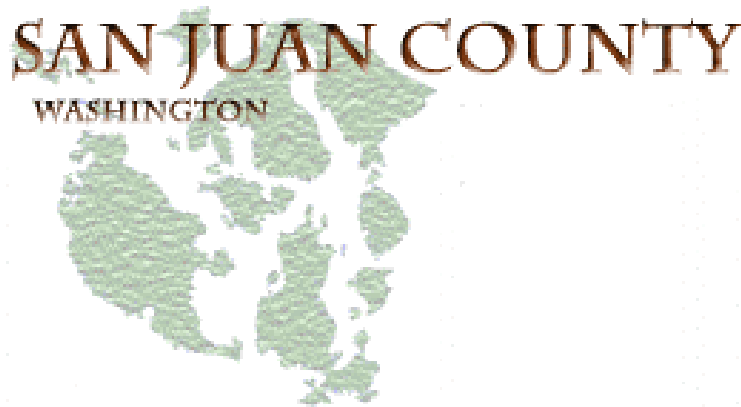

Unified Development Code (UDC)

Title 18 SJCC

**including Land Use, Land Division,
and Shoreline Master Program Regulations**

through December 31, 2002



first adopted December 20, 1998

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Chapter 18.90

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 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 amend the official maps shall be handled according to the procedures established in the Comprehensive Plan and in this section. 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 board of County commissioners (BOCC).

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

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

D. Board of County Commissioners (BOCC). The BOCC may at its option consider the planning commission’s recommendation in a public hearing held in accordance with the requirements of the Comprehensive Plan.

E. Public Notice. Notice of the public hearing or public meeting shall be provided to the public as set forth in the Comprehensive Plan and described in SJCC 18.80.030, and all other notice required by RCW 36.32.120.

F. Implementation. The BOCC decision shall become effective by passage of an ordinance or resolution.

G. Legislative Enactments Not Restricted. Nothing in this section or the permit processing procedures shall limit the authority of the BOCC 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. (Ord. 16–2002 § 1; Ord. 2–1998 Exh. B § 9.2)

18.90.030 Amendments and site-specific redesignations.

A. Purpose of Site-Specific Redesignations. A district change or density change is a mechanism by which the Comprehensive Plan land use designation or density applicable to property can be changed to reflect such things as changed circumstances, new land use needs, or new land use policies.

B. Who May Initiate. The BOCC, planning commission, or planning department may propose an amendment to this code or 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 redesignation or to change density may be initiated by a 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.

D. 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 and adjoining land;
 - b. Population density of the surrounding area;
 - c. Existing soil and sewage disposal conditions;
 - d. Description of existing water supply;
 - e. Suitability for agricultural or timber use;
 - f. Known archaeological or historical resources on the property;
 - 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 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) of this section.

E. Notice of Application. The applicant shall be required to mail notice of application as provided in SJCC 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.

F. Criteria for Approval. These actions are reviewed for conformance with the applicable provisions of the UDC and as follows:

1. **Site-Specific Redesignations.** The County may approve or approve with modifications 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 need for additional property in the proposed land use designation.
- 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.
- f. 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.
- g. The benefits of the change will outweigh any significant adverse impacts of the change.
- 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 a 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 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.

G. Appeals. Appeals of BOCC 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)

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, SJCC 18.90.020, and the Shoreline Management Act, Chapter 90.58 RCW. Final action of the 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, 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 the board, 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.
- 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, 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 BOCC. The BOCC 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 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(s), 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 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 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 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 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;
4. 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
6. 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 BOCC 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 board of County commissioners 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.

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 board of County commissioners 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.** BOCC 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 § 9.6)

