

Chapter 17.36

PLANNED UNIT DEVELOPMENT ZONE*

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* Prior history: Ords. 74–6, 2.

17.36.010 Purpose and intent.

The purpose and intent of this chapter is to provide for departures from strict compliance with the zoning standards outlined in other sections of this Title for projects that can demonstrate that such departures will protect the public interest and accomplish one or more of the following objectives:

- a. To encourage more innovative design than is generally possible under conventional zoning and subdivision regulations;
- b. To encourage more economical and efficient use of land, streets, and public services;
- c. To preserve and create usable open space and other amenities superior to conventional developments;
- d. To preserve important natural features of the land, including topography, natural vegetation, and views;
- e. To encourage development of a variety of housing types and densities;
- f. To encourage energy conservation, including the use of passive solar energy in project design and development to the extent possible;
- g. To encourage development of areas or site characterized by special features of geography, topography, size, shape; and/or
- h. To permit flexibility of design that will create desirable public and private open space,; to vary the type, design and layout of buildings,; and to utilize the potentials of individual sites and alternative energy services to the extent possible;
([Ord. 2013-001](#), 2013; Ord. 2007-22, 2007; Ord. 90-6 (part), 1990; Res. 83-10, 1983)

17.36.015 Applicability.

1. Inside the Urban Growth Area (UGA) and Rural LAMIRDs: The provisions of this chapter can be used for any property over two (2) acres in size.
2. Outside the Urban Growth Area (UGA) and Rural LAMIRDs: The provisions of this chapter can be used for properties over twenty (20) acres in size, except that PUDs are prohibited on Resource Lands and Rural Lands in the Rural Working Land Use Designation.

([Ord. 2013-001](#), 2013)

17.36.016 Development within the Ellensburg Urban Growth Area (UGA) – Bender/Reecer and the Verge PUDs.


For properties located within the Bender/Reecer and the Verge PUDs which are located within the City of Ellensburg UGA, the uses and development standards in KCC [17.11.030](#) through [17.11.039](#) shall be utilized. Where KCC 17.11.030 through 17.11.039 does not identify uses and development standards to be utilized for development within the Ellensburg UGA, this chapter shall apply. ([Ord. 2022-017](#), 2022)

17.36.020 Allowed uses.

1. Inside the Urban Growth Area and Rural LAMIRDs, uses may include
 - a. All residential uses including multifamily structures;
 - b. Manufactured home parks;
 - c. Hotels and motels;
 - d. Fractionally-owned units;
 - e. Retail businesses;
 - f. Commercial-recreation businesses, parks and playgrounds;
 - g. Restaurants, cafes, taverns, cocktail bars;
 - h. Electric vehicle infrastructure. pursuant to See KCC Chapter [17.66](#); and;
 - i. The following uses where they are only serving a residential PUD and where all other applicable standards are met:
 - i. Community buildings;
 - ii. Indoor recreation facilities including athletic clubs, fitness centers, sports courts, swimming pools, and other similar uses;
 - iii. Outdoor recreation facilities including swimming pools, sports courts or similar uses; and
 - iv. Recreation vehicle storage areas.
2. Outside the Urban Growth Area, uses may include:
 - a. The following residential uses;
 - i. Accessory dwelling unit;
 - ii. Accessory living quarters;
 - iii. Dwelling, single-family;
 - iv. Dwelling, two-family;
 - v. Dwelling, multiple-family;
 - vi. Special care dwelling;
 - vii. Parks and playgrounds; and
 - b. The following uses where they are only serving a residential PUD and where all other applicable standards are met:
 - i. Community buildings;
 - ii. Indoor recreation facilities including athletic clubs, fitness centers, sports courts, swimming pools, and other similar uses;
 - iii. Outdoor recreation facilities including swimming pools, sports courts or similar uses;
 - iv. Electrical vehicle infrastructure, pursuant to KCC Chapter [17.66](#); and
 - v. Recreation vehicle storage areas. ([Ord. 2016-023](#), 2016; [Ord. 2013-001](#), 2013; [Ord. 2011-013](#), 2011; Ord. 2007-22, 2007; Ord. 90-6 (part), 1990; Res. 83-10, 1983)

