APPENDIX A

Jefferson Co. Ordinance No. 08-1004-99
Port Ludlow Development Regulations
STATE OF WASHINGTON
COUNTY OF JEFFERSON

AN ORDINANCE repealing the interim
development controls of Ordinance
10-1214-98 and adopting new development
regulations for the Port Ludlow Master
Planned Resort.

ORDINANCE NO. 08-1004-99

WHEREAS, Jefferson County adopted its 20 year comprehensive land use plan on August 28, 1998.

WHEREAS, The Comprehensive Plan designated the Port Ludlow community as a Master Planned Resort based on the provisions contained in RCW 36.70A.362; and

WHEREAS, the County is required to adopt development regulations that are consistent with the provisions of the Comprehensive Plan; and

WHEREAS, emergency interim regulations were adopted for the Master Planned Resort, one appeal was filed and others were under consideration, and, as an alternative to an appeal process and in consideration of dismissal of the appeal, the County initiated mediation between stakeholders representing a wide range of community interests; and

WHEREAS, the stakeholder interest groups have reached consensus on the issues related to this phase of the planning process that might otherwise have been subject to appeal; and

WHEREAS, a memorandum of understanding between Olympic Water and Sewer, Inc. and Jefferson County accompanies this ordinance and provides for equitable allocation of sewer services within the boundary of the Master Planned Resort for at least the next 20 years; and

WHEREAS, Olympic Resource Management has agreed that vested preliminary plat applications within the Master Planned Resort shall be subject to the terms and provisions of this ordinance, and further acknowledges that future resort development will require altering and partially vacating approved plat development; and

WHEREAS, a development agreement setting forth provisions and limitations on future resort and related development plans is expected to proceed through a separate public review and adoption process; and

WHEREAS, the environmental impacts of this Ordinance are within the scope of the impacts anticipated by the County’s Comprehensive Plan and within the range of impacts evaluated in the 1993 environmental studies referenced below; and

WHEREAS, environmental review for the new regulations has been completed and included adoption of the Draft and Final Environmental Impact Statements (EISs) for the Jefferson County Comprehensive Plan (published February 1997 and May 1998), the Draft and Final EISs for the Inn at Port Ludlow (October 1992 and April 1993), and the Draft and Final EISs for the Port Ludlow Development Program (October 1992 and April 1993);

NOW, THEREFORE, The Jefferson County Board of Commissioners does ordain as follows:
SECTION 1
AUTHORITY AND PURPOSE

Section 1.10 Authority and Table of Contents: This ordinance is adopted pursuant to Chapter 36.70 RCW. The Table of Contents for the MPR regulations set forth in this ordinance is as follows:

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1.30 Rules of Interpretation
1.40 Additional Requirements
1.50 Qualified Lead Planner
1.60 Public Notice Roster

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2.10 Applicability
2.20 Compliance With Regulations Required
2.30 Exemptions
2.40 Non-conforming Uses
2.50 Non-conforming Structures
2.60 Community Associations and Facilities

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  3.907 Minor Revisions

Section 1.15 Title: The regulations set forth in this ordinance shall be known as the Port Ludlow Master Planned Resort Code, or by the short title, MPR Code. Citations to these regulations may be made using the applicable section number and this ordinance number or the name of this code.
Section 1.20 Purpose and Intent: The purpose and intent of the MPR Code is to set forth development regulations that comply with and are consistent with the Jefferson County Comprehensive Plan for future development within the boundaries of the Port Ludlow Master Planned Resort.

Section 1.30 Rules of Interpretation: The following rules apply in making interpretations of the terms and conditions contained herein.

1. For purposes of this Ordinance, all words used in the ordinance shall use normal and customary meanings, unless specifically defined otherwise in this ordinance.
2. Words used in the present tense include the future tense.
3. The plural includes the singular and vice-versa.
4. The words “will” and “shall” are mandatory.
5. The words “may” and “should” indicate that discretion is allowed.
6. The word “used” includes designed, intended, arranged, or intended to be used.
7. The masculine gender includes the feminine and vice-versa.

Section 1.40 Additional Requirements: The following Ordinances and requirements may qualify or supplement the regulations presented in this ordinance. Where the regulations of this ordinance, those set forth below, or any other local, state, or federal regulations overlap, the most restrictive and/or protective standards shall apply.

1. Ordinance No. 05-0509-94, Interim Critical Areas Ordinance.
2. Ordinance No. 10-1104-96, Stormwater Management Ordinance
3. Ordinance No. 04-0526-92, Subdivision Ordinance, as amended by this Ordinance
4. Chapter 246-272 WAC, On-Site Sewage Systems
5. Shoreline Management Master Program
6. Ordinance No. 01-0121-97, Forest Lands Ordinance, as amended by this Ordinance (see section 3.106) to limit agreements pursuant to section 7.20(1) of the Forest Lands Ordinance so that when a new structure is proposed on land adjacent to land designated as Commercial Forest Land, in no case shall an agreement be made which allows the setback to be reduced to less than 150’ and, further, a minimum average setback of 200’ shall be maintained, exclusive of critical areas and their associated setbacks.
7. All local and state monitoring, operational, and management requirements for sewer, water, and stormwater utilities, updated as may be required by the local or state agency with jurisdiction.
8. Ordinance No. 04-0828-98, Land Use Procedures Ordinance. The applicable provisions of the Jefferson County Unified Development Code, which, in the case of the Port Ludlow Master Planned Resort, relate exclusively to Section 8 (Permit Application & Review Procedures/SEPA Implementation), Section 9 (Comprehensive Plan and GMA Implementing Regulations Amendment Process), and Section 10 (Enforcement) insofar as they relate to project permit review procedures, resort plan amendment or revision procedures, and enforcement specified under this Ordinance.

