AN ORDINANCE REGARDING LEGISLATIVE AND SITE SPECIFIC AMENDMENTS TO COMPREHENSIVE PLAN OFFICIAL MAP, AMENDING SAN JUAN COUNTY CODE CHAPTER 18.90 (TITLE) AND SECTIONS 18.30.020, 18.30.250, 18.30.310, 18.80.100, 18.90.010, 18.90.020, 18.90.25, 18.90.030, 18.90.050 and 18.90.060.

Background

A. San Juan County Code section 18.90 was last amended by Ordinance 32-2010.
B. Ordinance 32-2010 addressed Unified Development Code amendment constraints and site specific redesignation amendments to the Comprehensive Plan Official Map.
D. Legislative amendments to the Comprehensive Plan Official Maps are changes to the land use designation of one or more parcels in order to implement to goals and policies of the County’s Comprehensive Plan. Typically initiated by the County Council, Legislative amendments to the Comprehensive Plan Official Maps may be integral aspects of Comprehensive Plan element reviews and updates; updates as well as amendments to an existing Subarea Plans; updates and/or amendments to an existing Master Planned Resort.
E. Site specific Comprehensive Plan Official Map amendments are initiated by the public, organizations with identifiable interests, agencies of the state government or other interested parties.
F. Ordinance 32-2010 was intended to simplify and clarify the different standards and procedures that apply to legislative and site specific Comprehensive Plan Official Map amendments.
G. As legislative actions by the Council impact all county residents and property owners a strict interpretation of the existing regulations suggests the County may be required to notify all county property owners individually prior to any Comprehensive Plan Official Map change.
H. Existing regulations further suggest the County is required to complete the application procedure for each parcel effected by legislative Comprehensive Plan Official Map amendments. If so, then the mandated Comprehensive Plan updates may require County staff to complete applications and reports for thousands of parcels, which, given the County’s resources could stall the updates for the foreseeable future.
I. The 60 day notice of the intent to change development regulations were sent to the Washington Department of Commerce on Thursday September 18, 2014 and given the material ID #20636.
J. The Planning Commission held a properly noticed public hearing on the proposed changes on October 17, 2014 and made the following findings:
1. The regulations do not distinguish between legislative and site specific Comprehensive Plan Official Map amendments.

2. Different administrative and public notification procedures are appropriate for the types of Comprehensive Plan Official Map amendments.

3. The current regulations may stifle future legislative Comprehensive Plan Official Map amendments.

4. The proposed Unified Development Code amendments clarifies the procedures that apply to legislative and site specific Comprehensive Plan Official Map amendments.

K. The County Council held a properly noticed public hearing on the proposed changes on XXXXXX.

NOW, THEREFORE, BE IT ORDAINED by the County Council of San Juan County, Washington, as follows:

SECTION 1. SJCC 18.30.020 and Ord. 25-2012 § 6 are each amended as follows:

18.30.020 Land use regulations – Allowable and prohibited uses by designation and allowable residential densities.

The land use regulations which follow implement the Comprehensive Plan. They are broken down into broad categories which should include almost any type of land use that might be proposed. The use regulations establish standard procedures for all new development.

A. Categories of Allowable Use. Land uses allowed under this code are divided into five categories, as identified in Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040.

1. Yes, uses allowed outright (i.e., without a project permit) subject to the applicable development standards (Chapter 18.60 SJCC); if a building or other construction permit is required, this use is subject to administrative consistency review; see also SJCC 18.80.070;

2. Provisional use (a project permit) is allowed subject to the applicable development standards (Chapter 18.60 SJCC) and performance standards unique to the proposed use (Chapter 18.40 SJCC; see also SJCC 18.80.080), are designated by “P”;

3. Provisional/Conditional Use. After review of SJCC 18.80.090 and Table 8.2, the administrator will determine whether a provisional or conditional use permit will be required;

4. Conditional use (a project permit) is allowed subject to public notice and permit hearing procedure; see SJCC 18.80.100;

5. P.A. (Plan Amendment). New uses, or changes in the locations of uses in a master planned resort activity center which require an amendment to the master plan (see SJCC 18.30.060, 18.60.190, and 18.90.060).
B. **Prohibited Uses.** Uses designated with an “N” (=No) are not allowed in the applicable land use designation.

C. **Multiple Designations.** Some properties or developments may be subject to the regulations for two or more applicable land use designations, shoreline designations, or overlay districts.

D. **Allowable Residential Density.**

1. The maximum allowable residential density for all parcels is shown on the official maps of the San Juan County Comprehensive Plan. In determining the maximum number of allowable parcels or dwelling units, only whole numbers may be used. Fractional density units are not parcels and may not be combined across density designation or parcel boundaries to create a whole density unit.

