

**Modifications and additions to Title 14, Development Code Administration
March 8, 2021**

Chapter 14.08 Administration

14.08.030 Town Council. The Town Council shall review and act on the following:

- (1) Recommendations of the Planning Commission and Town Administrator on legislative matters pertaining to SMC Chapter 2.14, and Titles 14 through 18.
- (2) Recommendations of the Town Administrator on development proposals.
- (3) Recommendations of the Preservation and Review Board to enter into a special tax valuation agreement.
- (4) Appeal of administrative interpretations.
- (5) Appeal of administrative approvals set forth in SMC 14.20.010 and 14.20.020.
- (6) Appeal of Historic Preservation and Review Board decisions.
- (7) Appeal of a state environmental policy act determination of significance under SMC Title 16.
- (8) Shoreline Substantial Development Permits and Shoreline Conditional Use Permits pursuant to Chapter 16.08 SMC.
- (9) Master Planned Development Permits pursuant to Chapter 14.34 SMC.

14.08.040 Planning Commission.

(a) The Planning Commission shall review, hold public hearings and make recommendations to the Town Council on the following legislative matters:

- (1) Amendments to the Comprehensive Plan.
- (2) Amendments to the Building and Construction Code, SMC Title 15.
- (3) Amendments to the Environment Code, SMC Title 16.
- (4) Amendments to the Subdivision Code, SMC Title 17.
- (5) Amendments to the Zoning Code, SMC Title 18, except quasi-judicial small area rezones.
- (6) Other matters requested or remanded by the Town Council.

(b) The Planning Commission shall conduct informational workshops on the following applications:

- (1) Rezones, except area-wide legislative rezones.
- (2) Subdivisions and Planned Area Developments, except Short Subdivisions, as defined by SMC Title 17.
- (3) Conditional use permits, as defined by SMC Title 18.
- (4) Shoreline Substantial Development Permits and Shoreline Conditional Use Permits pursuant to Chapter 16.08 SMC.
- (5) Master Planned Development Permits pursuant to Chapter 14.34 SMC.
- ~~(5)~~ (6) Other applications requested by the Town Council.

Proposed New Chapter 14.34 Master Planned Development Permits

14.34.010 Purpose

The purposes of this chapter are to:

1. Establish a public review process for projects located in the MPD zoning district;
2. Allow for innovative forms of development that encourage creative site layout and building design that is sensitive to the surrounding environment;
3. Conduct environmental review and mitigate significant adverse impacts as appropriate;
4. Promote economic development and job creation;
5. Allow for design and development of a mixed-use neighborhood with a combination of housing, employment and recreational opportunities; and
6. Implement the Town's Comprehensive Plan.

14.34.020 Permit Required

An approved Master Planned Development permit (MPD permit) and development agreement are required for any development in the MPD zoning district. No development may occur on property zoned MPD unless it is done so in accordance with the terms and conditions of an approved MPD permit.

14.34.030 Application requirements

Application for a MPD permit consists of filing a complete application with the Town Administrator, and paying the application fee. A complete application for a Master Planned Development permit (MPD permit) comprises:

1. A fully completed and signed development application;
2. A fully completed and signed environmental checklist;
3. A proposed site development agreement consisting of:
 - a. A project description and conceptual site plan drawn at a scale as determined by the Town Administrator that depicts:
 - i. Proposed open space and recreational facilities;
 - ii. Existing critical areas and their buffers along with the reports and surveys used to identify their existence and location;
 - iii. Proposed locations on streets, trails, walking and biking paths; and
 - iv. Generalized location, types, acreage and intensity of proposed residential and non-residential developments.
 - b. Proposed residential uses and densities;
 - c. Proposed commercial uses and intensities;
 - d. Development regulations including site design, bulk and/or building standards that encourage flexibility to achieve innovative design, protection of critical areas, and reasonable priced housing;
 - e. Capital facilities;
 - f. A projected phasing plan, if any;
4. Any supplemental information or special studies identified by the Town Administrator;