Section 1.50 Qualified Lead Planner: The Director of the Department of Community Development shall appoint a qualified planner to serve as the lead planner for the Port Ludlow Master Planned Resort community. The lead planner shall review or coordinate review of all land use applications within the MPR boundaries, and shall serve as the initial point of contact for citizens seeking information on development proposals or planning issues in the community.
Section 1.60 Public Notice Roster: The Department of Community Development shall establish and maintain a public notice roster which shall be used to provide notice of land use applications within the MPR boundaries. The Fort Ludlow MPR roster shall supplement any other list of names or addresses to which the department provides public notice information. Any person or organization may request to be added to the roster at any time.

SECTION 2
SCOPE OF REGULATIONS

Section 2.10 Applicability. The provisions of this Ordinance shall apply to all land, all associated water areas and all uses and structures within the boundary of the Master Planned Resort of Port Ludlow as depicted on the official land use map for Jefferson County, Washington.

Section 2.20 Compliance With Regulations Required. No structure shall hereafter be erected and no existing structure shall be moved, altered, added to or enlarged, nor shall any land or structure be used, or arranged to be used for any purpose other than that which is included among the uses listed in the following chapters as permitted in the zoning district in which the structure or land is located, nor shall any land or structure be used in any manner contrary to any other requirement specified in this Ordinance.

Section 2.30 Exemptions. The following structures and uses shall be exempt from the regulations of this Ordinance, but are subject to all other applicable Local, State and Federal regulations including, but not limited to, the County Building Ordinance, Interim Critical Areas Ordinance, the Shoreline Management Master Program, and the State Environmental Policy Act (SEPA).

1. Wires, cables, conduits, vaults, pipes, mains, valves, tanks, or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water or the collection of sewage, or surface or subsurface water operated or maintained by a governmental entity or a public or private utility or other County franchised utilities including customary meter pedestals, telephone pedestals, distribution transformers and temporary utility facilities required during building construction, whether any such facility is located underground, or above ground; but only when such facilities are located in a street right-of-way or in an easement. This exemption shall not include above-ground electrical substations, sewage pump stations or treatment plants, or potable water storage tanks or facilities, which shall require conditional use approval in any zone where permitted.

2. Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.

3. Telephone booths and pedestals, underground utility equipment, mailboxes, bus shelters, informational kiosks, public bicycle shelters, or similar structure or device which is found by the Director of Community Development is obviously intended to be appropriately located in the public interest.

4. Agricultural buildings used to house livestock, store-feed or farm equipment.

5. Minor construction activities, as defined by the UBC, Section 106.2 and structures exempt under Jefferson County Building Code Ordinance #03-0713-98 as amended.
6. Storm water detention facilities associated with and accessory to new development are permitted in all zones. Any above ground detention facility or pond shall be screened from the public right-of-way or appropriately landscaped to ensure compatibility with the surrounding area.

Section 2.40 Nonconforming Uses: Existing legal non-residential uses are valid land uses in all zones of the Master Planned Resort and shall comply with Comprehensive Plan policies LNP 8.1-8.11 on non-conforming uses.

Section 2.50 Nonconforming Structures: Existing legal nonconforming structures damaged or destroyed by fire, earthquake, explosion, wind, flood, or other calamity may be completely restored or reconstructed if all of the following criteria are met:

1. The restoration and reconstruction shall not serve to extend or increase the nonconformity of the original structure.
2. The reconstruction or restoration shall, to the extent reasonably possible, retain the same general architectural style as the original destroyed structure, or an architectural style that more closely reflects the character of the surrounding neighborhood.
3. Permits shall be applied for within one (1) year of the damage. Restoration shall be substantially complete within two (2) years of permit issuance.
4. Expansions or substantial modifications to rebuilt nonconforming structures shall comply with current regulations and codes, except that an existing nonconformity regarding the amount of impervious surface on a site may be maintained.

Section 2.60 Community Associations and Facilities: The Ludlow Maintenance Commission, Inc. (LMC) and the South Bay Community Association (SBCA) are recognized as existing organizations with facilities including, but not limited to, club houses, parking areas, recreation vehicle parking, recreational facilities, and parks and trails located in the MPR. LMC and SBCA facilities are separate from and not part of the Resort, as defined in section 3.90. Expansions, modifications, or changes to these separate LMC and SBCA facilities and uses are allowed, consistent with the provisions of this code, and exclusive of the limitations imposed by section 3.90.

SECTION 3
PORT LUDLOW MASTER PLANNED RESORT ZONING DISTRICTS

SECTION 3.10 SINGLE FAMILY ZONE (MPR-SF)
Section 3.101 Purpose: This zone recognizes, maintains and promotes single family residential areas within the MPR, and provides opportunities for reasonably priced housing.

Section 3.102 Permitted Uses, Lot Size and Density: The following uses, lot sizes, and densities are permitted within the MPR-SF zone:

1. Single family detached dwelling units.
3. Accessory uses and structures, such as garages, carports, storage buildings and similar structures supporting the residential environment, when clearly subordinate and supplemental to a permitted use.
4. Trails, parks, open space and playgrounds approved through a platting or development review process.
5. Minimum lot areas of 5,000 square feet approved through a platting process and not to exceed a gross density of four (4) dwelling units per acre. Existing subdivisions shall not be further subdivided.

Section 3.103 Conditional Uses, Lot Size and Density: The following uses, lot sizes, and densities are permitted conditionally in the MPR-SF zone:

1. Trails, parks, open space and playgrounds if not part of a platting or development review process.
2. Minimum lot areas of 3,500 square feet if approved through a platting process and not to exceed a gross density of four (4) dwelling units per acre. Existing subdivisions shall not be further subdivided.
3. Single family attached dwelling units including duplexes, triplexes and fourplexes as part of a new subdivision, not to exceed a gross density of four (4) dwelling units per acre. Setbacks and impervious surface limits shall apply to the total lot or development parcel, not to the land allocated to any individual attached unit. For purposes of this Ordinance, "single family attached" shall mean a townhouse style or side-by-side development, not stacked units.
4. Fire stations; provided that existing fire stations are allowed a one time expansion of up to 30% in the size of the building footprint without going through a conditional use process.
5. Above-ground electrical substations, sewage pump stations or treatment plants, and potable water storage tanks or facilities.