2. Residential densities shown on the official maps of the Comprehensive Plan apply to both the areas subject to the jurisdiction of the Shoreline Master Program and the upland areas, except where shoreline regulations specify a different density.

3. The maximum allowable density reflects the general intent of the Comprehensive Plan and should be allowed unless maximum density would exceed site capabilities or unless it would thwart other applicable County land use regulations. If specific site considerations dictate a lower density than that shown on the official maps, the County shall have authority to impose a lower density. The approved density shall be determined on a case-by-case basis and shall be based on considerations of topography, protection of natural resources and systems, and the intent and policies of the Shoreline Management Act, the State Environmental Policy Act, the Comprehensive Plan, this code, and this Shoreline Master Program.

   a. The allowed density may be reduced below the maximum if SEPA analysis or other evaluation of the site or area-wide conditions demonstrates that adverse effects of development at the maximum density can be mitigated or avoided by a reduction to the approved density, and no appropriate alternative means of mitigation is available.

4. The residential densities specified on the official maps shall not constitute and shall not be construed as minimum parcel sizes. Minimum parcel sizes may be set forth elsewhere in this code or in a subarea plan.

5. *Repealed by Ord. 7-2005.*

6. Land division is prohibited in upland natural designations and in natural shoreline designations.

7. Conservancy Lands (C).

   a. Where no numerical density designation is assigned on the official maps a maximum allowable density of one dwelling unit per five acres shall apply.

   b. On publicly owned conservancy lands, the maximum allowable residential density is one dwelling unit per parcel, except for housing for employees (not to exceed that necessary for land or park management), or for housing associated with an existing public higher educational facility.
8. For all rural (except activity centers), resource, or conservancy designations, and for all shoreline areas, land division shall be subject to the conservation design provisions in SJCC 18.70.060 (B)(10).


10. Maximum allowable residential densities for planned unit developments in urban growth areas and residential activity centers shall be determined as provided in SJCC 16.55.240, 18.30.210, 18.30.220 and 18.60.220.

11. Maximum residential densities in master planned resorts are determined as provided in SJCC 18.30.060(B).

12. Regulations and maximum residential densities within the unincorporated portion of the Friday Harbor urban growth area.
   a. In Harborview Place, the town of Friday Harbor regulations for the single-family land use designation and a maximum allowable residential density of four dwelling units per acre shall apply.
   b. In other areas, County land use designations and densities shall apply.

13. Exception for Rural Residential Cluster Development. Land developed under the provisions of SJCC 18.60.230, Rural residential cluster development, shall be subject to the density provisions of that section.

E. Development Standards and Use Limitations. All uses are subject to certain bulk and dimensional standards, such as setbacks and off-street parking requirements. These standards are specified in Chapter 18.60 SJCC.

F. Criteria for Site-Specific and legislative Comprehensive Plan Official Map amendments Redesignations and Master Planned Resort Approval. The criteria for decisionmaking on these actions are specified in Chapter 18.90 SJCC.

G. Application, Notice, and Appeal Requirements. The requirements to file an application, the administrative processes for handling the application, and appeal procedures, are specified in Chapter 18.80 SJCC. (Ord. 25-2012 § 6; Ord. 7-2005 § 3; Ord. 14-2000 § 7(ZZ); Ord. 11-2000 § 4; Ord. 2-1998 Exh. B § 3.2)

SECTION 2. SJCC 18.30.250 and Ord. 26-2007 § 4 are each amended to read as follows:

18.30.250

Deer Harbor plan review committee.

A. Creation. The Deer Harbor plan review committee is established under authority of this plan by the San Juan County council.

B. Composition. The Deer Harbor plan review committee shall consist of seven members, resident in Deer Harbor and its environs, who shall be appointed by the County council for terms of two years each so that terms of all members do not coincide. Terms of four members shall be for one year from the date of adoption of the ordinance codified in this
article and the terms of three members shall be for a period of two years from the anniversary of the date of adoption.

C. **Purpose.** The purpose of the Deer Harbor plan review committee is to advise the San Juan County planning commission on land use and development matters affecting Deer Harbor. The Deer Harbor plan review committee would also be responsible for carrying out studies sufficient to enable an informed decision regarding the location of the community center and other issues of importance to the future planning efforts. In addition to the tasks noted above, the Deer Harbor plan review committee is responsible for developing architecture and building design guidelines that may be adopted at a future date.

