

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

October 18, 2016

1. Call to Order – The Chairperson called the regular meeting to order at 9:03 a.m.
2. Pledge of Allegiance – Chair Jeffreys led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Randy Neatherlin; Commissioner District 2 – Tim Sheldon; Commissioner District 3 – Terri Jeffreys.
4. Correspondence and Organizational Business
 - 4.1 Correspondence
 - 4.1.1 The Liquor and Cannabis Board sent a marijuana license application for 1502 Gardens.
 - 4.1.2 Federal Emergency Management Agency sent a letter regarding Flood Hazard Areas.
 - 4.1.3 The Port of Shelton sent budget and levy resolutions.
 - 4.1.4 Homeland Security sent preliminary flood insurance study.
 - 4.1.5 Marilyn Vogler & Deborah Soper sent input regarding today's hearing.
 - 4.2 Loretta Swanson announced the contract award for Belfair Waste Water Facility Pump Seal Replacement & Repair to for a total cost of \$16,528.00
5. Open Forum for Citizen Input – There was no citizen input.
6. Adoption of Agenda - **Cmmr. Sheldon/Neatherlin moved and seconded to adopt the agenda as published. Motion carried unanimously. N-aye; S-aye; J-aye.**
7. Approval of Minutes – October 4, 2016 regular meeting minutes
Cmmr. Neatherlin/Sheldon moved and seconded to approve the October 4, 2016 regular meeting minutes. Motion carried unanimously. N-aye; S-aye; J-aye.
8. Approval of Action Agenda:
 - 8.1 Approval to set a public hearing for November 22, 2016 at 6:30 p.m. to consider a rezone request of three parcels on McEwan Prairie Road from Rural Residential 20 to Rural Commercial 2
 - ~~8.2 Approval of the settlement agreement and release with Ms. Kirkpatrick as negotiated through mediation services in the amount of \$37,500 and for the Chair to sign the agreement.~~
Removed
 - 8.3 Approval of the fiscal year 16 Management Performance Grant contract E17-096 originating from the US Department of Homeland security and the State Military Department.
 - 8.4 Approval to set a public hearing for Tuesday, October 25, 2016 at 6:30 p.m. to take the necessary action in order to deed certain tidelands on the Squaxin Island to the Squaxin Island Tribe.
 - 8.5 Approval to cancel the November 14, 2016 Commissioner briefings and November 15, 2016 Commissioner meeting due to scheduling conflicts.
 - 8.6 Approval of the resolution amending Resolution 06-13 updating the procedure for county office closure due to weather conditions or natural disaster. **Resolution No. 70-16 (Exhibit A)**
 - 8.7 Approval for the following 2017 contracts for lodging tax as recommended by the Lodging Tax Advisory Committee: Visitor Information Centers - Shelton Chamber of Commerce (includes Hoodsport locations, \$60,000; North Mason Chamber of Commerce (includes Union location) \$40,000; Tourism Promotion/Festivals & Small Events - Blue Collar Agency \$228,000 with \$33,500 dedicated to marketing of festivals and small events.
 - 8.8 Approval of the Veterans Assistance Fund applications for: Necessity Items \$450.00 and Utilities \$117.00 for a total of \$567.00 as recommended by the Veterans Service Office.

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8.9 Approval to set a public hearing for November 22, 2016 at 6:30 p.m. to consider a speed limit change on Plantation Way from Milepost 0.20 to Milepost 0.56.

8.10 Approval of Warrants:

Claims Clearing Fund	Warrant#s	8043215-8043649	\$1,416,869.52
Direct Deposit Fund	Warrant#s	35163-35549	\$ 610,488.70
Salary Clearing Fund	Warrant#s	7002240-7002281	\$ 892,414.90
Administrative Bond Fees (Treasurer)			\$ <u>1,200.00</u>
For a total of.....			\$2,290,973.12
Claims Clearing YTD Total		\$26,278,953.34	
Direct Deposit YTD Total		\$10,774,153.00	
Salary Clearing YTD Total		\$11,521,287.62	
Admin Bond Fees YTD		\$1,200.00	

8.11 Approval to send a letter to the Mason County Democratic Central Committee requesting they nominate three persons for the County Commissioners to consider for the Mason County Clerk position that is being vacated by Ginger Brooks effective January 1, 2017.