Section 3.104 Height Restrictions: No building or structure shall be erected, enlarged or structurally modified to exceed 35 feet in height.

Section 3.105 Bulk and Dimensional Requirements: Bulk and dimensional requirements shall be as provided in Table MPR-SF below. For projects proposing single family attached units, the requirements shall apply to the total lot, not to the land allocated to any individual attached unit.

<table>
<thead>
<tr>
<th>Density</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Front Yard Setback</th>
<th>Side Yard Setback</th>
<th>Rear Yard Setback</th>
<th>Maximum Impervious Surface</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 DU/AC</td>
<td>5,000 sq. ft.</td>
<td>40'</td>
<td>20'</td>
<td>5'</td>
<td>5'</td>
<td>45%</td>
</tr>
<tr>
<td>4 DU/AC</td>
<td>3,500 sq. ft. Conditional Use required</td>
<td>40'</td>
<td>20'</td>
<td>5'</td>
<td>5'</td>
<td>2,250 square feet for any lot less than 5000 sq. ft. in size</td>
</tr>
</tbody>
</table>

Section 3.106 Commercial Forest Land Buffers: New developments on property located adjacent to lands designated Commercial Forest are subject to the requirements of the County’s Forest Lands Ordinance No. 01-0121-97. Section 7.20(1) of the Forest Lands Ordinance allows modification of the standard 250' setback from adjacent commercial forest lands. Within the MPR-SF zone, the following limitations shall apply to any agreement to modify the standard buffer or setback requirement for development adjacent to Commercial Forest land:

1. An average setback of at least 200' shall be maintained.
2. Critical areas and critical area setbacks or buffers shall not be included in the calculation or areas used to establish the 200' average setback distance.
3. A minimum setback of 150' shall be maintained.
4. Natural vegetation and forested areas shall be maintained in a native state, but may be managed to ensure healthy reforestation and avoid hazards to life or property.
5. The boundaries of the buffer or setback area shall be visibly marked during and following development.
6. When established through a platting process, the buffer or setback area shall be designated on the face of the plat as a separate open space tract.

3.107 Accessory Dwelling Units Prohibited: Accessory dwelling units shall not be allowed in the MPR-SF zone.

3.108 Conceptual Site Plan Requirement: Prior to preliminary plat approval in the south area designated on the Comprehensive Plan Land Use Map as requiring a "conceptual site plan," a plan shall be submitted to the Department of Community Development showing a concept for development of the entire south area. The conceptual site plan shall illustrate at least one development option for the entire south area and shall at a minimum address required buffers, road layout, and potential phasing.

SECTION 3.20 SINGLE FAMILY TRACT ZONE (MPR-SFT)
Section 3.201 Purpose: This zone recognizes, maintains and promotes larger, single family residential tracts within the MPR.

Section 3.202 Permitted Uses: The following uses are permitted within the MPR-SFT zone:
1. Single family detached dwelling units.
2. Accessory uses and structures, such as garages, carports, storage buildings and similar structures supporting the residential environment, when clearly subordinate and supplemental to a permitted use.
3. Accessory buildings, such as barns, stables and similar structures, when clearly subordinate and supplemental to a permitted use.
5. Trails, parks, open space and playgrounds approved through a platting or development review process.

Section 3.203 Conditional Uses: The following uses are permitted conditionally within the MPR-SFT zone:
1. Trails, parks, open space and playgrounds if not part of a platting or development review process.
2. Above-ground electrical substations, sewage pump stations and treatment plants, and potable water storage tanks or facilities.

Section 3.204 Height Restrictions: No building or structure shall be erected, enlarged or structurally modified to exceed 35 feet in height.

Section 3.205 Bulk and Dimensional Requirements: Bulk and dimensional requirements shall be as provided in Table MPR-SFT below.

<table>
<thead>
<tr>
<th>TABLE MPR-SFT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td>1 DU/2.5 AC</td>
</tr>
</tbody>
</table>

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Section 3.206 Accessory Dwelling Units Prohibited: Accessory dwelling units shall not be allowed in the MPR-SFT zone.

SECTION 3.30 MULTI-FAMILY ZONE (MPR-MF)
Section 3.301 Purpose: This zone recognizes, maintains and promotes multifamily housing opportunities within the MPR, in part to provide lower-cost housing units.

Section 3.302 Permitted Uses: The following uses are permitted within the MPR-MF zone:
1. Multi-family dwelling units including condominiums.
2. Assisted-Living, congregate care, and long-term care facilities.
3. Accessory uses and structures, such as garages, carports, storage buildings, pools, and recreation buildings supporting the residential environment, when clearly subordinate and supplemental to a permitted use.
5. Trails, parks, open space and playgrounds approved through a platting or development review process.
6. Single family attached (townhouse style) or detached dwelling units.

Section 3.303 Conditional Uses: The following uses are permitted conditionally in the MPR-MF zone:
1. Trails, parks, open space and playgrounds if not part of a platting or development review process.
2. Above-ground electrical substations, sewage pump stations and treatment plants, and potable water tanks or storage facilities.

Section 3.304 Height Restrictions: No building or structure shall be erected, enlarged or structurally modified to exceed 35 feet in height as measured by UBC standards.

Section 3.305 Bulk and Dimensional Requirements: Bulk and dimensional requirements shall be as provided in Table MPR-MF below. Single family residential uses are subject to the requirements of section 3.10; provided that conditional use approval shall not be required for single family attached development.