D. **Authority.** The Deer Harbor plan review committee shall have authority and responsibility to:

1. Review this plan at least once every five years from the date of adoption; following such review the committee may recommend to the County council amendments designed to achieve more effectively the purposes and policies of this plan; review and amendment procedures shall be as set out in SJCC 18.90.050;

2. Review and comment on all applications for site specific Comprehensive Plan Official Map amendments redesignation, long and short plats, and conditional use permits and variances required by this plan, and all applications for shoreline permits for development within Deer Harbor; and review and comment on all environmental determinations issued according to the State Environmental Policy Act for proposed developments in Deer Harbor;

3. Monitor applications and County permit approvals for other developments within Deer Harbor to enable effective and comprehensive review of this plan;

4. On request of the Director administrator or on their own initiative, make recommendations regarding the intent or meaning of any provision of this plan;

5. Fulfill the above responsibilities by action in accordance with bylaws for conduct of the Deer Harbor plan review committee adopted by the County council;

6. As the full committee or a subcommittee appointed by the chair, hold regular meetings with representatives of the community and development department and the public works department, for the exchange of information about plans for the extension of services or improvements to facilities within Deer Harbor; and

7. In order to enable the committee to fulfill its duties and to be adequately informed about pending land use applications in the subarea, the planning director will provide the committee with: (a) current summary reports of all pending land use applications; and (b) complete copies of all applications requested by Deer Harbor plan review committee.

E. Appeals. The actions of the Deer Harbor plan review committee are recommendations and therefore not subject to appeal. (Ord. 26-2007 § 4)

**SECTION 3.** SJCC 18.30.310 and Ord. 25-2012 § 27 are each amended as follows:
18.30.310
Permitted land uses.

All development and use within the exterior boundaries of the Deer Harbor Hamlet shall conform to the table of allowed land uses set forth in Table 3.8.

Table 3.8 Allowed Land Uses in Deer Harbor Hamlet

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>HR</th>
<th>HC</th>
<th>HI-A</th>
<th>HI-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Shelters and Kennels</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Automotive Service and Repairs</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Bed and Breakfast Inn</td>
<td>C</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Bed and Breakfast Residence</td>
<td>P</td>
<td>P/C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Camping Facilities</td>
<td>N</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Day Care with 1 – 6 Children</td>
<td>P/C</td>
<td>P/C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Day Care with 7+ Children</td>
<td>C</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Drinking Establishment</td>
<td>N</td>
<td>P</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Eating Establishment</td>
<td>N</td>
<td>P</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>C²</td>
<td>C</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Indoor Entertainment Facility Theater</td>
<td>N</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Category “A” Joint Use Wireless Facility²</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Category “B” Joint Use Wireless Facility</td>
<td>P/C</td>
<td>P/C</td>
<td>P/C</td>
<td>P/C</td>
</tr>
<tr>
<td>Nursing Homes</td>
<td>N</td>
<td>P/C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Personal Wireless Service Facility, co-located on an existing, permitted stand-alone tower, or mounted to the surface of an existing structure</td>
<td>P/C³</td>
<td>P/C</td>
<td>P/C</td>
<td>N</td>
</tr>
<tr>
<td>Personal Wireless Services Facility, mounted on a building which meets the height standard of the land use designation, or a facility disguised or camouflaged as an allowable exemption to the height standard</td>
<td>P/C</td>
<td>P/C</td>
<td>P/C</td>
<td>N</td>
</tr>
</tbody>
</table>
### Commercial Land Uses

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>HR</th>
<th>HC</th>
<th>HI-A</th>
<th>HI-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Wireless Service Facility, other&lt;sup&gt;3&lt;/sup&gt;</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>N</td>
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<tr>
<td>Personal and Professional Services</td>
<td>N</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Residential Care Facilities [1 – 6 persons]</td>
<td>C</td>
<td>P/C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Residential Care Facilities [7 – 15 persons]</td>
<td>N</td>
<td>C</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Existing Resorts and Camps, Expansion of Existing Uses Without Increase to Scope or Scale</td>
<td>N</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Existing Resorts and Camps, Increase in Scope or Scale of Facilities and Services</td>
<td>N</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Camps, New</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Resorts, New</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Retail Sales and Services</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>C</td>
</tr>
<tr>
<td>Transient Rental of Residence or ADU</td>
<td>C&lt;sup&gt;4&lt;/sup&gt;</td>
<td>C&lt;sup&gt;4&lt;/sup&gt;</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Warehouse, Mini-Storage, and Moving Storage Facilities</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Auto Fuel Pumps</td>
<td>N</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Unnamed Commercial Uses</td>
<td>N</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

<sup>1</sup> All permitted land uses are subject to the performance and use specific standards in Chapter 18.40 SJCC. For the purposes of this table, unnamed commercial uses include marinas and associated uses.

<sup>2</sup> Only allowable on parcels of 30 acres or more.

<sup>3</sup> To minimize commercial developments in residential neighborhoods, in lands designated HR wireless facilities other than joint use wireless facilities must be accessory to a legal conforming or nonconforming structure, and cannot be a primary land use.