Cmmr. Sheldon/Neatherlin moved and seconded to approve action items 8.1 through 8.11. Motion carried unanimously. N-aye; S-aye; J-aye.

9. 9:30 a.m. Public Hearings and Items Set for a Certain Time –

9.1 Continued from October 11, 2016 - Public Hearing to consider a code amendment for Low Intensity Mixed Use in the Shelton Urban Growth Area.
Barbara Adkins explained the proposal for code amendment.

Cmmr. Sheldon spoke about correspondence from Marilyn Vogler and UGA standards. Cmmr. Sheldon wants to have consistency.

Public Testimony:

Marilyn Vogler spoke about design standards. The city and Belfair UGA has zoning codes regarding design standards. She reminded the Board that low intensity mixed use includes residential. Ms. Vogler said she hopes this passes but with special use to somewhat protect the UGA.

Len Williams spoke about special use permits and noted it does add cost and time for the applicant.

Public Testimony closed.

Commissioner Deliberations:

Cmmr. Neatherlin said recreational storage should be allowed without a special use permit and self storage allowed with special use permit.

Cmmr. Jeffreys spoke about special use permits. Cmmr. Jeffreys said she is for Recreational Storage or self storage without special use permit.

Cmmr. Sheldon said he prefers to have special permits for both self storage and recreation storage.

Barbara Adkins read the definition of recreational storage.

Cmmr. Sheldon worries about the impact on residential areas.

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Cmmr. Neatherlin/Jeffreys moved and seconded to approve proposed amendment to Title 17 with the addition of allowing recreational storage as an allowed use and a special use permit required for self storage in the Shelton Urban Growth Area. Motion carried. N-aye; S-NAY; J-aye. Ordinance 72-16 (Exhibit B)

10. Board's Reports and Calendar - The Commissioners reported on meetings attended the past week and announced their upcoming weekly meetings.
11. Other Business (Department Heads and Elected Officials)
 - 11.1 Dave Windom spoke about Public Health.
12. Adjournment – The meeting adjourned at 10:20 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON



Terri Jeffreys, Chair



Tim Sheldon, Commissioner

ATTEST:



Clerk of the Board



Randy Neatherlin, Commissioner

RESOLUTION NO. 70-16

RESOLUTION AMENDING RESOLUTION 06-13 UPDATING THE PROCEDURE FOR COUNTY OFFICE CLOSURE DUE TO WEATHER CONDITIONS OR NATURAL DISASTER

WHEREAS, the County Commissioners shall establish the hours of most county offices for the transaction of business;

WHEREAS, during times of inclement weather or natural disaster it is essential that the County continue to provide vital public services and it is expected that employees make every reasonable effort to report to work without endangering their personal safety;

WHEREAS, a procedure was established in the event County offices are closed and that procedure needs to be updated to include the involvement of the Emergency Management and Information Technology Departments;

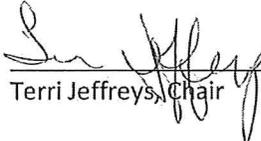
NOW THEREFORE BE IT HEREBY RESOLVED to adopt the amended County Office Closure Procedure as outlined in Attachment A.

DATED this 18th day of October, 2016.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

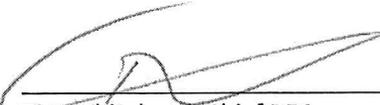
ATTEST:

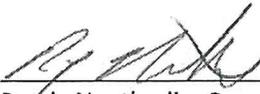

Julie Almanzor, Clerk of the Board


Terri Jeffreys, Chair

APPROVED AS TO FORM:


Tim Sheldon, Commissioner


Tim Whitehead, Chief DPA


Randy Neatherlin, Commissioner

County Office Closure Procedure

(October 2016)

When a major snow, ice or storm event is taking place or appears to be imminent, the road operations manager or their designee, shall collect information from a variety of community sources to prepare a road condition report as early as possible, but no later than 4:45 a.m. if possible.

On or about 4:45 a.m. the designated road operations manager shall contact the Public Works Director or their designee to discuss the road and weather conditions and latest weather forecast.

On or about 5:00 a.m. the Public Works Director or designee calls the Commission Chair to advise them of road conditions throughout the county and latest weather forecast and makes recommendation regarding suspending standard operations.