<table>
<thead>
<tr>
<th>TABLE MPR-MF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
</tr>
<tr>
<td>--------------</td>
</tr>
<tr>
<td>10 DU/AC</td>
</tr>
</tbody>
</table>

SECTION 3.40 RESORT COMPLEX/COMMUNITY FACILITIES ZONE (MPR-RC/CF)
Section 3.401 Purpose: The MPR-RC/CF zone provides amenities and services associated with a resort and the surrounding community, and supports existing residential uses. Uses allowed in the RC/CF zone recognize the recreational nature of the resort and include the existing and planned resort complex, as well as limited permanent residential uses, and non-resort community facilities including a beach club and Kehele Park. Kehele Park is located north of the actual resort area and serves as a community park.
Section 3.402 Permitted and Conditional Uses: The following uses are permitted within the MPR-RC/CF zone. Within the resort area, for resort facilities only, the uses set forth below are further described and limited by the Resort Plan, as set forth in section 3.901.

<table>
<thead>
<tr>
<th>USES</th>
<th>RC/CF Resort Area</th>
<th>RC/CF Kehele Park</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotels (Inn) and appropriate associated uses</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Conference Center/Banquet Facility</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Parks and Trails as part of a platting or development review process</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Recreation Center/ Club/ Yacht Club</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant/Lounge/Bar</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Marina</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seaplane Dock</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Helipad for Medical Emergencies Only</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resort Related Retail Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Library/Museum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interpretive and Informational Kiosks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Organization Activity Facilities, e.g. LMC Beach club and RV storage properties</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Multifamily and Single Family Residential Structures (10 du/ac)</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Tennis Courts (indoor or outdoor)</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Amphitheater</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**CHART INTERPRETATION:** a ✓ means a use is permitted; “C” means conditional use approval is required.

3.403 Non-Resort Uses and Properties: Those non-resort controlled uses and activities which currently exist within the RC/CF zone are recognized as valid uses and activities and may continue, expand, or change in accordance with the provisions of this ordinance. These non-resort uses, activities, and properties are not regulated by the provisions for the Resort Plan as set forth in section 3.90.

Section 3.404 Height Restrictions: No building or structure shall be erected, enlarged or structurally modified to exceed 35 feet in height, excluding roof projections, as measured by UBC standards, except that Hotels and associated Conference Center facilities, as specified in the Resort Plan (see section 3.90) may be allowed to a height not exceeding 50 feet as measured by UBC standards when the Jefferson County Fire District (#3) finds that fire-fighting and life safety issues have been adequately addressed.

Section 3.405 Bulk and Dimensional Requirements: Bulk and dimensional requirements for commercial uses in the MPR-RC/CF zone are contained in the table below. Single family residential uses are subject to the requirements of section 3.10; provided that conditional use approval shall not be required for single family attached development. Multi-family uses and structures are subject to the requirements of section 3.30.

<table>
<thead>
<tr>
<th>TABLE MPR-RC/CF</th>
<th>Density</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Front Yard Setback</th>
<th>Side Yard Setback</th>
<th>Rear Yard Setback</th>
<th>Maximum Impervious Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>UBC</td>
<td>UBC</td>
<td>UBC</td>
<td>50%</td>
<td></td>
</tr>
</tbody>
</table>
SECTION 3.50 VILLAGE COMMERCIAL CENTER ZONE (MPR-VC)

Section 3.501 Purpose: The MPR-VC zone provides retail and commercial uses and other services to meet the needs of resort visitors and community residents. In addition to retail and commercial uses or services, other uses such as government or community offices and facilities, long-term care facilities, residential uses, and visitor services are permitted within this zone.

Section 3.502 Permitted Uses: The following uses are permitted in the MPR-VC zone:

<table>
<thead>
<tr>
<th>RETAIL</th>
<th>MPR-VC PERMITTED USES</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank and Financial Institutions</td>
<td>Travel Consultant</td>
<td>Art Gallery</td>
</tr>
<tr>
<td>Variety Stores</td>
<td>Dry Cleaner/ Laundry</td>
<td>Theater</td>
</tr>
<tr>
<td>Grocery Stores</td>
<td>Barber and Beauty Shops</td>
<td>Post Office</td>
</tr>
<tr>
<td>Hardware Stores</td>
<td>General/Business Offices</td>
<td>Recycling Drop-off Facility</td>
</tr>
<tr>
<td>Pharmacy and Drug Stores</td>
<td>Professional Offices</td>
<td>Library</td>
</tr>
<tr>
<td>Liquor Stores (state)</td>
<td>Real Estate</td>
<td>Museum</td>
</tr>
<tr>
<td>Personal Medical Supply Stores</td>
<td>Day Care Center</td>
<td>Community Center</td>
</tr>
<tr>
<td>Florist Shops</td>
<td>Clinics (Medical, Dental, Mental Health, Chiropractic)</td>
<td>Police Facility</td>
</tr>
<tr>
<td>Specialty Food Stores</td>
<td>Social Services</td>
<td>Fire Station</td>
</tr>
<tr>
<td>Sporting Goods and Related Stores</td>
<td>Miscellaneous Health</td>
<td>Park</td>
</tr>
<tr>
<td>Book and Stationary Stores</td>
<td>Home Health/Home Care</td>
<td>Indoor Tennis Facility</td>
</tr>
<tr>
<td>Jewelry Stores</td>
<td>Vehicle Repair and Gas Station</td>
<td></td>
</tr>
<tr>
<td>Photographic and Electronics Shops</td>
<td>Car Wash</td>
<td></td>
</tr>
<tr>
<td>Computer, Office Equipment and Related Sales</td>
<td>Transportation Service</td>
<td></td>
</tr>
<tr>
<td>Music Stores</td>
<td>Utility Purveyor Offices</td>
<td>Multi-family dwellings</td>
</tr>
<tr>
<td>Farmers Market</td>
<td>Public Agency or Utility Offices</td>
<td>Assisted Living, Congregate Care Facilities</td>
</tr>
<tr>
<td>Interior Decorating Shop</td>
<td>Mailing/Packaging Business</td>
<td>Mixed Use: Residential above first floor commercial</td>
</tr>
<tr>
<td>Food Service Establishments</td>
<td></td>
<td>Single family, attached or detached dwelling units</td>
</tr>
<tr>
<td>Antique Store</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section 3.503 Conditional Uses: The following uses are permitted conditionally within the MPR-VC zone:

1. Principal use, above ground, and free standing Parking Structure.
2. Conference Center.
3. Helipad for medical emergencies only.
4. Above-ground electrical substations, sewage pump stations and treatment plants, and potable water storage tanks or facilities.
5. Assisted Living, Congregate Care, or Multi-family uses if greater than 35,000 square feet in gross floor area.
Section 3.504 Height restrictions: No building or structure shall be erected, enlarged or structurally modified to exceed 35 feet in height, excluding roof projections, as measured by UBC standards.

Section 3.505 Bulk and Dimensional Requirements:
1. Multi-family residential development shall be subject to section 3.305 and Table MPR-MF.
2. Single family development shall be subject to section 3.10; provided that conditional use approval shall not be required for single family attached development.
3. The maximum gross floor area per nonresidential building allowed shall be 30,000 sq. feet.
4. Other requirements for nonresidential development in the MPR-VC zone are set forth in the table below.
5. Impervious surface requirements may be met by establishing an open space tract within the zone, but separate from property proposed to be developed. Such an open space tract shall be permanently established prior to permit issuance through a recorded Boundary Line Adjustment, Short Plat, or Binding Site Plan that identifies the tract and secures the open space for the life of the associated project.

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<tr>
<th>Density</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Front Yard Setback</th>
<th>Side Yard Setback</th>
<th>Rear Yard Setback</th>
<th>Maximum Impervious Coverage</th>
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SECTION 3.60 RECREATION AREA (MPR-RA)
Section 3.601 Purpose: The MPR-RA zone recognizes, maintains, and promotes the existing and future active recreation activities and areas within the Port Ludlow Master Planned Resort.

Section 3.602 Permitted Uses: The following uses are permitted within the MPR-RA zone:
1. Parks and Trails
2. Golf Shop/Club House/Restaurant/Snack Bar/Lounge
3. Interpretive Center, and interpretive or directional signage
4. Golf Course and Related Offices/Maintenance Buildings and Facilities
5. Indoor and Outdoor Recreation Club, including Indoor and Outdoor Tennis Facilities

Section 3.603 Height Restrictions. No building or structure shall be erected, enlarged or structurally modified to exceed 35 feet in height, excluding roof projections, as measured by UBC standards.

Section 3.604 Bulk and Dimensional Requirements: The maximum square foot area for structures in the MPR-RA zone shall be 20,000 square feet, except for indoor tennis facilities which shall be no larger than 27,300 square feet.

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<th>Density</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Front Yard Setback</th>
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SECTION 3.70 OPEN SPACE RESERVE ZONE (MPR-OSR)

Section 3.701 Purpose: The Open Space Reserve zone preserves in perpetuity and enhances the natural amenities around Ludlow Bay, the Twin Islands and other natural areas within the MPR. Uses within the Open Space Reserve shall be of low impact and serve to promote or enhance the aesthetic qualities of the Master Planned Resort. No residential or commercial development shall be permitted in the MPR-OSR zone.

Section 3.702 Permitted Uses: The following uses shall be permitted in the MPR-OSR zone:

1. Parks, trails, paths, bridges, benches, shelters, and rest rooms, with associated parking.
2. Directional and interpretive signage and kiosks.
3. Private roads for maintenance and utility access or access to an interpretive center or equestrian facility.

Section 3.703 Conditional Uses: The following uses shall be permitted conditionally in the MPR-OSR zone. Any interpretive center, equestrian facility, electrical substation, or water storage tank or facility shall be located as near the outer boundaries of the zone as practicable so as to minimize the need for access roads and other disturbance of the Open Space Reserve.

1. Man-made water features or enhanced natural water features, such as ponds, wetlands, wetland buffer enhancements and storm water detention ponds.
2. Interpretive Center
4. Above-ground electrical substations, sewage pump stations, and potable water storage tanks or facilities.

Section 3.704 Height Restriction: No building or structure shall be erected, enlarged or structurally modified to exceed 25 feet in height, excluding roof projections, as measured by UBC standards.

Section 3.705 Bulk and Dimensional Requirements: The maximum square foot area per building allowed shall be 2000 sq. feet. Electrical substations and water storage tanks or facilities may exceed this cap if approved through the conditional use process.

SECTION 3.80 DEVELOPMENT CAP

3.801 Development Cap and MERUs:

1. The Jefferson County Comprehensive Plan provides that within the MPR boundary total residential dwelling units shall not exceed 2,250. In order to implement this development cap and allow flexibility within the limits established by the 1993 FEIS, a measurement and transfer system based on the number of actual residential lots, actual dwelling units, and equivalent residential units for commercial development has been established.

2. Equivalent residential units are measurable and transferable between residential and commercial uses. This ordinance uses the term “MERU” or “Measurement ERU” to distinguish the meaning and use of the term “equivalent residential unit” in this code from its more common application to water and sewer utility issues. In this code, MERU and Measurement ERU are defined as set forth in section 3.803. The terms define the measurement and transfer mechanism for future development within the MPR boundaries.
3. Within the boundaries of the Port Ludlow Master Planned Resort, total development shall be capped at 2575 Measurement ERUs (MERUs). Actual residential dwelling units shall not exceed 2,250.

