent to all applicable agencies, such as Health, Fire, Engineering, asking for their comments and conditions of approval. During that time, the Critical Areas Administrator and the State Environmental Policy Act (SEPA) Official in the PDS office also review the file.

A Technical Review Committee (TRC) Meeting is held following the SEPA determination, at which time the proposal and all required conditions are discussed with the applicant and his or her engineer. Following the TRC meeting, County staff drafts a staff report on behalf of the TRC, with a recommendation of either approval or denial. A copy of the report

is forwarded to the applicant, the applicant's engineer, and the Hearing Examiner.

When and where is the public hearing held?

Public hearings are currently held in the Council Chambers in the Whatcom County Courthouse at 311 Grand Avenue, Bellingham. The Hearing Examiner's Office will notify you in writing of the date and time of the hearing, and they will also provide you with notices to be posted on the property in a location visible to public roads. You or your agent are required to attend the public hearing.

When can I lease or sell the lots?

You cannot advertise lots for sale or lease until the final approval has been completed and a mylar has been recorded with the Whatcom County Auditor.

Can I sell the Planned Unit Development plan to a new owner?

Yes. However, the new owner will be held to the same conditions and the same timelines as the original applicant.

Can PUD plans be altered?

Yes. Most alterations require further Hearing Examiner approval, with the exception of alterations to lot lines, which can be approved by the Technical Review Committee.

Fees

Please refer to the current Whatcom County Unified Fee Schedule.

Contact Us

Due to the administrative complexity of these regulations, it is usually best to visit with PDS staff or contact a Senior Planner to answer any additional questions.

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