

PLANNING COMMISSION DRAFT ONLY
Chapter 18.90 (Version 2)
August 2, 2010

**CRITERIA AND PROCEDURES FOR LEGISLATIVE ACTIONS AND
SITE-SPECIFIC REDESIGNATIONS**

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18.90.010 Legislative decisions.

A. Decisions. The following decisions are legislative and are not subject to the project permit application, notice, review, and appeal procedures in this code, unless otherwise specified:

1. Unified Development Code (this code) text amendments;
2. Area-wide reclassification of land use districts to implement new County policies;
3. ~~Site-specific land use redesignations and density changes; and~~
4. Adoption of the Comprehensive Plan and any plan amendments, including subarea and activity center plan adoption and amendments.

B. SEPA. If a legislative decision qualifies as an "action" that requires review under the State Environmental Policy Act (SEPA) (*see* SJCC 18.80.050), all SEPA procedural requirements shall be met prior to public hearings on the action. If the legislative decisionmaking body makes changes that may result in additional, greater or more intense individual or cumulative impacts, supplemental SEPA analysis shall be completed before action may be taken (*see* SJCC 18.80.050 (E)(3)). (Ord. 2-1998 Exh. B § 9.1)

18.90.020 Legislative procedures.

A. Procedures. All proposed amendments to this code and requests to for area-wide amendments to the official maps and/or Comprehensive Plan shall be handled according to the applicable procedures established in Chapters RCW 36.70, and RCW 36.70A, RCW 36.32.120, the Comprehensive Plan

the County Charter and the County Code and this chapter. This process will ensure formal public notice and public hearings, evaluation, and recommendations from the planning department's professional, technical perspective and from the planning commission's knowledgeable lay perspective. Final action is reserved for the County Council.

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B. Planning Department. The planning department shall evaluate all requests to modify this code and forward recommendations to the planning commission and County Council for consideration.

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C. Planning Commission. The planning commission shall hold a public hearing and make recommendations to the County council on all legislative decisions specified in this section. The public hearing shall be held in accordance with the requirements of the Comprehensive Plan, RCW 36.70 and this chapter.

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D. County Council. For All amendments to the development codes, the County council may at its option consider the planning commission's recommendation in a public hearing held in accordance with the requirements of Chapter 36.70 RCW and this chapter. and Proposed area-wide amendments to the Comprehensive Plan and the official maps require a public hearing before the County council.

E. Public Notice. All public hearings will be announced in the newspaper of record at least ten (10) days prior to the scheduled hearing. The Department shall maintain a printed list of proposed development code and Comprehensive Plan amendments, and shall include a copy of the list on its web site. ~~Notice of public~~

hearings and meetings shall be provided as set forth in the Comprehensive Plan, ~~SJCC 18.80.030~~ and RCW 36.32.120.

A single email list shall be maintained by the department. All those requesting the service shall receive all department notices digitally.

In addition, all notices shall be provided to all local media, including electronic media, and shall be e-mailed to those requesting such notice.

F. Implementation. The County council decision shall become effective no sooner than 10 working days after passage of an ordinance except in the case of an emergency.

G. Legislative Enactments Not Restricted. Nothing in this section or the permit processing procedures shall limit the authority of the County Council to make changes to the County's Comprehensive Plan or the County's Unified Development Code (this code), as part of an annual revision process.

HG. Comprehensive Plan Amendments.

Amendments to the Comprehensive Plan text and official maps may not be considered more frequently than once per year except as provided in RCW 36.70A.130(2) and the Comprehensive Plan. After December 31, 2010, this limitation shall also apply to amendments to the Unified Development Code.

I. Limitation on Amendments to the Unified Development Code (UDC). Until December 31, 2010, up to three sets of amendments to the UDC may occur during each calendar year.

H. Unified Development Code (UDC)

Amendment. (Option A) Amendments to the UDC may be adopted at any time; however, with the exception of emergency amendments, they will only become effective on June 30th and December 31st of each calendar year.

UDC Amendment (Option B):

Amendments to the UDC may be adopted at any time; however, with the exception of emergency amendments, they will only become effective on December 31st of each calendar year.

UDC Amendment (Option C):

Amendments to the UDC may be adopted at any time.

~~Each set of amendments shall be compiled and first presented to the Planning Commission together with a public hearing schedule. At least 10 days prior to presentation to the Planning Commission, notice of the proposed amendments shall be posted on the County web site and shall be the subject of a press~~

~~release. Subsequently, the set of amendments shall be presented to the Council together with a public hearing schedule. At least 10 days prior to presentation to the Council, notice of the proposed amendments shall be posted on the County web site and shall be the subject of a press release.~~

~~For ordinances that are part of a set of UDC amendments, the Council may approve the ordinance at any time after its public hearing. (Ord. 50-2008 § 1; Ord. 15-2005, Exh. B)~~

18.90.025 Public Participation.

A. Public input on planning issues, including proposed amendments to the code and Comprehensive Plan shall be actively sought and encouraged by the County council, the planning commission and the department. The Board of County Commissioners, planning commission and planning department shall actively seek input from the various civic groups, community or neighborhood organizations on planning issues and proposed amendments to the Comprehensive Plan.