3.802 MERU Record: The Department of Community Development shall maintain a count of MERUs and of residential dwelling units. A system shall be established no later than 60 days from the effective date of this ordinance that provides an up-to-date count of available MERUs. This system shall maintain a current count, shall be available to the general public for inspection during regular business hours, and shall be updated as needed to reflect current usage and allocations of MERUs. Allocations of MERUs shall be determined according to the provisions of section 3.803. The Department shall maintain records of ERU and MERU allocations and shall maintain a matrix showing allocation of residential and commercial MERUs.

3.803 MERU Allocation and Assignment: MERUs shall be allocated and assigned as follows:

1. Each MERU shall be assumed to generate 200 gallons per day (gpd) of sewer wastewater flow.
2. Each single family dwelling unit or recorded, platted lot shall count as one MERU.
3. Each multi-family dwelling unit shall count as one MERU.
4. Assisted living, congregate care, and similar facilities shall be assigned an MERU amount based on the number of bedrooms, beds, and type of care or assistance provided. Reference shall be made to State Department of Ecology sewer design standards for single family and multiple family dwellings, nursing homes, and homes for the aged. Ecology design standards shall be those in place at the time of application for assisted living, congregate care or similar uses.
5. Commercial development shall be assigned an MERU amount based on State Department of Ecology design standards, as of the effective date of this ordinance.
6. If a use is proposed that is not called out in this section or is not assigned a flow rate by the State Department of Ecology, the required gallons per day for a use (and its MERU allocation) may be assigned based on measurements of actual use or other comparative process as approved by the Department of Community Development.
7. Residential lots approved by a preliminary subdivision or preliminary short subdivision shall be allocated MERUs based on the preliminary subdivision (preliminary plat or preliminary short plat) approval. If the preliminary plat or preliminary short plat expires or is withdrawn before being finalized, the MERU allocation shall revert to unallocated status.
8. If a recorded subdivision is vacated or if platted lots are consolidated through a boundary line adjustment or otherwise in a manner that precludes development of one or more residential uses, unusable MERUs shall revert to unallocated status.

3.804 Initial Allocation of Commercial MERUs: Of the total 2575 MERUs allowed within the MPR, 325 are initially allocated to commercial development. Fifty-five new MERUs are reserved for the Village Commercial Center. Three new MERUs are reserved for additional resort commercial development, and 41 are reserved for future expansion of the golf course pro shop and golf support facilities. All other commercial MERUs (226) are initially allocated to existing development.

3.805 Initial Allocation of Residential MERUs: Of the total 2575 MERUs allowed within the MPR boundaries, 2250 are initially allocated to residential development. Existing (built) residential development accounts for 1064 residential MERUs, platted but undeveloped lots total 727, and lots with preliminary plat approval account for an additional 326. As of the effective date of this ordinance, a total of 133 MERUs remain available (subject to final verification
pursuant to section 3.802) for additional residential development or may be transferred to support commercial development as set forth in section 3.806.

3.806 MERU Transfer: MERUs initially allocated for residential development may be transferred to support commercial development. Commercial MERUs may support either commercial or residential development, provided that commercial MERUs shall not be transferred to support residential development exceeding the cap of 2,250 dwelling units.

3.807 MERU Allocation Not Property Specific; Limitations: MERUs are not assigned to specific properties, with the following limitations:

1. Developed properties, platted properties, properties with approved preliminary plats, and properties with issued or vested building permits shall have, maintain and carry forward the MERU allocation associated with the use, plat, preliminary plat, or building permit for as long as the use or plat exists or the preliminary plat or building permit maintains its active status.

2. The Village Commercial Center zone shall have an initial allocation of 55 new MERUs.

3. The Resort Complex/Community Facilities zone shall have an initial allocation of 3 new MERUs on the resort property.

4. The Recreation Area zone (golf course pro shop and golf support facilities) shall have an initial allocation of 41 new MERUs.

5. All remaining MERUs and any MERUs that revert to unallocated status pursuant to sections 3.803(7) or (8), are available for future residential or commercial development, with no limitation, assignment or reservation.

6. This allocation of MERUs shall be updated by the Department of Community Development as set forth in section 3.802.

SECTION 3.90 RESORT DEVELOPMENT
This section describes the “Resort Plan” for facilities to be located in the Resort Complex/Community Facilities zone, sets out a required environmental review process for any future resort development, and provides processes for reviewing major or minor revisions to the Resort Plan. These provisions apply to the resort and associated development whether on resort owned property or on other property. These provisions do not apply to any future development proposed solely by and for the LMC, SBCA, or any other community association.

Section 3.901 Resort Plan: The Resort Plan for future development of properties in the MPR-RC/CF zone shall be limited and shall not exceed the scope of development set forth below and shall include no uses except those set forth below, unless a major revision is approved (see section 3.905). Changes to this Resort Plan that decrease the sizes noted below are allowed. As of the effective date of this ordinance, the Resort Plan shall be as set forth herein.


2. Hotel Guest Rooms: 275

3. Restaurants – total square feet: 59,000
   One 200 seat year round restaurant
   One 125 seat seasonal restaurant (near marina)
   Also includes hotel lobby and registration area,
   Spa area, kitchens, offices and storage rooms.

4. Lounge, one year round, 125 seats, square feet: 5,000

5. Resort retail square feet: 2,500
   Plus associated storage square feet: 1,400
6. Conference Center, associated with and physically
   part of Hotel buildings, square feet: 22,000
   Plus support areas and storage square feet 8,000
7. Indoor tennis courts, square feet: 26,000
8. Indoor sports and pool complex, square feet: 13,500
9. Structured/underground parking, square feet: 119,000
10. Museum or Interpretive Center, square feet: 7,500
11. Support Buildings, square feet:
    (Maintenance, Warehousing, Housekeeping) 12,000
12. Youth Center, square feet: 4,000
13. Marina expansion, slips: 100 slips.
15. Yacht Club.
16. Four detached single family residences and one five-unit townhome structure, provided
    that these structures are not included in or limited by the gross square feet of
    development for the Resort Plan noted in 3.901(1) above.
17. All existing townhomes, provided that these structures are not included in or limited by
    the gross square feet of development for the Resort Plan noted in 3.901(1).