17.36.025 Allowed density.

1. Inside the Urban Growth Area (UGA): The county may approve an increase of dwelling unit density for residential PUDs of not more than three (3) times the density permitted in the underlying zone, provided development rights are transferred pursuant to KCC Chapter [17.13](#) and additional natural and social amenities beyond the required minimums are provided.
2. Outside the Urban Growth Area (UGA) and Rural LAMIRDs: The density of the underlying zone combined with the existing density within the boundaries of the proposed PUD shall not be exceeded by a PUD.
 - a. *Example: A proposed PUD's boundary in a five (5)-acre minimum density zoning comprises 100 acres of land. Within this proposed PUD boundary there are five (5) pre-existing three (3)-acre parcels and one (1) pre-existing 85-acre parcel. The maximum density of this proposed PUD example would be 22 units. This is determined by including the five (5) pre-existing three (3)-acre parcels on 15 acres of land equaling five (5) units of density, being combined with the remaining parcel of 85 acres of undivided land which equals an additional 17 units of density. (85 acres of land divided by the five (5)-acre zoning = 17 units of density.)*

Parcel 1 3 Acres 1 Unit of Density	Parcel 2 3 Acres 1 Unit of Density	Parcel 3 3 Acres 1 Unit of Density	Parcel 4 3 Acres 1 Unit of Density	Parcel 5 3 Acres 1 Unit of Density
<p>Parcel 6 85 Acres Density = 17</p> <p>Total PUD Boundary 100 Acres</p> <p style="text-align: right;"><i>PUD Boundary</i> </p> <p>Total PUD Maximum Density $17 + 5 = 22$</p>				

3. For Rural LAMIRDs, the density shall be consistent with the character of the existing area as required by RCW [36.70A.070\(5\)d](#).
([Ord. 2023-010](#), 2023; [Ord. 2021-015](#), 2021; [Ord. 2013-001](#), 2013)

17.36.030 Submittal requirements – Preliminary development plan.

Any persons or corporation applying for a planned unit development zone shall file a preliminary development plan with an application for zone change, pursuant to KCC Chapter [17.98](#). The development plan application shall include all of the following:

1. Application forms and fees required by the County;
2. Legal description of the subject property including section, township, range, parcel numbers and number of acres;
3. A vicinity map showing the location of the site and its relationship to surrounding areas and roads;
4. A Development plan drawn to a scale no smaller than two hundred (200) feet to the inch with elevation contours of no more than twenty-(20)-foot intervals showing the following:
 - a. Existing buildings, roads, utilities and easements;
 - b. Arrangement of proposed land uses by type (residential, commercial, open spaces, etc.) with the approximate percentage of land in each category.
 - c. Proposed traffic circulation and parking;
 - d. Critical areas and natural features;
5. A Landscaping plan.
6. A Phasing plan with identified timelines.
7. A Project narrative addressing the following:
 - a. Adjacent natural areas;
 - b. The type, design and characteristics of the surrounding properties;
 - c. Developer's intent with regard to providing landscaping and retention of open spaces;
 - d. Future land ownership patterns within the development including homeowners associations if planned;
 - e. Proposed water supply, storage and distribution system, sewage disposal/treatment plan, solid waste collection plan;
 - f. Documentation from the Director that environmental review (SEPA) has been completed or will be completed;

- g. An explanation and specification of any nonresidential uses proposed within the project;
- h. Planned residential densities expressed in terms of dwelling units per building and per net acre (total acreage minus dedicated rights-of-way);
- i. The method proposed to insure the permanent retention and maintenance of common open space;
- j. Proposed development standards, including an analysis of the public benefit provided in exchange for the deviations from the standards of the underlying zone;
- k. Timing for the construction and installation of improvements, buildings, other structures and landscaping;
 - l. A master plan of the site, if the proposed PUD is to be developed in phases. The master plan need not be fully engineered, but shall be of sufficient detail to illustrate the property's physical features and probable development pattern. The master plan will serve as a guide in each successive stage of development until its completion;
- m. If the proposed PUD rezone will result in an increase in unit density over the existing zone, include a narrative of the transfer of development rights in accordance with KCC Chapter [17.13](#), Transfer of Development Rights. ([Ord. 2013-001](#), 2013; [Ord. 2010-006, 2010](#); Ord. 2007-22, 2007; Ord. 90-6 (part), 1990; Res. 83-10, 1983)