~~develop and publish a review timeline for amendments to the Comprehensive Plan and development regulations for each annual docket cycle. (Ord. 15-2005, Exh. B, § 1e).~~

B. In order to ensure encourage early and continuous public participation in the amendment process, the County shall post quarterly updates, in table form, of all proposed Comprehensive Plan and UDC amendments under review at that time. The update table will be posted on the department's webpage.

~~develop and publish a review timeline for amendments to the Comprehensive Plan and development regulations for each annual docket cycle. (Ord. 15-2005, Exh. B, § 1e).~~

18.90.030 Area-wide amendments and site-specific redesignations.

A. Purpose of Area-wide amendments Site-Specific Redesignations.

Area-wide ~~a~~ district change amendments density change is a are the mechanism by which the Comprehensive Plan land use district designations, including densities, development standards or allowed uses or density applicable to properties can be changed to reflect such things as changed circumstances, new land use needs, ~~or~~ new land use policies or inconsistencies between designations, area characteristics and the goals and policies as well as purpose and intent of the Comprehensive Plan.

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B. Who May Initiate. The BOCC County council, planning commission, or planning department or any other interested party may propose an amendment to this code or the Comprehensive Plan and

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the official maps at any time subject to the requirements of this section. Interested persons, including applicants, citizens, the hearing examiner, and staff of other agencies may suggest Comprehensive Plan or UDC amendments.

A request for a redesignation or to change density may be initiated by property owner. The suggested amendments shall be docketed and considered on at least an annual basis, consistent with the provisions of RCW 36.70A.130.

C. Time Limitations. Requests for amendment of the official maps (redesignation or density change) shall only be submitted to the planning department between January 1st and March 1st of any year for consideration during the remainder of that year. Requests submitted after March 1st shall be returned to the applicant for resubmittal the following year.

DC. Application Procedure.

1. The request shall be in writing, in a form approved by the planning director, and shall include the following information:
 - a. Historic use of the property~~ies~~ and adjoining land~~s~~;
 - b. Allowable pPopulation density of the surrounding area~~s~~;
 - c. Existing soil and sewage disposal conditions;
 - d. Description of existing water supply;
 - e. ~~Suitability for agricultural or timber use;~~
 - fd. Known archaeological or historical resources on the property~~ies~~;
 - g. ~~Natural resources involved;~~
 - h. ~~Availability of existing public services and utilities; and~~
 - i. ~~Names of abutting property owners.~~
2. Through the use of legal descriptions and maps, the application shall identify clearly the area~~s~~ for which the change is requested. The reason or reasons for the request shall be clearly stated. The application shall describe how the proposed change meets all of the criteria for approval listed in subsection (F~~E~~) of this section.

E. Notice of Application The applicant shall be required to mail notice of application as provided in SICC 18.80.030(A). Public notice of the application shall also be published in the official County newspaper in a manner prescribed by the planning director.

FE. Criteria for Approval. These actions are reviewed for conformance with the applicable provisions of the Comprehensive Plan, the UDC and as follows:

1. **Area-wide amendments Site-Specific Redesignations.** The County may approve or approve with modifications an application or proposal for an area wide amendment change of land use designations, densities, development standards, or allowed uses or density of property if all of the following criteria are met:
 - a. The change~~s~~ would benefit the public health, safety, or welfare.
 - b. The change~~s~~ isare warranted because of changed circumstances or because of a demonstrable need for additional land property in the proposed land use designation, to correct errors or because different land use designations are equally or more consistent with the designations purposes, criteria and goals outlined in the Comprehensive Plan.
 - c. The change is consistent with the criteria for land use designations specified in the Comprehensive Plan.
 - d. ~~The change will not be detrimental to uses or property in the immediate vicinity of the subject property.~~
 - e. ~~The change has merit and value for the community as a whole.~~
 - fd. The change, if granted, will not result in an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves which justifies different designations.
 - ge. The benefits of the change~~s~~ will outweigh any significant adverse impacts of the change~~s~~.
 - h. ~~The change is consistent with the purpose and intent of the Comprehensive Plan and this code.~~
 - i. ~~The change complies with all other applicable criteria and standards of this code.~~
2. **Map Change.** Following approval of an area-wide amendment map change, the County shall amend the official maps to reflect the change in land use district or density. The County shall also indicate on the official maps the number of the ordinance adopting the change.
3. **Concomitant Agreement.** The County is

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~~specifically authorized to require that the applicant enter into a concomitant agreement with the County as a condition of any site-specific map change. Through that agreement, the County may impose development conditions designed to mitigate potential impacts of the use or development that may occur as a result of such change.~~

GE. Appeals. Appeals of BOCC County council decisions under this section must be filed with the Growth Management Hearings Board as provided by state law. (Ord. 16-2002 § 2; Ord. 2-1998 Exh. B § 9.3)

New Section: Quasi-judicial site-specific redesignation decisions.