<sup>4</sup> In all activity center land use designations the vacation rental of a residence or accessory dwelling unit may be allowed by provisional permit only if the owner or lessee demonstrates that the residence or accessory dwelling unit in question was used for vacation rental on or before June 1, 1997; otherwise, a conditional use permit (“C”) is required. After internal land use designation boundaries are adopted for an activity center this provision will apply to VR and HR designations but not to the activity center in general.
5 Though a project permit is not required, these facilities are subject to the requirements for joint use wireless facilities found in Chapter 18.40 SJCC.

**Industrial Land Uses**

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>HR</th>
<th>HC</th>
<th>HI-A</th>
<th>HI-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulk Fuel Storage</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Concrete and Concrete Batch Plants</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Construction Yard</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Feed Lots</td>
<td>N</td>
<td>N</td>
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<td>N</td>
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<td>Garbage and Solid Waste Transfer Stations</td>
<td>N</td>
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<tr>
<td>Heavy Equipment Rental Services (Incidental to Nonrental Primary Use of Equipment)</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Heavy Industrial</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Light Industrial(^4)</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Light Manufacturing(^4)</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Lumber Mills, Stationary</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<td>Outdoor Storage Yards</td>
<td>N</td>
<td>N</td>
<td>P/C</td>
<td>P/C</td>
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<tr>
<td>Recycling Center</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Recycling Collection Point</td>
<td>N</td>
<td>N</td>
<td>C</td>
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<tr>
<td>Resource Processing Accessory to Extraction Operations</td>
<td>N</td>
<td>N</td>
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<td>Mining and Mineral Extraction Activities</td>
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<tr>
<td>Reclamation of Mineral Extraction Sites</td>
<td>N</td>
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<tr>
<td>Wholesale Distribution Outlets(^4)</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Wrecking and Salvage Yards (Boat)</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>N</td>
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<tr>
<td>Storage and Treatment of Sewerage, Sludge, and</td>
<td>N</td>
<td>N</td>
<td>N</td>
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</table>
Industrial Land Uses

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>HR</th>
<th>HC</th>
<th>HI-A</th>
<th>HI-B</th>
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</thead>
<tbody>
<tr>
<td>Septage – Lagoon Systems</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Unnamed Industrial Uses</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>C</td>
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</table>

6 Subject to low impact provisions of Table 8.2 of Chapter 18.80 SJCC.

Institutional Land Uses

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>HR</th>
<th>HC</th>
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<tr>
<td>College</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Community Club or Community Organization Assembly Facility</td>
<td>C</td>
<td>P/C</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Emergency Services</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Environmental, Agricultural, Marine, Forestry, Aquacultural Research and Education Facilities</td>
<td>C</td>
<td>P/C</td>
<td>C</td>
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<td>Government Offices</td>
<td>N</td>
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<td>N</td>
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<tr>
<td>Institutional Camps</td>
<td>N</td>
<td>N</td>
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<td>N</td>
</tr>
<tr>
<td>Library</td>
<td>N</td>
<td>P/C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Museum</td>
<td>C</td>
<td>P/C</td>
<td>C</td>
<td>N</td>
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<tr>
<td>Post Office</td>
<td>C</td>
<td>C</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Religious Assembly Facility</td>
<td>N</td>
<td>C</td>
<td>N</td>
<td>N</td>
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<tr>
<td>School, Primary and Secondary</td>
<td>C</td>
<td>C</td>
<td>N</td>
<td>N</td>
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<td>Technical School/Adult Education Facility</td>
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<td>Unnamed Institutional Uses</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

5 At least one part of the property must be located within 100 feet of either side of Deer Harbor Road or within 100 feet of Channel Road between Deer Harbor Road and the Bridge. Residential development standards shall apply.
### Recreational Land Uses

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>HR</th>
<th>HC</th>
<th>HI-A</th>
<th>HI-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Camping Facilities in Public Parks</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Indoor Recreation Facilities</td>
<td>N</td>
<td>C</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Outdoor Recreation Developments</td>
<td>N</td>
<td>C</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Parks</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>N</td>
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<tr>
<td>Playing Fields</td>
<td>C</td>
<td>C</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Recreational Vehicle Parks</td>
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<td>Outdoor Shooting Ranges</td>
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<td>Unnamed Recreational Uses</td>
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</table>