Building heights and impervious surface limits shall apply as set forth in section 3.40. Surface
parking in addition to the structured or underground parking noted above may be provided.
Miscellaneous support areas including laundry facilities and administrative offices may be
included, but shall not increase the gross square footage for the resort complex, except that the
minor revision process may be used to permit these facilities with up to a 5% increase in gross
square footage.

Section 3.902 Permit Process for Resort Development:
1. A project level Supplemental Environmental Impact Statement (SEIS) analyzing the
   resort plan is required prior to issuance of building permits for any new resort
development. Environmental review of the Resort Plan shall not be piecemealed or
broken into small segments. The applicant may choose to develop a new Environmental
Impact Statement rather than a Supplement.
2. Notice of application for environmental review of the Resort Plan shall be provided to all
   persons on the Port Ludlow MPR Roster established by the Department pursuant to
section 1.60, as well as to any other persons or agencies entitled to notice pursuant to the
County’s Procedures Ordinance.
3. Actual building permit plans or construction drawings are not required during the SEIS
   process. Architectural drawings including a detailed site plan, and architectural sketches
   or drawings showing approximate elevations, sections, and floor plans are required,
   however, to ensure that the SEIS considers project-level details.
4. The Department of Community Development may impose mitigating conditions or issue
   a denial of some or all of the Resort Plan based on the environmental review and using
authority provided pursuant to the State Environmental Policy Act, RCW 43.21C. A
report detailing any such conditions or denials shall be issued within 30 days of issuance
of the Final SEIS, and prior to issuance of any Resort Plan building permits. This report
and the conditions, approvals or denials contained therein shall be treated as an
administrative decision of the Department under the County’s Procedures-Ordinance
Unified Development Code (Type A II decision) and shall be appealable to the county
hearing examiner.
5. Following completion of the SEIS and the Department report on the Resort Plan, building
   permits may be issued, following appropriate plan review, for projects analyzed in the
SEIS. If the Department report is appealed, no permits shall be issued until the administrative appeal is resolved.

6. Actual resort development may be undertaken in phases, but only following completion of review and approval of a full resort buildout plan through the SEIS process. A phasing schedule may be proposed as part of the environmental review or may be developed at a later date.

7. In conjunction with the environmental review process, the Department shall calculate the total MERUs needed to support the Resort Plan. This calculation shall also establish the Net New MERUs needed for resort development. These Net New MERUs shall be transferred from those initially allocated pursuant to section 3.805 to new residential development on the resort property, and shall be removed from the count of available MERUs for as long as the resort use or its development rights exist.

Section 3.903 Requirement to vacate or withdraw existing or vested residential development rights. Concurrent with issuance of any permit for new resort development, any existing, pending, or vested development rights for projects or parts or phases of projects that:
1) have not been developed, and
2) are located in the RC/CF zone, and
3) are not included in the described Resort Plan shall be withdrawn, vacated or otherwise permanently released. For any subdivision that has been approved and recorded, but only partially developed, a plat alteration shall be applied for and processed as set forth in state law and in applicable county ordinances. Nothing in this ordinance is intended to affect the process or the specific outcome of any application for such a plat alteration.

Section 3.904 Environmental Review for Resort Plan Development:
1. Detailed environmental review for future resort development shall be required pursuant to RCW 43.21C.031 and the State Environmental Policy Act (SEPA) Rules of WAC 197-11. A project level Supplement to the Port Ludlow Development Program EIS (finalized April 1993) shall be prepared, or a new stand-alone EIS may be prepared. Prior to defining the scope of the document, a public scoping hearing shall be held.

2. The scope of the SEIS or EIS shall include, but not be limited to, the following elements:
   A. Earth, including grading, erosion control, and dredging;
   B. Water, including runoff and water quality issues, including those associated with marina expansion, and public water supply;
   C. Plants and Animals, including impacts on fish and wildlife migration and threatened or endangered species;
   D. Land and Shoreline Use, including relationship to existing land use plans and estimated population, housing, light and glare, aesthetics, noise with respect to potential amphitheater uses, recreation, and historic and cultural preservation;
   E. Transportation, including trip generation, traffic congestion, traffic systems, vehicle and pedestrian hazards, parking and spill-over parking; and
   F. Public services and utilities, including water, storm water, sewer, and fire (as may be related to building heights in excess of 35').

3. The Land Use element of the document (see 2D above) shall provide information about expected occupancy rates, size of conferences (expected attendance), any possibilities for expanded conference center use of resort facilities such as the indoor tennis courts, as well as possible conference center use of other community facilities or privately owned properties.

4. The Utility element (see 2F above) shall review information on all affected utility systems, including sewer and water systems monitoring. The effectiveness of such
monitoring shall be evaluated. Supplements or changes to the monitoring and reporting systems shall be considered if necessary to ensure that water quality and water supply are adequately protected and impacts to natural resources minimized.

5. This preliminary scope is based on the described Resort Plan. Use of the term "including" shall mean "including but not limited to." Other elements, issues, and specific levels of detail may be included based on information available at the time the Resort Plan development application is submitted. Elements noted above may be combined in the EIS analysis to reduce duplication and narrow the focus on potentially significant adverse impacts.

3.905 Revisions to Resort Plan:

1. Any proposed changes to the MPR boundary or zone changes within the MPR shall require a Comprehensive Plan amendment and related zoning action. Such changes are outside the scope of the Revision processes described below and in sections 3.906 and 3.907. The County may approve an amendment to the Comprehensive Plan only if all requirements of the Growth Management Act (RCW 36.70A) are fulfilled.