A. Decisions. Site-specific land use district decisions are quasi-judicial, however as they amend the Comprehensive Plan map they may only be approved as part of the annual docket; these decisions are subject to the appearance of fairness doctrine, and also subject to the specified project permit application, notice, and review, procedures in this code; SJCC 18.80.010 and SJCC 18.80.030.

New Section: Site Specific Redesignation SEPA

If a site-specific redesignation decision qualifies as an "action" that requires review under the State Environmental Policy Act (SEPA) (see SJCC 18.80.050), all SEPA procedural requirements shall be met prior to public hearings on the action. If the legislative decisionmaking body, acting quasi-judicially, makes changes that may result in additional, greater or more intense individual or cumulative impacts, supplemental SEPA analysis shall be completed before action may be taken.

New Section: Site specific redesignations

A. Purpose. Site specific redesignation is the mechanism by which changes of land use district and density for a single parcel, or contiguous parcels under single ownership, may be achieved. The land use designation or density applicable to the specific parcel(s) can be changed to reflect such things as changed circumstances, new land use needs or inconsistencies between the land use designation, site characteristics and the

purpose and intent of the land use district found in the Comprehensive Plan.

New Section: Site Specific Redesignation Procedures

A. Procedures. Requests for site-specific amendments to the official maps shall be handled according to the applicable procedures established in RCW 36.70, RCW 36.70A, RCW 36.70B, RCW 36.32.120, the County Charter and the County Code. This process will ensure formal public notice and public hearings, evaluation, and recommendations from the planning department's professional, technical perspective and from the planning commission's knowledgeable lay perspective. Final action is reserved for the County Council.

B. Who May Initiate. The County Council, the planning commission, the department or a property owner may propose a site-specific amendment to the official map subject to the requirements of this section.

C. Application Procedure.

Applications for site specific redesignations shall be submitted to the department. An application must consist of all materials required below as well as narrative and descriptive information sufficiently detailed to define clearly the proposed redesignation, demonstrate compliance with applicable provisions of this code and shall include the following:

1. A written request in a form approved by the planning director, and shall through the use of legal descriptions and maps, identify clearly the area for which the change is requested. The reason or reasons for the redesignation shall be clearly stated. The application shall describe how the proposed change meets all of the criteria for approval listed in subsection (D) of this section.

2. If the applicant is not the owner of the subject property, a notarized statement by the owner(s) that (1) the application has been submitted with the consent of all owners of the subject property, and (2) identification of the owner's authorized agent or

representative;

3. A legal description of the property;
4. The applicable fee;
5. A plot plan to scale no smaller than one inch equals 40 feet for a parcel larger than one acre, and no smaller than one inch equals 20 feet for a parcel one acre or smaller;
6. Graphic depiction of the following:
 - a. Compass direction and graphic scale;
 - b. Corner grades and, if required by the administrator, existing contours of topography at five-foot contour intervals;
 - c. Proposed developments or use areas;
 - d. Existing structures and significant features on the subject property and on adjacent properties;
 - e. Property lines, adjoining streets, and immediately adjoining properties and their ownerships;
 - f. Location and dimensions of existing and proposed improvements on public rights-of-way, such as roads, sidewalks, and curbs;
 - g. Existing and proposed grades;
 - h. Natural drainage direction and storm drainage facilities and improvements;
 - i. Wetlands and other Critical areas; and
 - m. All easements (recorded or unrecorded) must be shown. If recorded, the recording number must be shown.
7. The applicant shall provide a list showing the name and addresses of the owners of the property within 300 feet of the boundaries of the property subject to the site specific redesignation as shown on the tax assessment rolls on the date the site-specific application is submitted to the department.
8. Critical Areas (CAs). All site-specific redesignation applications for proposals on lands designated as critical areas shall include sufficient

information about the location and extent of any affected CAs to demonstrate consistency with SJCC 18.30.110 through 18.30.160.