17.36.040 Submittal requirements – Final development plan.

Following approval of the preliminary development plan by the county and before lot sales or building construction commences, the developer (owner) shall submit a final development plan for approval by the Board which shall include all of the following as listed below. Submittal shall be consistent with the process as outlined for final plat development in KCC Chapter [16.20](#).

1. A staging plan describing the timing or sequence of construction for all the elements of the plan. Subdivision lot sales may precede other elements of the development upon final plat approval;
2. A map or maps of the site drawn at a scale no smaller than one hundred (100) feet to one (1) inch showing the following:
 - a. Preliminary engineering plans including site grading, road improvements, drainage and public utilities extensions;
 - b. Arrangement of all buildings which shall be identified by type;
 - c. Preliminary building plans including floor plans and exterior design and/or elevation views;
 - d. Location and number of off-street parking areas including type and estimated cost of surfacing;
 - e. The location and dimensions of roads and driveways including type and estimated cost of surfacing and road maintenance plans;
 - f. The location and total area of common open spaces;
 - g. Proposed location of fire protection facilities;
 - h. Proposed storm drainage plan;
3. Certification from state and local health authorities that water and sewer systems are available to accommodate the development;
4. Provisions to assure permanence and maintenance of common open spaces;
5. Statement of intent including estimated cost for landscaping and restoration of natural areas despoiled by construction including tree planting;
6. Certification by the county of transfer of the required density credits in compliance with KCC Chapter [17.13](#), Transfer of Development Rights. ([Ord. 2010-006](#), 2010; Ord. 2007-22, 2007; Ord. 96-19 (part), 1996; Ord. 90-6 (part), 1990; Res. 83-10, 1983)

17.36.045 Review criteria.

1. Preliminary development plan: The Hearing Examiner shall evaluate a planned unit development application and other evidence and testimony submitted into the record and shall issue a recommendation based on the following considerations and criteria:
 - a. Criteria applicable to all PUDs:
 - i. PUD complies with all amendment criteria in KCC Chapter [17.98](#);
 - ii. PUD makes economic and efficient use of land, streets, and public services;
 - iii. PUD preserves usable open space, important natural features, and other amenities;
 - iv. PUD provides site design features that reasonably mitigate off-site impacts; and

- v. Public benefits of PUD outweigh the effect of the modification of underlying zoning standards.
- b. Additional criteria applicable to PUDs on Rural Lands:
 - i. PUD is developed in a manner that maintains rural character;
 - ii. Non-residential uses within PUD are designed at a scale appropriate for rural area and intended to serve only the residents of the PUD; and
 - iii. PUD provides appropriate transitions to surrounding properties and land uses.
 - iv. All new structures shall comply with the applicable standards contained in: (1) "Fire Safety Considerations for Developments in Forested Areas: Fire Hazard Severity Rating and Recommended Standards" (Northwest Interagency Fire Prevention Group) Washington Department of Natural Resources Severity Type Rating System; (2) standards adopted by Kittitas County Fire Protection Cooperative – "Recommendations For Fire Safety and Prevention of Forest and Range Land in Kittitas County Including Rural, Commercial and Private Developments"; and/or (3) Urban Wildland Interface Code for structures outside a fire district.
2. Final development plan: The Director shall evaluate and the Board shall approve final development plans for the PUD, provided the conditions imposed on the preliminary PUD approval, if any, have been satisfied. ([Ord. 2013-001](#), 2013)

17.36.050 Permit issuance and conditions.

Building permits and other permits required for the construction or development of property under provision of this section shall be issued only when, in the opinion of the Director, the work to be performed substantially conforms to the final development plan approved by the Board. ([Ord. 2013-001](#), 2013; Ord. 96-19 (part), 1996; Ord. 90-6 (part), 1990; Res. 83-10, 1983)