### Residential Land Uses

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>HR</th>
<th>HC</th>
<th>HI-A</th>
<th>HI-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cottage Enterprise</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Farm Labor Accommodations for Persons Employed in Agricultural Production on the Premises</td>
<td>P/C</td>
<td>P/C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Farm Stay</td>
<td>C</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Home Occupation</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Mobile Home Parks</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Multifamily Residential Units (3+ units), If Density Permits</td>
<td>C</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Single-Family Residential, or Accessory(^6) Apartment, or Accessory to an Allowable Nonresidential Use</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Single-Family Residential Unit</td>
<td>Y</td>
<td>C</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Two-Family Residential (Duplex), If Density Permits</td>
<td>P/C</td>
<td>P/C</td>
<td>N</td>
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</tr>
</tbody>
</table>
Residential Land Uses

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>HR</th>
<th>HC</th>
<th>HI-A</th>
<th>HI-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacation Rental of Residential or Accessory Dwelling Unit$^7$</td>
<td>C</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Rural Residential Clusters</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Unnamed Residential Uses</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

$^6$ Redesignation. A site specific Comprehensive Plan Official Map amendment from commercial or industrial to residential must comply with the density requirement of a maximum of four units per acre.

$^7$ In all activity center land use designations the vacation rental of a residence or accessory dwelling unit may be allowed by provisional permit only if the owner or lessee demonstrates that the residence or accessory dwelling unit in question was used for vacation rental on or before June 1, 1997; otherwise, a conditional use permit (“C”) is required. After internal land use designation boundaries are adopted for an activity center this provision will apply to VR and HR designations but not to the activity center in general.

Transportation Land Uses

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>HR</th>
<th>HC</th>
<th>HI-A</th>
<th>HI-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airfields</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Airports</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Airstrips</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Hangars</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Helipads, Emergency Services</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Ferry Terminals</td>
<td>N</td>
<td>C</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Parking Lots, Commercial</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Outer Island Parking</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Parking Structures</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Trails and Paths, Public</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Water Taxi</td>
<td>C</td>
<td>C</td>
<td>C</td>
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## Transportation Land Uses

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<thead>
<tr>
<th>LAND USES</th>
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<tr>
<td>Streets, Public</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Unnamed Transportation Uses</td>
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## Utility Land Uses

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</thead>
<tbody>
<tr>
<td>Commercial Communications Facilities</td>
<td>N</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Commercial Power Generation Facilities</td>
<td>C</td>
<td>C</td>
<td>C</td>
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</tr>
<tr>
<td>Community Sewerage Treatment Facilities</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Storage and Treatment of Sewerage, Sludge, and Septage – Systems Other Than Lagoons</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Utility Distribution Lines</td>
<td>Y</td>
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<td>Y</td>
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<tr>
<td>Utility Facilities</td>
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<td>Utility Substations</td>
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<tr>
<td>Utility Transmission Lines</td>
<td>Y</td>
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<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Community Water Systems</td>
<td>P/C</td>
<td>P/C</td>
<td>P/C</td>
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<tr>
<td>Water Treatment Facilities</td>
<td>P/C</td>
<td>P/C</td>
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<tr>
<td>Unnamed Utility Uses</td>
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## Agriculture and Forestry Uses

<table>
<thead>
<tr>
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<th>HR</th>
<th>HC</th>
<th>HI-A</th>
<th>HI-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Processing Retail and Visitor-Serving Facilities and Products</td>
<td>C</td>
<td>Y</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Agricultural Uses and Activities</td>
<td>Y</td>
<td>Y</td>
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<td>N</td>
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Agriculture and Forestry Uses

<table>
<thead>
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<th>HR</th>
<th>HC</th>
<th>HI-A</th>
<th>HI-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forest Practices, No Processing</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Lumber Mills, Portable, for Personal Temporary Use</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Nurseries</td>
<td>C</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Retail Sales of Agricultural Products</td>
<td>P/C</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Small-Scale Slaughterhouses</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Unnamed Agricultural and Forestry Use</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

Notes

1. Categories of uses:

   Y = Uses allowed outright (i.e., without a project permit), subject to the applicable development standards (Chapter 18.60 SJCC); if a building or other construction permit is required, this is subject to administrative review; see SJCC 18.80.070.

   P = Use subject to administrative consistency review for compliance with Chapter 18.60 SJCC, Development Standards, and Chapter 18.40 SJCC, Performance and Use-Specific Standards; see SJCC 18.80.080.

   P/C = Administrative review; a discretionary use subject to administrative permit approval and consistency with Chapter 18.60 SJCC, Development Standards, unless the administrator requires a conditional use permit based on project impacts; see SJCC 18.80.090 and Table 8.2.

   C = Conditional use, subject to public notice and permit hearing procedure; see SJCC 18.80.100.

   N = Prohibited use.

2. The assignment of allowed uses may not directly or indirectly preclude the siting of “essential public facilities” (as designated in the Comprehensive Plan; see also the definition in SJCC 18.20.050) within the County. See SJCC 18.30.050(E).