C. Criteria for Approval. These actions are reviewed for conformance with the applicable provisions of the Comprehensive Plan, the UDC and as follows:

1. **Site specific redesignations.** The County may approve an application for a change of designation or density of property if all of the following criteria are met:
 - a. The change would benefit the public health, safety, or welfare.
 - b. The change is warranted because of changed circumstances or because of a demonstrable need for additional land in the proposed land use designation, or because a different land use designation is equally or more consistent with the designation purpose, criteria and goals outlined in the Comprehensive Plan.
 - c. The change is consistent with the criteria for land use designations specified in the Comprehensive Plan.
 - d. The change, if granted, will not result in an enclave of property owners enjoying greater privileges and opportunities than those enjoyed by other property owners in the vicinity where there is no substantive difference in the properties themselves which justifies different designations.
 - e. The benefits of the change will outweigh any significant adverse impacts of the change.
 2. **Map Error.** An site-specific amendment may be approved if applicant can show that a demonstrable designation error occurred during the development of the official map and that the proposed designation is consistent with land use district criteria outlined in the Comprehensive Plan.
- E. Map change.** Following approval of a site-specific map change, the County shall amend the official maps to reflect the

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change in land use district or density. The County shall also indicate on the official maps the number of the ordinance adopting the change.

F. **Appeals.** Appeals of County Council decisions under this section must be filed with the superior court as provided by RCW 36.70C.

18.90.040 Shoreline Master Program amendments.

- A. ~~Changing public opinion, community needs and standards, new information or technology, and other changing conditions will necessitate review and amendment of the master program. However, to ensure that such amendments are not arbitrary or oriented to individual advantage, all proposed amendments to the master program will be treated as amendments to the Comprehensive Plan and will be handled according to the procedures established in Chapter 36.70A RCW, SJC 18.90.020, and the Shoreline Management Act, Chapter 90.58 RCW. Final action of the County Council BOCC is subject to certification by the Washington Department of Ecology, as required by the Shoreline Management Act (RCW 90.58.190).~~
- B. ~~The master program shall be reviewed and amended as necessary at least once every three years following the date of adoption; provided, that the initial review should be commenced within 12 months of the date of adoption of the master program. (Ord. 2 1998 Exh. B § 9.4)~~

18.90.050 Subarea plans.

- A. **Purpose.** A subarea plan is a detailed plan consistent with but more specific than the Comprehensive Plan. It may be more or less restrictive than the Comprehensive Plan. It may be a detailed land use plan only for an individual island, or a specific area an activity center, or a functional long-range plan for a land use or resource issue of County-wide concern (e.g., water, parks and recreational facilities, open space conservation, etc.).
- B. **Criteria.** Subarea plans shall be consistent with goals and policies in the Comprehensive Plan and all applicable subarea plans and with the provisions of the State Environmental Policy Act (SEPA).
- C. **Initiation.** The subarea planning process may be initiated by any interested party, the board, Council, the planning commission, the planning department or other County agency, a community group, or an individual. All procedures and processes for any proposed subarea planning effort shall be reviewed by the planning director. Fairness, openness, and full citizen participation shall be

paramount in all subarea planning procedures and processes. In order to allow full opportunity for public and agency participation in subarea plan development, the initial proposal shall be presented as a general concept and shall not be a draft subarea plan.

D. Procedure.

1. **Submittal – General.** Any request for development of a subarea plan shall be submitted in writing to the planning director. The request shall identify the proponents, describe clearly the purpose and subject of the proposed plan and indicate how the proposal is consistent with the stated purpose of this section.
2. **Submittal – Proposals for Specific Area Plans.** In addition to the general requirement above, anyone requesting the development of a subarea plan for a specific geographic area shall also submit the following:
 - a. The particular circumstances and specific purposes and goals of the proposal which cannot be accomplished as/or more effectively through amendment of the goals and policies of the Comprehensive Plan and/or this code; and
 - b. A description of any organizational efforts to date, the level of public involvement and participation, the statement of intent, and citizen support for the proposed subarea plan.
 - c. An estimate of the short and long term costs for development, implementation and maintenance of the plan, and a means of funding those expenses.
3. **Preliminary Review.** On receipt of a properly submitted request for a subarea plan, the planning director shall:
 - a. Prepare a preliminary assessment of potential pros and cons of the proposal and level of support, ~~determine consistency with the purpose and criteria for subarea plans, determine the cost to the County for the subarea planning process, the long term support and maintenance of the plan, determine funding sources for these costs,~~ and identify any modifications that may be necessary to make the proposal consistent with these provisions;
 - b. Prepare preliminary recommendations for the purpose and scope of the proposed subarea planning process, including recommendations for public participation; and
 - c. Schedule the matter for preliminary consideration and action by the County

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council BOCC. The BOCC council may, at its option, hold a public hearing on the matter or refer it to the planning commission for a recommendation before taking preliminary action.

4. **Preliminary Action.** After preliminary review, the council BOCC shall consider the merits of the proposal and may:
 - a. Accept or modify the proposal and proposed program for the subarea planning process as submitted and direct the planning director to prepare a preliminary draft subarea plan; and determine the appropriate fee as provided by law, to be assessed, if any; or
 - b. Determine that a subarea plan is not appropriate.

E. Subarea Planning Process. The planning director shall be responsible for coordination and preparation of proposed planning documents according to the procedures authorized by the County council BOCC.