The Chair shall decide that:

1. **Situation does not merit suspending standard operations:** The County will observe normal business operations because road conditions in **most** areas of the County are not hazardous; all County operations will be conducted to facilitate justice and commerce. Staff may use leave as provided in the Personnel Policy 4.5 Unusual Weather Conditions/Extreme Circumstances; **or**
2. **Opening standard operations will be delayed until specified time later in the day (preferably 10:00 a.m. or 12:30 p.m.) [or closed early if conditions merit] because extremely hazardous conditions currently exist** and the safety risks of travel for employees and the public and the associated County liability outweigh the benefit of commencing designated standard operations at the normal time. **or**
3. **Extremely hazardous conditions exist and are likely to persist throughout the day** and the safety risks of travel for employees and the public and the associated County liability outweigh the benefit of conducting designated standard operations this day. **Conduct of standard operations is suspended until a specified time the following day.**

The Chair will contact the Presiding Judges of Superior and District Courts to determine if it is necessary to make special accommodations for any of their operations during the suspension of standard operations.

By 6:00 a.m. the Chair calls Support Services staff to update the County closure information message number (360-427-9670 ext. 678) with information regarding the duration of the suspension. Support Services will contact the media and the Emergency Management/InformationTechnology Manager or designee.

The Emergency Management/Information Technology Manager or designee shall update the County website with the closure information and broadcast an AlertSense message

If closure occurs during regular work hours, Support Services staff updates the County closure information message number (x678), contacts each county office, sends out an "all county" email, sends notice to website and the media. Emergency Management shall broadcast an AlertSense message.

ORDINANCE NUMBER 72-16

TITLE 17 - ZONING

AMENDMENTS TO CHAPTER 17.07 – DEVELOPMENT REGULATIONS, SHELTON URBAN GROWTH AREA, ARTICLE 2 – LOW INTENSITY MIXED USE, SECTION 17.07.220 – PERMITTED USES TO INCLUDE **RECREATION STORAGE**, SECTION 17.07.240 – SPECIAL USES TO INCLUDE **SELF-STORAGE FACILITIES** AND CHAPTER 17.06, SECTION 17.06.010 DEFINITIONS TO ADD **SELF-STORAGE FACILITY**

ORDINANCE amending Title 17, Zoning, Chapter 17.07, Article 2, Low Intensity Mixed Use, Section 17.07.220, Permitted Uses, Section 17.07.240, Special Uses, and Chapter 17.06, Section 17.06.010, Definitions, of the Mason County Code with respect to the Shelton Urban Growth Area.

WHEREAS, amendments to Title 17 of the Mason County Code fall under the authority of Chapter 36.70 and 36.70A RCW; and

WHEREAS, Section 17.07.220 lists Permitted Uses and Section 17.07.240 lists those uses considered Special Uses within the Low Intensity Mixed Use zoning district of the Shelton Urban Growth Areas; and

WHEREAS, Special Uses as defined under Section 17.07.240 are those that require an approved Special Use Permit under Chapter 17.05, Article V. – Special Uses; and

WHEREAS, the current code does not include “recreation storage” as a permitted use, an accessory use, or a special use within that zoning district; and

WHEREAS, the current code does not include “self-storage facilities” as a permitted use, an accessory use, or a special use permit within that zoning district; and

WHEREAS, this Ordinance amends Section 17.07.220 to include “recreation storage”, defined as the storage of recreational vehicles, boats, boat trailers, camper trailers, personal motor craft, and similar outdoor recreational equipment, as a permitted use within the Low Intensity Mixed Use district of the Shelton Urban Growth Area; and

WHEREAS, this Ordinance amends Section 17.07.240 to include “self-storage facilities”, as a allowable special use within the Low Intensity Mixed Use district of the Shelton Urban Growth Area; and

WHEREAS, while self-storage facilities are permitted in other areas of the County, a formal definition has not been incorporated into the County's Code; and

WHEREAS, this Ordinance amends Section 17.06.010 to include "self-storage facility", defined as "a building or group of buildings containing separate, individual, or private storage spaces of varying sizes available for lease or rent for varying periods of time"; and

WHEREAS, the Mason County Planning Advisory Commission conducted a public hearing on August 15, 2016 and recommended adoption of these amendments by the Commissioners; and

NOW THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason County hereby amends Title 17, Zoning, Chapter 17.07, Article 2, Low Intensity Mixed Use, Section 17.07.220, Permitted Uses, Section 17.07.240, Special Uses, and Chapter 17.06, Section 17.06.010, Definitions, of the Mason County Code with respect to the Shelton Urban Growth Area. (See Attachment A)

DATED this 18 day of October 2016.