3. Deer Harbor land use designations:

   HC = Hamlet commercial
   HI-A = Hamlet industrial (Boatworks, TPN 260724003A)
   HI-B = Hamlet industrial (Connor/Cookston TPNs 260633013 and 260752001)
   HR = Hamlet residential

(Ord. 25-2012 § 27; Ord. 10-2012 § 20; Ord. 26-2007 § 10)
SECTION 4. SJCC 18.80.100 and Ord. 11-2011 § 8 are each amended to read as follows:

18.80.100 Permit procedures for conditional use and variance permits.

A. Purpose and Applicability.

Conditional use permits allow flexibility in the implementation of this code by controlling undesirable impacts through specific permit conditions. Variances ensure that all persons and their property are guaranteed equal rights and opportunities under similar circumstances. A variance is never to be used to endow certain persons or property with special privileges denied to all others under similar circumstances. Variances may only be granted for dimensional, bulk, and area requirements specified by this code. (For changes from use or density standards, see the procedures for a site-specific or legislative redesignation- Comprehensive Plan Official Map amendments, SJCC 18.90.0230.) The following uses are subject to this section:

1. Conditional Uses (indicated by “C” in Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040) and discretionary uses (indicated by “D” in Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040) that the director has determined require a conditional use permit;

2. Variances from standards other than those in Chapter 18.50 SJCC.

B. Notice and Public Hearing. Notice of application and of public hearing is required in accordance with the procedures in SJCC 18.80.030. An open-record predecision hearing is required for conditional use permit and variance applications (see SJCC 18.80.040).

C. Decisionmaking Authority. The hearing examiner has the authority to approve or deny conditional use permit and/or variance applications, and to impose conditions of approval on such permits.

D. Conditional Use Permits - Criteria for Approval. A conditional use permit shall be granted by the County only if the following criteria are met:

1. The proposed use will not be contrary to the intent or purposes and regulations of this code or the Comprehensive Plan;

2. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located;

3. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval;

4. The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval;

5. The proposal will be served by adequate facilities including access, fire protection, water, stormwater control, and sewage disposal facilities;

6. The location, size, and height of buildings, structures, walls and fences, and screening vegetation associated with the proposed use shall not unreasonably interfere with allowable development or use of neighboring properties;

7. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood;
8. The proposal complies with the performance standards set forth in Chapter 18.40 SJCC;
9. The proposal does not include any use or activity that would result in the siting of an incompatible use adjacent to an airport or airfield (RCW 36.70.547); and
10. The proposal conforms to the development standards in Chapter 18.60 SJCC.

E. Variances – Criteria. A variance shall be granted only if the applicant demonstrates that the following criteria have been met:

1. Literal interpretation and application of provisions of this code would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this code, and allowing the variance will be in harmony with the intent and spirit of this code;
2. A variance is necessary for the preservation and enjoyment of a property right possessed by other property in the same vicinity or district, but which is denied to the property in question because of special circumstances on that property;
3. That the hardship described under this subsection is specifically related to the property and is the result of unique conditions such as irregular lot shape, size, or natural features, and the application of this code, and not, for example, from deed restrictions or the applicant’s own actions;
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to the right of other property owners in the vicinity; and
5. The variance will not permit a use prohibited by this code in the district in which the subject property is located.

F. Term. Unless a shorter time period is specified in permit conditions, development authorized through a conditional use or variance permit shall be completed within five years from the date of permit approval or the permit shall become null and void. An extension of up to one year may be granted by the decisionmaking authority if the permittee demonstrates good cause for an extension. (Ord. 11-2011 § 8; Ord. 15-2002 § 10; Ord. 4-2001 §§ 2, 3; Ord. 14-2000 § 7(AAA); Ord. 2-1998 Exh. B § 8.10)

SECTION 5. The title of SJCC 18.90 shall be amended to read as follows:

Chapter 18.90
CRITERIA AND PROCEDURES FOR LEGISLATIVE ACTIONS AND SITE-SPECIFIC COMPREHENSIVE PLAN OFFICIAL MAP AMENDMENTS REDESIGNATIONS

SECTION 6. SJCC 18.90.010 and Ord. 6-2011 § 1 are each amended as follows:

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. Legislative Comprehensive Plan Official Map amendments; and

3. Adoption of amended or new elements or appendices of the Comprehensive Plan 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. 6-2011 § 1; Ord. 2-1998 Exh. B § 9.1)

SECTION 7. SJCC 18.90.020 and Ord. 32-2010 § 1 are each amended as follows:

18.90.020 Legislative procedures.

A. Procedures. All proposed amendments to this code and proposed amendments to the official maps and/or Comprehensive Plan shall be handled according to the procedures established in Chapters 36.70 and 36.70A RCW, 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. Planning Department. The department shall evaluate all requests to modify this code and forward recommendations to the planning commission and County council for consideration.