1. Any committee meetings shall be open to the public, contain a reserved time on the agenda for public comment, and be advertised as appropriate for the subarea.
2. In general, the subarea planning process shall include the following steps:
 - a. Identify issues, possibilities, and assumptions.
 - b. Formulate goals.
 - c. Collect and analyze data.
 - d. Revise goals and determine objectives.
 - e. Develop and evaluate alternatives.
 - f. Conduct any surveys or community forums, as appropriate.
 - g. Select and adopt the preferred alternative(s).
 - h. Planning department review and preparation of a draft plan and required SEPA documents.
 - i. Conduct adoption proceedings as specified in this chapter.
3. The planning process for geographic subareas other than activity centers shall include the following steps in addition to those listed in subsection (E)(2) of this section:
 - a. A subarea planning committee comprised of a broadly representative cross section of residents living in and property owners of the community affected shall be appointed by the Council BOCC. ~~The BOCC shall appoint the members at least 30 days after first advertising in the official County newspaper.~~ The purpose of the subarea

planning committee is to impartially gather and present information on the full range of options. With the assistance of the planning department, the committee shall evaluate the pros and cons of each option.

- b. The Council BOCC may appoint the chair of the committee or require outside facilitation of the planning process. The chairperson should act as a facilitator in order to gather information to make the process as fair as possible to all participants. A member of the planning commission from the district affected shall be appointed as an ad hoc member of the committee.
- c. The planning director shall provide information to committee members and the community about the subarea plan process, and relevant planning issues.
- ~~d. The planning director shall provide training and undertake an orientation and educational process for committee members and the community.~~
- ~~e. Before any public hearing is scheduled to consider the adoption of a proposed subarea plan, a survey of the affected community shall be conducted to:
 - i. Determine whether the community wants the proposed planning alternatives;
 - ii. Assist in the development of any proposed planning documents; and
 - iii. Determine the extent of community support for any final draft plan presented to the BOCC.~~
- ~~f. **Advisory Vote.** For a new subarea plan for a geographic area other than an activity center, the County auditor shall conduct an advisory vote on the final draft plan, and the results shall be forwarded to the BOCC for its consideration. Registered voters and property owners in the proposed subarea shall be entitled to vote.~~

F. Content of Subarea Plan. All subarea plans shall consist of two distinct sections; the first shall contain purpose and policy statements while the second shall contain the regulatory provisions:

Section 1 shall contain:

1. An introductory statement which describes the relationship of the subarea plan to the Comprehensive Plan and other applicable subarea plans;
2. A general description of the subject and the conditions which generated development of the

subarea plan;

3. Statements of goals and policies which describe specific purposes and desired effects of the subarea plan.

Section 2 shall contain:

41. Specific regulations, designations or directives for actions that will effect the stated goals and policies;

~~5. Amendment procedures consistent with SJCC 18.90.020; and~~

62. Review requirements in accordance with this chapter, the County Comprehensive Plan, and the Growth Management Act. All subarea plans shall contain provisions requiring ongoing citizen review and participation in any amendment process, consistent with the procedures provided for in this chapter.

~~In addition, subarea plans for specific geographic areas shall contain policies and regulations that address effects or impacts of land uses and activities and provide criteria to ensure compatibility of land uses within the subarea.~~

- G. Standing Committee.** ~~Once a subarea plan has been adopted for a geographic area or an activity center, a standing committee shall be appointed by the BOCC, with members to serve three year terms. The standing committee shall:~~

- ~~1. Conduct a public meeting annually or more often if deemed necessary to accept comments on the subarea plan.~~

- ~~2. Forward specific concerns and proposals to the planning director and planning commission for inclusion in the Comprehensive Plan review process.~~

- H. Amendment and Review Process.** All proposed subarea plans and plan amendments shall be processed in accordance with the procedures for legislative actions in this chapter. (Ord. 2-1998 Exh. B § 9.5)

18.90.060 Master planned resort (MPR) procedures.

A. Applicability.

1. **New Resorts.** An application for a new MPR, and any applications for subsequent phases or for amendment of the master plan.

2. **Existing Resorts Without Approved Master Plans.**

- a. Before receiving development approval for any new development (including buildings, paved areas and parking, and docks) cumulatively exceeding 4,000 square feet, new phase of development, new land division, new plan amendment-type of use,

or change or addition to the allowable uses, any existing MPR that has not developed a master plan shall establish a schedule and develop a master plan to meet the requirements of this section, SJCC 18.30.060, 18.60.190, and other applicable sections of this code.

- b. The requirements of subsection (A)(2)(a) of this section do not apply to any development for which a permit has been granted or for which a complete application is made prior to the adoption of this code.

- B. Purpose.** To provide for the planning, development, and operation of master planned resorts (MPR) and their master plans (RCW 36.70A.360 and 36.70A.362).