ATTEST:


Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Terri Jeffreys, Chair

NAY
Tim Sheldon, Commissioner

APPROVED AS TO FORM:


Tim Whitehead, Chief DPA


Randy Neatherlin, Commissioner

ATTACHMENT A

TITLE 17 - ZONING

CHAPTER 17.07 – DEVELOPMENT REGULATIONS
ARTICLE 2 – LOW INTENSITY MIXED USE
SECTION 17.07.220 – PERMITTED USES
SECTION 17.07.240 – SPECIAL USES

ARTICLE 2. - LOW INTENSITY MIXED USE (MU)

17.07.220 - Permitted uses.

Permitted uses listed below are intended as a guide to types of uses that are allowed in the low intensity mixed use zone. The community development director or his/her designee will make the determination as to whether a proposed use is permitted.

- A. Commercial uses, including, but not limited to the following:
 - 1. Bakeries;
 - 2. Business and professional offices;
 - 3. Assisted living and convalescent homes;
 - 4. Day care facilities;
 - 5. Drug stores;
 - 6. Grocery and hardware stores;
 - 7. Liquor stores;
 - 8. Medical and dental offices;
 - 9. Personal services;
 - 10. Recreation Storage
 - 11. Retail stores;
 - 12. Restaurants without drive through windows;
 - 13. Social services;
 - 14. Auto repair and service.
- B. Residential Uses. All residential uses are permitted with a density of between four and twelve units per acre;
- C. Residential uses above commercial;
- D. Cooperative housing;

- E. Gas stations (retail sale of gasoline and related convenience items only, no service available) within three hundred feet of direct access (on- or off-ramp) to a Washington State or United States Highway.
- F. Drive-thru restaurants, subject to site plan approval, and within three hundred feet of direct access (on- or off-ramp) to a Washington State or United States Highway.

17.07.240 - Special uses.

Special uses, including, but not limited to the uses listed below, subject to the conditions set forth in Chapter 17.05 of this title.

- A. Community clubs;
- B. Hotels and motels;
- C. Public utilities and facilities;
- D. Recreational vehicle parks;
- E. Churches.
- F. Self-Storage Facility

CHAPTER 17.06 – DEFINITIONS
SECTION 17.06.010

CHAPTER 17.06 - DEFINITIONS

17.06.010 - Definitions.

Note: The definitions used in the Mason County development regulations are those terms defined in Moskowitz, Harvey S. and Lindbloom, Carl G.; *The New Illustrated Book of Development Definitions*. New Brunswick, NJ, Center for Urban Policy Research, 1993, except as specifically defined in separate county ordinance(s).

"Accessory building or use" means any building or use which:

- (a) Is subordinated to, and serves a principal building or principal use; and
- (b) Is subordinate in area, extent or purpose to the principal building or principal use served; and
- (c) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- (d) Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

"Accessory dwelling unit or ADU" means a second dwelling unit added onto, created within or detached from an existing single-family detached dwelling for use as a completely independent or semi-independent unit with provisions for cooking, eating, sanitation and sleeping. See Section 17.03.029 for requirements for ADUs.

"Accessory uses" include signs that are related to and support a business or activity.

"Adequate public facilities" means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums. (WAC 365-195-210)

"Administrator" means the director of community development for Mason County shall serve as the administrator. The board may also designate an acting administrator who shall have all of the duties and powers of the administrator in the absence of or inability of the administrator to act.

"Adult day-care facility" means an establishment providing for regularly-scheduled care and supervision of adults whose age or medical condition warrants such care, and where such care is provided for periods of less than twenty-four hours.

"Adult retirement community" means a residential development for persons who are at least fifty-five years of age. Such development may include the following as accessory uses:

- (1) Social and recreation activities;
- (2) Communal meal service;
- (3) Limited health care facilities;
- (4) Transportation facilities; and
- (5) Personal services.

"Agricultural lands" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock.

"Agricultural resource lands" means land designated by Mason County as agricultural lands of long-term commercial significance.

"Agricultural sales sign" means a usually seasonal sign used to announce and/or direct the public to a sale of locally grown agricultural products.

"Air transportation" means commercial air transport service, such as charter and/or docking facilities.