2. The County shall accept building permits only for projects included in and consistent with the Resort Plan. A revision to the existing Resort Plan shall be submitted to the County for approval prior to the acceptance of any proposal that is inconsistent with the Resort Plans set forth in this ordinance. Upon approval of a revision, all subsequent development proposals shall be consistent with the revised Resort Plan and development regulations.

3. Proposed revisions to the Resort Plan shall be submitted to the Department of Community Development and the DCD Director will determine whether the proposal constitutes a major or minor revision. Upon making a determination, the proposed revision shall follow the appropriate process for plan revisions as outlined in Sections 3.906 or 3.907.

Section 3.906 Major Revisions: Revisions to the Resort Plan that will result in a substantial change to the resort including: changes in use, increase in the intensity of use, or in the size, scale, or density of development; or changes which may have a substantial impact on the environment beyond those reviewed in previous environmental documents, are considered to be major revisions and will require application for a revised Resort Plan.

1. Application for a Major Revision to the Resort Plan. An application shall be prepared describing the proposed revision in relation to the approved Resort Plan and providing a framework for review, analysis and mitigation of the revised development activity proposed. The Resort Plan revision proposal shall include the following information:

A. A description of how the revised Resort Plan would further the goals and policies set forth in the Comprehensive Plan.

B. A description of how the Resort Plan revision complements the existing resort facilities of the MPR.

C. A description of the design and functional features of the Resort Plan revision, setting out how the revision provides for unified development, integrated site design and protection of natural amenities.

D. A listing of proposed additional uses and/or proposed changes to density and intensity of uses within the resort, and a discussion of how these changes meet the needs of residents of the MPR and patrons of the resort.

E. A description and analysis of the environmental impacts associated with the proposed revision, including an analysis of the cumulative impacts of both the proposed revision and the approved Resort Plan, and their effects on surrounding properties and/or public facilities.
F. A description of how the proposed Resort Plan revision is integrated with the overall MPR and any features, such as connections to trail systems, natural systems or greenbelts, that have been established to retain and enhance the character of the resort and the overall MPR.

G. A description of the intended phasing of development projects.

H. Maps, drawings, illustrations, or other materials necessary to assist in understanding and visualizing the design and use of the completed proposed development, its facilities and services, and the protection of critical areas.

I. A calculation of estimated new demands on capital facilities and services and their relationship to the existing resort and MPR demands, including but not limited to: transportation, water, sewer and storm water facilities; and a demonstration that sufficient facilities and services to support the development are available or will be available at the time development permits are applied for.

2. **Major Revision Process**

   Major Revisions shall be processed as a hearing examiner decision (Type B III), with a required public hearing prior to the decision. Public notice of the application, the written decision, and appeal opportunities shall be provided to all persons on the Port Ludlow MPR Roster (see section 1.60) and such other persons or agencies as required by the County Procedures Ordinance Unified Development Code. Any proposed major revision involving a change to the boundaries of the RC/CF zone shall require a Comprehensive Plan amendment (a Type G V county commissioners decision) prior to any decision on the Resort Plan amendment.

3. **Decision Criteria:** The hearing examiner may approve a major revision to the Resort Plan only if all the following criteria are met:

   A. The proposed revision would further the goals and policies set forth in the Comprehensive Plan.

   B. No unmitigated significant adverse environmental impacts would be created by the proposed revision.

   C. The revision is consistent with all applicable development regulations, including those established for critical areas.

   D. On-site and off-site infrastructure (including but not limited to water, sewer, storm water and transportation facilities) impacts have been fully considered and mitigated.

   E. The proposed revision complements the existing resort facilities, meets the needs of residents and patrons, and provides for unified development, integrated site design, and protection of natural amenities.

**Section 3.907 Minor Revisions**

1. **Minor Revisions.** The County recognizes that the Resort Plan may require minor changes to facilities and services in response to changing conditions or market demand and that some degree of flexibility for the resort is needed. Minor revisions are those that do not result in a substantial change to the intent or purpose of the Resort Plan in effect and which:

   A. Involve no more than a five percent (5%) increase in the overall gross square footage of the Resort Plan.

   B. Will not have a significantly greater impact on the environment and/or facilities than that addressed in the development plan.

   C. Do not alter the boundaries of the approved plan.

   D. Do not propose new uses or uses that modify the recreational nature and intent of
the Resort.

2. Minor Revision Process:
Applications for minor revisions shall be submitted to, and reviewed by the Jefferson County Department of Community Development to determine if the revisions are consistent with the existing Resort Plan and Resort Plan SEIS, the Jefferson County Comprehensive Plan and other pertinent documents. Those proposals that satisfy the above-referenced criteria shall be deemed a minor plan revision and may be administratively approved (as a Type A II decision under the county’s Procedures Ordinance Unified Development Code) by the Director of the Department of Community Development. Public notice of the application, the written decision, and appeal opportunities shall be provided to all persons on the Port Ludlow MPR Roster (see section 1.60) and such other persons or agencies as required by the County Procedures Ordinance Unified Development Code. Those revisions that do not comply with the provisions contained within this Section shall be deemed a major revision, subject to the provisions outlined in Section 3.906 above.

SECTION 4
SEVERABILITY

Severability:  If any section, subsection, or other portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, or portion thereof shall be deemed a separate portion of this ordinance and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5
REPEALER

Repealer:  Effective immediately upon its adoption, this Ordinance repeals and replaces Ordinance No. 10-1214-98.

SECTION 6
EFFECTIVE PERIOD

Effective Period:  This ordinance shall become effective on the 4th day of October, 1999.
SECTION 7
ADOPTION

Adopted by the Jefferson County Board of Commissioners this 4th day of October, 1999.

SEAL: JEFFERSON COUNTY
BOARD OF COMMISSIONERS

ATTEST

PROSECUTING ATTORNEY

APPROVED AS TO FORM: ONLY

DEPARTMENT OF COMMUNITY DEVELOPMENT