- C. Master Plan Requirements.** A master plan shall be prepared for the MPR to describe the project and provide a framework for project control and operation during and after development. This shall include:

1. A description of the setting and natural amenities that the MPR is being situated to use and enjoy, and the particular natural and recreational features that will attract people to the area and resort.

2. A description of the destination resort facilities of the MPR, including short-term visitor accommodations, on-site outdoor and indoor recreational facilities, off-site and excursion opportunities offered or provided as part of the resort's services, and commercial and supportive services provided. The manner in which these services will support and be integrated into the on-site recreational nature of the resort shall be discussed as part of a recreation plan and/or the required discussion in subsection (C)(3) of this section.

3. A description, with supportive information, of the design and functional features that provide for a unified development, superior site design and protection of natural amenities, and which further the goals and policies of the Comprehensive Plan. This shall discuss how landscaping and open space, recreational facilities (if any), road and parking design, capital facilities, and other components of the master plan work together in the project.

4. In connection with the descriptions above, a listing of the proposed additional allowable uses and maximum density of the MPR as provided in SJCC 18.60.190(B)(2) and (3), and a discussion of how these uses and their distribution meet the needs of the resort and its patrons.

5. A description of any location-specific standards

that are established to retain and enhance the character of the particular resort, and of how the MPR is meeting or will meet those standards.

6. A description of the intended phasing of development of the project, if any. The initial application for an MPR shall provide sufficient detail for the phases such that the full intended scope and intensity of the development can be evaluated. This shall also discuss how the project will function at interim stages prior to completion of all phases of the project, and how the project may operate successfully and meet its environmental protection, concurrency, and other commitments should development cease before all phases are completed.
7. A map or maps that depict the completed MPR development, showing the full extent and ultimate development of the MPR or resort and its facilities and services.
8. Additional maps, drawings, illustrations, or other materials, as appropriate, to assist in understanding and visualizing the design and operation of the development and its facilities and services, landscaping, protection of environmentally sensitive areas, and other features of the development.
9. A description of how the MPR relates to surrounding properties, and how its design and arrangement minimize adverse impacts and promote compatibility among land uses within the development and adjacent to the development.
10. Specific values and supportive information and rationale for the choices made for the flexible standards listed in SJCC 18.60.190(B)(1).
11. A demonstration that sufficient facilities and services which may be necessary, appropriate, or desirable for the support of the development will be available, and that concurrency requirements of SJCC 18.60.200 will be met.
12. A description of the environmentally sensitive areas of the project area, and the measures that will be employed for their protection.

D. Application Requirements.

1. **New Master Plan for a New Master Planned Resort.** For new MPR applications, a draft of the master plan shall be prepared to meet the requirements of SJCC 18.60.190 and this section. The planning department will evaluate the application and master plan, and if found to be complete, the department will forward recommendations to the planning commission. The application shall also include a request for a land use redesignation (and density change, if applicable) for the MPR activity center to meet

the requirements of subsection (E) of this section.

2. **New Master Plan for an Existing MPR.** A draft of the new master plan required by subsection (A)(2) of this section shall be prepared to meet the requirements of SJCC 18.60.190 and this section, and the environmental review requirements of SJCC 18.80.050. The planning department will evaluate the master plan, and if found to be complete the department will forward recommendations to the planning commission.
3. **Planned Unit Development (PUD) Application.**
 - a. **When to Prepare.** A PUD application shall be prepared for approval of:
 - i. Any new development in an MPR land use designation, except as provided in subsection (D)(5) of this section;
 - ii. Each new phase of development. A phase that is consistent with the approved master plan will not require a master plan amendment.
 - b. **PUD Submittal Requirements.**
 - i. A vicinity map showing the location of the site and its relationship to surrounding areas.
 - ii. A site plan describing all proposed developments and the proposed locations of all uses.
 - iii. If no land division or binding site plan is required, the requirements of SJCC 18.80.020(C) must be met.
 - iv. If the PUD requires land division or a binding site plan, the preliminary and final subdivision requirements of SJCC 18.70.050 and 18.70.070, or binding site plan requirements of SJCC 18.70.090, must be met.
 - v. If dwelling units are proposed, a statement of the number of units and average density.
 - vi. A statement that discusses how the proposed PUD is consistent with the approved Master Plan, including the percentage of open space and the location of and provisions for protection of environmentally sensitive areas.
 - vii. A demonstration that the MPR will contain sufficient infrastructure and capacity to meet the additional demands of the PUD and the requirements of this code for water, sewage treatment, and stormwater management.

viii. A calculation of estimated new demands on capital facilities and services, proposed capital improvements or noncapital alternative strategies to address demands. The PUD shall undergo a review for concurrency as provided in SJCC 18.60.200.

ix. An environmental assessment in accordance with the requirements of SJCC 18.80.050.

