


**Planning and Land Services Department
CURRENT PLANNING SECTION POLICY**

Policy Number:	CP2015-04
Title:	Planned Unit Development Agreements
Date:	October 15, 2015
Management Approval:	Dennis Hanberg, Director 
Pierce County Code:	PCC 18A.75.080

Purpose: Clarifying the Planned Unit Development Title 18A.75.080, PUD, approval provision specific to the Project Master Plan, currently referenced as a “project development agreement,” and “development agreement” is not a development agreement as defined by the RCW 36.70B or PCC Title 18A.100 (18A.100.020 A).

Description:

Planned Unit Development (PCC 18A.75.080 A)

A Planned Unit Development (PUD) is intended to be a flexible zoning concept. Depending on the type of PUD, it will provide the Examiner a chance to encourage development of a variety of housing types; allow for non-residential development; create and/or preserve usable open space; provide recreational opportunity and aesthetic enjoyment to residents; preserve, to the maximum extent possible, the natural characteristics of the land; encourage creativity in design; provide predictability for the development of a project; and provide for maximum efficiency in the layout of streets, utility networks, and other public improvements as appropriate.

Development Agreement (RCW 36.70B.170(1) in part)

A local government may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by a local government planning under chapter 36.70A RCW.

Discussion: In addition to the other provisions in the County Development Regulations, Title 18A provides options for regulating land use through the creation of a variety of PUDs or through a Development Agreement. PUDs are allowed in accordance with the Comprehensive Plan and RCW 36.70A.350 and RCW 36.70A.360, and are regulated in accordance with 18A.75.080 (adopting Ordinance 96-97). Among other requirements, the County Council is required to initiate the PUD land use designation. The PUD standards differ from Development Agreements regulated in accordance with 18A.100 and RCW 36.70B.

A requirement of the PUD approval process is the creation of a document that integrates the Hearing Examiner conditions of approval and the project into one document. This master plan is then approved by the PALS Director and ensures consistency with PCC 18A.75.080N.1, Hearing Examiner decision, and Council designation. It can include some or all of the following:

- Overall development criteria, and standards to include densities, design features, phasing, etc.;
- Location of and density of development;
- Location and intensity of non-residential uses;
- Duration of approval or entitlements; and
- Other features or items as required by County Code or by the Examiner.

This document is referenced in the PUD section of the code as a “project development agreement” and in some instances a “development agreement”. Use of the term “development agreement” was intended as a general description of the final document, and never intended to be subject to the provisions of the RCW 36.70B or Title 18A.100, Development Agreement. As a result, the department will now refer to this final document as a “Project Master Plan”.

For the purpose of implementing PCC Section 18A.75.080, any place where the term “project development agreement” or “development agreement” is used, staff shall interpret that to mean a “Project Master Plan”.

Duration of Approval: Nothing in this policy changes the vesting rights provided in the code. PUDs are vested in accordance with PCC, Chapter 18.160. Specially, 18.160.060A which states:

Use Permits. The development of an approved use permit shall be governed by the terms of approval of the permit unless the legislative body finds that a change in conditions creates serious threat to the public health, safety or welfare.

Previously Approved PUD “Development Agreement” documents: All existing PUD approval documents signed and approved by the PALS Director shall be subject to this policy, and as such, those documents shall be considered a “Project Master Plan”.