5. A title report produced within 30 days of the submission by a title company certifying:
 - a. The legal description of the total parcel sought to be subdivided;
 - b. Those individuals or corporations holding an ownership interest and any security interest or other encumbrances affecting the title of the parcel.
 - c. Any lands to be dedicated shall be confirmed as being owned in fee title by the owner(s) signing the dedication certificate.
 - d. Any easements or restrictions affecting the property with a description of purpose and reference to the Auditor's file number and/or recording number.
 - e. If any lands are to be dedicated or conveyed to the Town, an extended coverage title policy may be required by the Town Administrator;
6. A scaled map showing the proposed development and other parcels within 500 feet of the proposed development;
7. A list containing the names and addresses of owners of all lands within 500 feet of any portion of the proposed development, certified to be accurate and complete by the applicant;
8. Two sets of stamped envelopes addressed to the owners of all lands within 500 feet of any portion of the proposed development; and
9. Payment of all applicable review fees.

14.34.040 Review and Approval Procedures

1. The Town Administrator, or designee, will review completed Master Planned Development Permit applications and issue the SEPA threshold determination in accordance with SMC 14.20.021
2. Following staff review, the Planning Commission will conduct an informational workshop in accordance with SMC 14.08.040 and SMC 14.20.030.
3. Upon receipt of the staff report, the Town Council will conduct a public hearing to consider the application, and render a decision in accordance with SMC 14.08.030 and SMC 14.20.040.
4. If the application is approved, the Council will issue a Master Planned Development Permit incorporating Council imposed conditions of approval. Additionally, the Council will authorize the Mayor to sign a Development Agreement on behalf of the Town.

14.34.050 Required Findings

1. Authority and approval. A MPD permit may be approved by the Town Council when the findings required by this section are made.
2. Required findings. The following findings must be made by the Town Council prior to the issuance of a MPD permit:
 - a. The application is consistent with the provisions of the Comprehensive Plan.
 - b. For those portions within shoreline jurisdiction, the application is consistent with the provisions of the Shoreline Master Program, Chapter 16.08 SMC.
 - c. The application is consistent with the provisions of the Critical Areas Ordinance, Chapter 16.16 SMC.
 - d. The application consists of a mixture of commercial and residential uses.
 - e. The proposed design includes a mixture of single and multi-family dwellings.

- f. The application includes a credible traffic analysis which concludes that the proposed design can be adequately served by existing and planned roadways.
- g. The application includes utility plans adequate to serve the proposal.
- h. The application encompasses the entire Master Planned Development Area, but may allow for phased development.
- i. The application includes a requirement that all buildings must maintain a 20-foot setback from the exterior boundaries of the Master Planned Development Area.
- j. The application includes a requirement that all buildings within tax parcel 0220322024 be limited to 26-feet in height, as measured using the requirements of SMC 18.20.040.
- k. The overall residential density of the entire Master Planned Development Area does not exceed 6 dwelling units per acre, provided that the site-wide density may be focused in areas of the Master Planned Development Area consistent with the proposed site plan and development agreement and provided further, that residential density may not exceed 4.5 dwelling units per acre for tax parcel 0220322024.

14.34.060 Development Approval

1. Following approval of a Master Planned Development Permit, the applicant will incorporate the Permit's conditions of approval and SEPA mitigation measures into Development Agreement that meets the requirements of RCW 36.70B.170 for execution by the Town and applicants.
2. The applicant will record the Development Agreement, or a memorandum thereof, with the Pierce County Auditor.
3. The development Agreement is binding on all property owners in the MPD zoning designation, and on their successors.

14.34.070 Subsequent Permitting

Development of the Master Planned Development Area is governed by the substantive provisions of the **Development** Agreement, implemented through subdivisions, binding site plans, and other applicable permits and approvals in accordance with the procedures specified in the Development Agreement.

14.34.080 Amendments

1. Application. Property owners within the MPD zone may apply for an amendment to any element or provision in the approved Development Agreement.
2. Classification. Proposed amendments are either minor or major amendments. Minor amendments are those that:
 - a. Do not increase the total number of dwelling units;
 - b. Do not increase the gross square footage of non-residential uses by more than 15%;
 - c. Do not decrease the approved amount of open or recreational space; and
 - d. Does not create a new or increase an identified significant adverse environmental impact.
 Major amendments are all other proposed amendments.

3. Processing. Proposed minor amendments may be approved administratively by the Town Administrator subject to the process established in the Development Agreement. Proposed major amendments must be reviewed and approved by the same procedures for an MPD permit application.