4. **Master Plan Amendment Application.**

a. **When to Prepare.** An amendment to the master plan shall be prepared for the approval of new development in any one-year period in an MPR planning area when any of the following occur:

i. A new type of recreational facility is proposed that was not previously discussed in the master plan;

ii. New uses are proposed that were not previously authorized in the master plan and are represented in the Allowable and Prohibited Uses Table 3.1 in SJCC 18.30.030 as requiring a plan amendment; or

iii. A major change in theme or market approach is proposed which would result in the need for different or expanded facilities.

b. An application for amendment of the master plan shall submit those discussions and plans that are required by subsections (C) and this subsection, and other materials or information that are new or modified from the materials included in the existing master plan, plus provide such additional unchanged material as is necessary for the understanding and review of the proposed amendment.

c. Each amendment of a master plan shall undergo an environmental assessment and concurrency review in accordance with the requirements of SJCC 18.60.200 and 18.80.050.

5. **Minor Changes to a Master Planned Resort.**

Some minor changes do not require a PUD application or a master plan amendment but remain subject to the requirements of this code, including case-by-case permit review where applicable. Such minor changes include:

a. Routine maintenance of existing roads, footpaths, bicycle paths, structures, and utilities.

b. Minor activities, excluding construction, that are consistent with the master plan and

approved PUDs.

c. Activities, including construction, that are consistent with the master plan but which have not been included in an approved PUD may be submitted for case-by-case permit approval, subject to the following restrictions:

i. For any activities or uses that would require a conditional use or shoreline conditional use permit, or whose impacts according to Table 8.2 in SJCC 18.80.090 would require a conditional use permit, a PUD application must be submitted.

ii. Any activities or uses that would not require a conditional use or shoreline conditional use permit, or whose impacts according to Table 8.2 in SJCC 18.80.090 would not require a conditional use permit, may be submitted according to the permit application, notice, and hearing requirements of Chapter 18.80 SJCC, and processed according to the permit procedures of Chapter 18.80 SJCC appropriate to the use classification; provided, that whenever the cumulative development (including buildings, paved areas and parking, docks, and newly landscaped areas) not included in previously approved PUDs meets or exceeds 4,000 square feet, a new PUD application must be submitted.

E. **Designation of an MPR Activity Center land use District.** Procedures for amendments to the official maps shall be as set forth in SJCC 18.90.020, as modified in this section.

1. A request for amendment of the official maps in order to designate an MPR activity center, and any associated changes in densities, shall be submitted together with the application for the MPR. The planning department shall evaluate the request to modify the official maps and shall forward recommendations to the planning commission and County council for consideration.

2. The time limitation of SJCC 18.90.030 does not apply to a request for amendment that is submitted in connection with an application for an MPR.

3. The request for amendment shall include a discussion that addresses the information requirements of SJCC 18.90.030 and identifies where in the application materials and master plan the information and discussions may be found.

4. Through the use of legal descriptions and maps, the application shall identify clearly the areas for which the changes are requested. The reason or reasons for the request shall be clearly stated. The application shall describe how the proposed change meets all of the criteria for approval listed in SJCC 18.90.030(F) and subsection (H)(1) of this section.

F. Notice and Hearing.

1. **Minor Changes to Master Plan.** Notice and hearing requirements as applicable and as provided in this code.
2. A hearing before the hearing examiner, and notice of application and of public hearing, are required (*see* SJCC 18.80.030) for all PUD applications.
3. A hearing before the planning commission, and notice of application and of public hearing, are required (*see* SJCC 18.90.020) for:
 - a. The initial application and approval of the master plan and project, and the amendment of the official maps;
 - b. A new master plan for an existing MPR; and
 - c. All master plan amendments.

G. Decisionmaking Authority.

1. The administrator is vested with the authority to approve or deny minor changes.
2. The hearing examiner is vested with authority to hear and decide all PUD applications.
3. The planning commission is vested with authority to hear and make recommendations on MPR activity center designation and on density changes.
4. The County council is vested with authority to designate new master planned resort land use districts, to approve the uses, densities, and standards within those districts, and to approve or deny a master plan and amendments to the master plan.

H. Criteria for Approval.

1. **Master Planned Resort Proposal and Application.** An application to develop any parcel or parcels of land as an MPR may be approved, or approved with modifications, if it meets all of the criteria below. If no reasonable conditions or modifications can be imposed to ensure that the application meets these criteria, then the application shall be denied.
 - a. The master plan meets or exceeds the requirements of this section and SJCC 18.60.190.
 - b. The MPR is consistent with the goals and policies of the Comprehensive Plan, the

requirements of the Shorelines Master Program in Chapter 18.50 SJCC, and complies with all other applicable sections of this code and all other codes and policies of the County.