17.36.060 Required improvements.

All improvements including parking lots, driveways, landscaping, which are a part of the approved plan, but which do not otherwise require building permits, shall be completed or bonded before occupancy permits are issued by Community Development Services. The amount of the bond shall be determined by Community Development Services on the basis of information presented with the final development plan. ([Ord. 2013-001](#), 2013; Ord. 90-6 (part), 1990; Res. 83-10, 1983)

17.36.070 Inter-jurisdiction review.

Proposed projects occurring within the Urban Growth Area shall be jointly reviewed with the associated city. (Ord. 2007-22, 2007)

17.36.080 Planned Unit Development Alterations.

Proposed alterations to approved planned unit developments shall be processed as follows:

1. Minor alterations: Minor alterations are those which, in the opinion of the Director, alter the dimensions, location, or type of facilities but maintain the basic character of the approved PUD application and do not alter the proposed uses or density. Minor alterations may be approved by the Director.
2. Major alterations: Major alterations are those which, in the opinion of the Director, substantially change the basic design, density, open space or other requirement of the planned unit development. Major adjustments require a new application. ([Ord. 2013-001](#), 2013; Ord. 2007-22, 2007)

17.36.090 Extensions and expiration.

1. Filing of final development plan – Non-phased PUDs. The applicant shall have five (5) years from the date of Board action to submit the final PUD application pursuant to [17.36.040](#), unless an extension has been granted pursuant to subsections 3 or 4 below. If the PUD is associated with a plat with a longer submittal timeframe the longer timeframe shall apply, pursuant to RCW [58.17.140](#).
2. Filing of final development plan – Phased PUDs. Applicants may develop a planned unit development in phases, provided a phasing plan is approved as part of the initial application. In such cases, a final development plan shall be submitted for phases in the time limit established in the approved phasing plan, unless an extension has been granted pursuant to subsections 3 or 4 below. If the PUD phase is associated with a plat with a longer submittal timeframe the longer timeframe shall apply, pursuant to RCW [58.17.140](#).

3. One-(1)-year extension. An applicant who files a written request with the Director prior to the end of the five-(5)-year expiration period (or applicable timeline established in an approved phasing plan) shall be granted a one-(1)-year extension upon showing a good faith attempt to complete the requirements necessary for submittal of the final development plan.
4. Additional extensions. Upon written request from the applicant, the Board may grant two (2) additional one-(1)-year extensions beyond the extension authorized in subsection 3 if they find there is reasonable justification for the granting of additional extensions. The Board may take into consideration changes in rules and regulations that occurred since the original PUD approval and may condition the extension to require compliance with any such rules and regulations, or portions thereof.
5. Expiration. Planned unit developments which do not obtain final approval and implementing permits within the time frames established in this section shall expire without prejudice. For phased PUDs the expiration shall apply to all portions or phases of the PUD that have not applied for or been granted final approval. All future permits shall be subject to the requirements of the underlying zone unless a new application for a planned unit development is submitted and approved.
6. Timeframe for implementing permits. Implementing permits, including land divisions for lot sales or building permits when there is no associated land division, shall be submitted within two (2) years of final development plan approval.
7. PUDs approved prior to 2007. Planned unit developments with preliminary development plans approved prior to adoption of the expiration standards contained in Ordinance 2007-22 shall have until December 31, 2017, to submit final development plans and shall be subject to the timeframes established in subsection 6 above for implementing permits. Undeveloped PUDs with final development plans approved prior to 2007 shall have until December 31, 2015, to complete land divisions for lot sales or building permits when there is no associated land division. Failure to obtain final plan or permit approvals or make substantial progress toward such approvals within the time frames in this subsection shall result in expiration without prejudice.
8. Lapse of zoning. If the planned unit development is not completed within the time periods in this section, the rezone to Planned Unit Development Zone is void for the area not completed, and the official zoning map shall be amended to the underlying zoning. ([Ord. 2022-017](#), 2022; [Ord. 2013-001](#), 2013; Ord. 2007-22, 2007)