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.

D. County Council. All amendments to the development code, Comprehensive Plan, and official maps require a public hearing before the County council.

E. Public Notice. Notice of all public hearings will be given in conformance with applicable law. 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. A single e-mail list shall be maintained by the department. All those requesting the service shall receive all department notices digitally. The additional public notification procedures listed in SJCC 18.90. 030 (2)(a) shall be required soley for site specific Comprehensive Plan Official Map amendments.

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. 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.

1. Criteria for the approval of legislative Comprehensive Plan Official Map amendments:
   a. The changes would benefit the public health, safety, or welfare.
   b. The change is warranted because of one or more of the following: changed circumstances; a demonstrable need for additional land of the proposed land use designation; to correct demonstrable errors on the official map; or because information not previously considered indicates that different land use designations are equally or more consistent with the 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 benefits of the change will outweigh any significant adverse impacts of the change.

H. Unified Development Code (UDC) Amendment. Amendments to the UDC may be adopted at any time. (Ord. 32-2010 § 1; Ord. 50-2008 § 1; Ord. 15-2005 § 3; Ord. 16-2002 § 1; Ord. 2-1998 Exh. B § 9.2)

SECTION 8. SJCC 18.90.025 and Ord. 32-2010 § 2 are each amended to read as follows:

18.90.025 Public participation.

A. Public input encouraged. Public input on planning issues, including proposed amendments to the code and Comprehensive Plan (including the official maps) shall be actively sought and encouraged by the County council, the planning commission and the department.

B. Early and continuous input. In order to 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. (Ord. 32-2010 § 2; Ord. 15-2005 § 3)

C. Requests, proposals and recommendations submitted. Members of the public or other interested parties including state agencies or other organizations with specific interests may submit requests, proposals and recommendations for amendments to the Comprehensive plan, the Comprehensive Plan Official Maps and the Unified Development Code subject to the the deadline provisions of this chapter.

SECTION 9. SJCC 18.90.030 and Ord. 6-2011 § 2; are each amended to read as follows:

A. Purpose of Amendments to Comprehensive Plan Official Maps. Amendments to the Comprehensive Plan Official Maps are the mechanism by which the Comprehensive Plan land use district designation or density applicable to property can be changed to reflect such things as changed circumstances, new land use needs, 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.

B. Who May Initiate.
   1. Amendments to Comprehensive Plan Official Maps initiated by the County council, planning commission, department, or any other interested party may propose an amendment to this code or the Comprehensive Plan and the official maps at any time subject to the requirements of this section.
   a. The planning commission will hold at least public hearing at which public testimony is taken. Notice of the hearing shall be provided pursuant to SJCC 18.90.020.E; and
   b. The County Council will hold at public hearing at which public testimony is taken. Notice of the hearing shall be provided pursuant to SJCC 18.90.020.E.

   2. Site specific amendments to Comprehensive Plan Official Maps initiated by the public or any other interested party are subject to the application and public notification requirements below.

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. This limitation does not apply to requests by the County council.

D. Application Procedure for site specific Comprehensive Plan Official Map amendment requests by the public or other interested party.

   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 lands;
      b. Allowable population density of the surrounding area as measured by the maximum allowable residential density;
      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.

2j. Through the use of legal descriptions and maps, the application shall identify clearly the areas 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.

3k. If a proposal would remove a resource land designation from property, the applicant must provide information demonstrating that the property is not appropriately designated as agricultural land or forest land under RCW 36.70A.170.

3. Notice of Hearing. In addition to publication of notice of public hearing, the following notice provisions are required for site specific Comprehensive Plan Official Map amendments requested by the public or other interested party, in addition to publication of notice of public hearing.

4a. For site specific Comprehensive Plan Official Map amendments involving any number of parcels the applicant shall mail a notice of hearing at least 30 days prior to the planning commission hearing to all directly affected property owners and to all property owners within 300 feet of the proposal’s outer boundary line.

4b. For site specific Comprehensive Plan Official Map amendments involving five parcels or fewer, the applicant shall mail a notice of hearing to all property owners within 300 feet of the boundaries of all subject properties at least 30 days prior to the planning commission hearing, using the names and addresses shown on the tax assessment rolls. The notice of hearing shall be deemed to have been provided on the date the notices are deposited in the mail. The applicant shall provide the director with a declaration of mailing and a list of those individuals to whom the notice was mailed. All notices returned to the applicant must be submitted to the director for inclusion in the file.