- c. If an MPR will be phased, each phase contains adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the MPR sufficient to stand alone if no subsequent phases are developed.
 - d. The MPR will provide active recreational uses such as boating, pools, and playing fields, and sufficient services such as transportation access, police, fire, and social and health services, to adequately meet the needs of the guests and residents of the MPR.
 - e. The MPR will contain within the development (or be provided by outside providers as per SJCC 18.30.060(C)) all necessary supportive and accessory on-site urban-level commercial and other services, and such services shall be oriented to serve the MPR.
 - f. Environmental considerations are employed in the design, placement, and screening of facilities and amenities so that all uses within the MPR are harmonious with each other, and in order to incorporate and retain, as much as feasible, the preservation of natural features, public views, and historic and other important features.
 - g. Improvements and activities are located and designed in such a manner as to avoid or minimize adverse effects of the MPR on surrounding lands and property.
 - h. The master plan establishes location-specific standards to retain and enhance the character of the resort.
2. **MPR Activity Center Designation.** The County may approve or approve with modifications an application for a change of designation or density for the property in order to designate the MPR activity center and make associated density changes if all of the criteria of SJCC 18.90.030(F); provided, that new urban and suburban land uses are precluded from outside of the boundaries in the vicinity of the MPR except in designated urban growth areas per RCW 36.70A.360(2) and 36.70A.362(2)(e).
 3. **Planned Unit Development Application.** The burden of proof shall be on the applicant. A PUD shall be approved by the County only if all of the following criteria are met:

- a. The proposed activities, developments and uses will not be contrary to the intent or purposes and regulations of this code or the Comprehensive Plan;
 - b. The proposal is consistent in design, character and appearance with the goals and policies for the MPR land use designation in which the proposed use is located, and the approved master plan;
 - c. The proposal meets or exceeds the requirements of SJCC 18.60.190;
 - d. If the PUD requires land division or a binding site plan, it meets the requirements of SJCC 18.70.090;
 - e. The proposal identifies and protects environmentally sensitive areas, archaeological and historic resources, and visual and aesthetic resources; and environmental considerations are employed in the design, placement and screening of facilities and amenities;
 - f. The proposal will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval;
 - g. The appropriate County officials have certified that the proposal will be served by adequate facilities including access, fire protection, water, stormwater control, and sewage disposal facilities;
 - h. The proposal passes all concurrency tests as provided in SJCC 18.60.200;
 - i. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use, shall not hinder allowable development or use of neighboring properties; and
 - j. The proposed land uses, activities, and structures comply with applicable development standards of Chapter 18.60 SJCC and performance standards specified in Chapter 18.40 SJCC, and with any required mitigation measures.
4. **New Master Plan for an Existing MPR.** An application for approval of a master plan for an existing MPR may be approved, or approved with modifications, if it meets all of the criteria in subsection (H)(1) of this section. If no reasonable conditions or modifications can be imposed to ensure that the application meets these criteria, then the application shall be denied.

I. Time Limits.

1. **Initiation of a New Master Planned Resort.**

The first PUD application shall be submitted within two years of the date of master plan and MPR approval, or the approval shall become null and void. An extension of up to one year may be granted by the administrator if the proponent demonstrates good cause for an extension. An extension of up to three additional years may also be granted by Council resolution based on a finding of good cause after a public hearing.

2. **Planned Unit Development.**

- a. If the PUD requires land division or a binding site plan, the time limits of SJCC 18.70.050(G), 18.70.070(F), 18.70.090 and 18.70.110 shall apply.
- b. If no land division or binding site plan is required, construction must be completed within five years of approval of the PUD. A one-year extension may be granted by the administrator.

3. **New Master Plan for an Existing MPR.** The master plan shall be submitted to the planning department within two years of the date of adoption of the Comprehensive Plan.

- a. An extension of up to one year may be granted by the planning director if the proponent demonstrates good cause for an extension. Subsection (A)(2)(a) of this section will continue to apply during that period.
- b. If no extension is granted, or the extension expires without submittal of the master plan, the planning director will notify the administrator. Thereafter, the administrator shall accept no further development applications and grant no further development approvals for the MPR until the planning director accepts a master plan application as meeting the requirements of subsection (D)(2) of this section.
- c. If subsection (I)(3)(b) of this section has applied for one year, or if the proponent submits a letter stating that it does not intend to develop a master plan, the planning director will recommend to the County council the revocation of the MPR designation and MPR land use district designation.

J. Appeals.

1. **Master Planned Resort Proposals, MPR Land Use Designations, Master Plan Amendments.** County council decisions may be appealed as provided in state law.
2. **Planned Unit Development Proposals.** The decisions of the hearing examiner may be

appealed in accordance with procedures specified in SJCC 18.80.140.

3. Administrative decisions may be appealed in

accordance with procedures specified in SJCC 18.80.140. (Ord. 16-2002 § 3; Ord 11-2000 § 8; Ord. 2-1998 Exh. B §

