

ORDINANCE 11 - 2007

AN ORDINANCE APPROVING THE ROSARIO RESORT MASTER PLAN AND
ADOPTING AMENDMENTS TO THE SAN JUAN COUNTY
OFFICIAL COMPREHENSIVE PLAN LAND USE MAPS

RECITALS

WHEREAS, San Juan County adopted a Comprehensive Plan, Development Code, and Comprehensive Plan Land Use and Shoreline Master Program Maps (the Official Maps) pursuant to the Growth Management Act, Chapter 36.70A. RCW; and

WHEREAS, RCW 36.70A.362 authorizes San Juan County to designate resorts existing before July 1990 as "Master Planned Resorts"; and

WHEREAS, Rosario Resort has existed on Orcas Island since before July 1, 1990; and

WHEREAS, the official maps for San Juan County designate the Rosario Resort Property, except for the Hillside Parcel, and other small parcels as "Master Planned Resort"; and

WHEREAS, Section B.2.3.B of the San Juan County Comprehensive Plan, and San Juan County Code (SJCC) Sections 18.90.060, 18.60.190, and 18.30.060 establish standards and requirements for Master Planned Resorts and provide a process whereby the owner may submit a plan for resort development and uses to the County Council for approval; and

WHEREAS, an application for approval of the Rosario Resort Master Plan and associated map amendments was originally received on December 4, 2000, and a complete application for approval of a revised Plan together with amendments to the Official Map was received in March 2005; and

WHEREAS, the SJCC and *Comprehensive Plan* contain procedures, adopted under RCW 36.70A.130, for the submittal and review of corrections and amendments to the Official Maps, and provide that map amendments related to a Master Planned Resort (MPR) may be considered with the application for approval of the Resort; and

WHEREAS, under the State Environmental Policy Act (SEPA) a Determination of Significance and Scoping Notice was issued May 25, 2005; a scoping workshop was held June 6, 2005; a Draft Environmental Impact Statement (DEIS) was issued August 19, 2005; a public hearing on the DEIS was held September 26, 2005; and a Final Environmental Impact Statement was issued on December 21, 2006; and

WHEREAS, the Rosario Resort Master Plan and four (4) map amendments (05RED05) were considered by the Planning Commission at a properly noticed public hearing held on January 30, 2007 and continued to February 26 and March 7, 2007; and

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WHEREAS, after considering the evidence in the record the Planning Commission issued findings and a recommendation to approve the Rosario Resort Master Plan, as submitted, but with changes and Conditions of Approval; and

WHEREAS, the Rosario Resort Master Plan and associated land use and density amendments were considered by the County Council during a properly noticed public hearing held on March 30, 2007 and continued on April 10 and May 7, 2007; and

WHEREAS, after hearing the testimony of citizens and considering the evidence in the record, the County Council decided to accept the recommendations of the Planning Commission but, to require modifications to the Master Plan and modify the Conditions of Approval; and

WHEREAS, the notice of intent to adopt the Rosario Master Plan and map amendments was received by the Washington State Dept. of Community, Trade and Economic Development on January 26, 2007 (ID # 11273), and they did not submit comments on the proposal; and

WHEREAS, the Map Amendments are attached hereto as Exhibit A; and

WHEREAS, the Rosario Resort Master Plan was modified to satisfy the requirements of the County Council and the Conditions of Approval were incorporated as Appendix 1 to the May 2007 Resort Master Plan (the "Master Plan"), a copy of which is attached hereto as Exhibit B; and

WHEREAS, a public hearing notice and a summary of this ordinance approving the Rosario Resort Master Plan and associated amendments to the Official Maps was published in the County's official newspaper on May 23, 2007; and

WHEREAS, the County Council held a public hearing on this ordinance approving the Rosario Resort Master Plan and associated amendments to the Official Maps on June 4, 2007, and the County Council considered the evidence in the record, including the analysis and recommendations of the Planning Commission, Community Development and Planning Department, advice provided by the Office of the Prosecuting Attorney, and written and oral testimony from agencies and the public.

FINDINGS OF FACT

NOW, THEREFORE, the County Council, makes the following FINDINGS of FACT:

Procedure

1. Each of the recitals set forth above are hereby incorporated as findings of fact.
2. The Council agrees with the Planning Department staff and Planning Commission analysis, conclusions and recommendations as presented in the January 11, 2007 staff reports (Exhibits S-16 and S-17) and the Planning Commission Findings and Recommendations (Exhibit PC-4), but finds that additional Plan changes and Conditions of Approval are necessary to assure

that the Master Plan meets the requirements of the *Comprehensive Plan* and County Code. These changes and Conditions of Approval are included in the final Master Plan attached as Exhibit B.

3. The public was provided notice and an opportunity to review and comment on the Master Plan, prior drafts of the Master Plan, the map redesignations and the Draft and Final Environmental Impact Statements, in conformance with the *Comprehensive Plan* Section D.3, SJCC 18.90.030, SJCC 18.90.060, SJCC 18.80.050, RCW 36.32.120, and RCW 36.70.A.140.

Map Amendments

4. The Council agrees with Planning Department staff and the Planning Commission that all of the requested map redesignations are made to correct mapping errors. All property owned by Rosario Resort should be designated as "Master Planned Resort." *Comprehensive Plan* Section D.3 provides criteria and procedures for the correction of mapping errors, and in Section D.3.2.8.d. states "*Criteria. Changes in land use designations shall be approved if such change is necessary to correct errors on the Official Maps . . .*". Additional procedures are included in SJCC 18.90.030. The amendments to the Official Maps shown on the attached Exhibit A have been evaluated and meet the procedural requirements of the *Comprehensive Plan* and SJCC for the correction of mapping errors.