3c. For site specific Comprehensive Plan Official Map amendments involving five parcels or fewer, the applicant shall post a notice of hearing on each of the subject properties in accord with the provisions of SJCC 18.80.030(A)(2)(c) prior to the planning commission hearing.
FD. Criteria for Approval. These actions Site specific Comprehensive Plan Official Map amendments are reviewed for conformance with the applicable provisions of the Comprehensive Plan, the UDC, and as follows:

1. Site specific Comprehensive Plan Official Map Amendments. The County may approve an application or proposal for a Comprehensive Plan Official Map amendment if all of the following criteria are met:

   a. The changes would benefit the public health, safety, or welfare.

   b. The change is warranted because of one or more of the following: changed circumstances; a demonstrable need for additional land in the proposed land use designation; to correct demonstrable errors on the official map; or because information not previously considered indicates that different land use designations are equally or more consistent with the 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, 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 or public purpose which justifies different designations.

   e. The benefits of the change will outweigh any significant adverse impacts of the change.

2. Map Change. Following approval of a Comprehensive Plan Official Map amendment, the County shall amend the official maps to reflect the change. 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 enter into a concomitant agreement as a condition of any Comprehensive Plan Official Map amendment. 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 an amendment.

E. Time Limitations.

GE. Appeals. Appeals of County council decisions under this section must be filed with the Growth Management Hearings Board as provided by state law. (Ord. 6-2011 § 2; Ord. 16-2002 § 2; Ord. 2-1998 Exh. B § 9.3)

SECTION 10. SJCC 18.90.050 and Ord. 32-2010 § 4; shall be amended to read as follows:

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, 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. 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 County council. The 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 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.

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 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 or approved by the council. 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 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.

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:

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

2. Review requirements in accordance with this chapter, the County Comprehensive Plan, and the Growth Management Act. All subarea plans shall contain provisions requiring citizen review and participation in any amendment process, consistent with the procedures provided for in this chapter.
G. **Standing Committee.** Once a subarea plan has been adopted for a geographic area or an activity center, a standing committee may be appointed by the County council, 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 initiated by the County council set forth in this chapter 18.90.020. (Ord. 32-2010 § 4; Ord. 2-1998 Exh. B § 9.5)

SECTION 11. SJCC 18.90.060 and Ord. 11-2011 § 13; shall be amended to read as follows:

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 critical 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 site specific Comprehensive Plan Official Map amendment 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 Comprehensive Plan or Official Maps;
   b. A new master plan for an existing MPR; and
   c. All master plan amendments.

G. Decisionmaking Authority.

1. The director 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, and 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) are met; provided, that new urban and suburban land uses are precluded outside of the boundaries in the vicinity of the MPR except in designated urban growth areas per RCW 36.70A.360(4)(b) and 36.70A.362(2).

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 director 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 director.

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 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 director shall accept no further development applications and grant no further development approvals for the MPR until the 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 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. The County council is the final decisionmaker; there is no administrative appeal. County council decisions may be appealed as provided in state law.

2. Planned Unit Development Proposals. No administrative appeal is available for decisions of the hearing examiner.

3. Decisions of the director may be appealed in accordance with procedures specified in SJCC S (Ord. 11-2011 § 13; Ord. 45-2009 § 1; Ord. 16-2002 § 3; Ord 11-2000 § 8; Ord. 2-1998 Exh. B § 9.6)

SECTION 12. Savings Clause: This ordinance shall not affect any pending suit or proceeding; or any rights acquired; or liability or obligation incurred under the sections amended or repealed; nor shall it affect any proceeding instituted under those sections. All rights and obligations existing prior to adoption of this ordinance shall continue in full force and effect.

SECTION 13. Severability: If any provision of this ordinance or its application to any person is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected. Remaining sections of the ordinance shall be interpreted to give effect to the spirit of the ordinance prior to removal of the portions declared invalid.

SECTION 14. Codification: Section 9, 18.90.030(C) to be moved to the end of the section and given the title of E.

SECTION 15. Effective Date: Sections 1 through 10 shall be codified after the effective date of this ordinance.
SECTION 16. Publication of Notice of Adoption: Notice of adoption of this ordinance pursuant to RCW 36.70A.290 shall occur promptly after approval by the San Juan County Council.

ADOPTED this ____ day of __________________ 2014.

COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON

______________________  
Jamie Stephens, Member  
District 3

______________________  
Bob Jarman, Vice Chair  
District 1

______________________  
Rick Hughes, Chair  
District 2

ATTEST: Clerk of the Council

______________________  
Ingrid Gabriel, Clerk  
Date: ________

REVIEWED BY COUNTY MANAGER

______________________  
Mike Thomas  
Date: ________

RANDALL K. GAYLORD  
APPROVED AS TO FORM ONLY

By: ________________________  
Date: ________