Parcels 173143002000 and 173134002000

5. Parcel numbers 173143002000 and 173134002000 are not part of the Resort and should not have been included in the "Master Planned Resort" land use designation. These parcels are most appropriately designated "Rural Residential" found in *Comprehensive Plan* Section B.2.3.C.c. which states:

Rural Residential

Goal: To protect the predominantly residential character of some rural areas and provide for a variety of residential living opportunities at rural densities.

Policies:

(1) Areas which are characterized by the following criteria may be designated as Rural Residential on the Comprehensive Plan Official Maps:

- i. There are existing small acreage platted areas generally with private covenants and restrictions, and some exclusively residential developments are expected to continue to occur; and*
- ii. Parcels are generally two to five acres in size, and may also include areas with lots less than two acres in size.*

The area where the two lots are located meets the first part of criterion i. because there are existing small acreage platted areas generally with private covenants and restrictions. The development that is planned for the immediate area is not exclusively residential, but exclusively residential development is likely in the surrounding area, so these lots are compatible with the second part of criterion i. Each lot is less than 2 acres and therefore they are compatible with criterion ii.

Resort Hilltop Parcel

6. The Resort's Hilltop Parcel (number 173043001000), is owned by and has been an integral part of Rosario Resort since before July 1, 1990. The Resort's employee housing was constructed at this location in 1988, under building permit no. 5227, and it has been in operation since that time. This parcel should have been included in the "MPR" designation and it was an error not to include it. The parcel meets the criteria for "MPR" designation found in RCW 36.70A.362.

Southern Portion of Tennis Court Parcel

7. The Council finds that the southern portion of the Resort's Tennis Court parcel (parcel number 173142002000) was divided into two designations: Rural Residential and Master Planned Resort. The property should not have been split zoned. The property is owned by the Resort, it is used to provide amenities for the guests of the Resort, it is contiguous to the Resort and, accordingly, the entire parcel should be designated "MPR."

Master Planned Resort

8. Rosario Resort is an existing resort, in existence since before July 1, 1990, and developed, in whole or in part, as a significantly self-contained and integrated development that includes short-term visitor accommodations associated with a range of indoor and outdoor recreational facilities within the property boundaries in a setting of significant natural amenities. Rosario Resort includes other permanent residential uses, conference facilities, and commercial activities supporting the resort, because they are integrated into and consistent with the on-site recreational nature of the resort.

9. The *San Juan County Comprehensive Plan* specifically identifies policies to guide the development of the existing resort.

10. The *Comprehensive Plan* and development regulations include restrictions that preclude new urban or suburban land uses in the vicinity of the existing resort, except in areas otherwise designated for urban growth under RCW 36.70A.110 and 36.70A.360(1);

11. The land in the Rosario Resort is not located on land that would otherwise be designated as forest land or agricultural land under RCW 36.70A.170.

12. The Master Plan is consistent with the development regulations established for critical areas.

13. On-site and off-site infrastructure impacts have been fully considered and are mitigated.

14. The Master Plan describes the project and provides a framework for project control and operation during and after development. Specifically, the Master Plan includes an appropriate level of detail and adequate discussion of the following elements of the Master Plan Resort:

a. 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.

b. 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 is discussed in the Master Plan.

c. 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. The Master Plan explains how landscaping and open space, recreational facilities, road and parking design, capital facilities, and other components of the Master Plan work together in the project.

d. The Master Plan lists additional allowable uses and maximum density of the MPR as provided in SJCC 18.60.190(B)(2) and (3), and includes a discussion of how these uses and their distribution meet the needs of the Resort and its patrons.

e. A description of location-specific standards that are established to retain and enhance the character of the Resort, and of how the MPR is meeting or will meet those standards.

f. A description of the intended phasing of development of the project. The application for the MPR provided sufficient detail for the phases such that the full intended scope and intensity of the development could be evaluated. The Master Plan also discusses 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.

g. Maps that depict the completed MPR development, showing the full extent and ultimate development of the Resort and its facilities and services.

h. 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.

i. 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.

j. Specific values and supportive information and rationale for the choices made for the flexible standards listed in SJCC 18.60.190(B)(1).

k. 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.

l. A description of the environmentally sensitive areas of the project area, and the measures that will be employed for their protection.

15. The 2007 Master Plan contains an appropriate level of detail and adequate discussion of the following criteria for Master Planned Resort approval:

a. The Master Plan meets or exceeds the requirements of SJCC 18.90.060.H.1 and 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 SJCC Chapter 18.50, and complies with all other applicable sections of the San Juan County Code and all other codes and policies of the County.

c. The MPR will be phased, and 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.

16. The 2007 Master Plan contains an appropriate level of detail and adequate discussion of the following development standards for Master Planned Resorts as follows:

a. The Rosario Master Planned Resort is a self-contained and fully integrated development in a setting of significant natural amenities, with primary focus on destination resort facilities, and which is planned for as whole and developed in a programmed series of stages. *See also* SJCC 18.30.060 and 18.90.060.

b. The Rosario Master Planned Resort is located within an MPR activity center, and adjacent to the Rosario Residential Activity Center.