"Animated sign" means any sign which includes action or motion or the optical illusion of action or motion, or color changes of all or any part of the sign facing, requiring electrical energy, or set in motion by movement of the atmosphere.

"Appurtenant structure" means a structure that is ordinarily connected to the use and enjoyment of a single-family residence; normal appurtenant structures include, but are not limited to, a garage, deck, storage shed, woodshed, pump house, upland retaining wall and fence.

"Aquaculture" means the commercial cultivation of aquatic life, such as fish, shellfish and seaweed.

"Assisted living facility" means an institution or a distinct part of an institution that is licensed or approved to provide healthcare under medical supervision for twenty-four or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood or adoption.

"Available public facilities" means that facilities or services are in place or that a financial commitment has been made to provide that facilities or services within a specified time. In the case of transportation, the specified time is six years from the time of development. (WAC 365-195-210)

"Bed and breakfast" means overnight accommodations and a morning meal in a room or suite of rooms provided to guests for compensation, where such room or suite is located in a building occupied by the owner of the facility.

"Best management practices" means a physical, structural, or managerial practice which has gained general acceptance for its ability to prevent or reduce environmental impacts.

"Billboard" means the same as an off-premises sign.

"Board" means the Mason County board of commissioners.

"Bufferyard" means an area of plantings surrounding a land use which screens or blocks vision, noise pollutants, or other negative by-products associated with that use. The bufferyard might consist of open space, landscaped areas, undisturbed areas of natural vegetation, fences, walls, berms or any combination thereof.

"Building" means a structure intended for use or occupancy by humans.

"Building face" means the wall on the side of the building facing the road accessing the property; the size of sign is the portion (i.e. ten percent) of the area value resulting from the product of the wall height times the wall width.

"Building size" is determined by measuring the building footprint from the outside walls. Does not include roof overhangs up to two feet. Roof overhangs larger than two feet from outside wall will be included in the overall size of the building.

"Capacity" means the measure of the ability to provide a level of service on a public facility.

"Capital improvement" means land, improvements to land, structures (including design, permitting, and construction), initial furnishings and selected equipment. Capital improvements have an expected useful life of at least ten years.

"Carrying capacity" means the intrinsic constraints on the development of an area. The development that may be allowed without an (unacceptable) significant adverse impact, on a cumulative basis, on an environmental or social value intended to be protected by the comprehensive plan. Carrying capacity in the biological sciences is the population of a species in a particular environment which can be sustained on an on-going basis. "The maximum number of inhabitants that an environment can support without detrimental effects." (Websters 11) For human populations, this concept less useful in the sense that resources which are locally in short supply can be transferred from anywhere in the world, and the level of impact that human society has on the environment is variable based on the technology used and the way that technology and other human activities are managed. Humans do not have the limited range of behaviors other species have. Examples of values to be protected in the plan would be native fisheries or rural character.

"Cemetery" means in accordance with R.C.W. 68.40, any one or combination of the following land uses in a place used for, or intended to be used and dedicated, for cemetery purposes: (1) burial park for earth interment; (2) mausoleum for crypt interment; and columbarium for permanent cinerary interment.

"Changing message center sign" means an electrically or electronically controlled sign where different automatic changing messages are shown on the same lamp blank.

"Child care center, commercial." "Commercial child care center" means an establishment providing for regularly-scheduled care, supervision and protection of children for periods less than twenty-four hours. Such establishment shall be subject to licensing and regulation requirements pursuant to WAC 388-155.

"Child care center, family." "Family child care center" means an establishment providing for regularly-scheduled care, supervision and protection of children for periods less than twenty-four hours, in a dwelling, where such care and supervision is provided by a resident of the dwelling, and where no nonresident is regularly employed. Such establishment shall be subject to licensing and regulation requirements pursuant to WAC 388-150.

"City" means any city or town, including a code city. (RCW 36.70A.030)

"Clustered development" means grouping the allowed development on only a portion of the site in such a way that a significant proportion of the site remains in common open space, recreation, resource-based use, any combination of those uses, or remains undeveloped with some kind of restriction on additional development.

"Commercial uses" means businesses involved in: (1) the sale, lease or rent of new or used products to the consumer public; (2) the provision of personal services to the consumer public; (3) the provision of leisure services in the form of food or drink and passive or active entertainment; or (4) the provision of product repair or servicing of consumer goods.

"Commission" means the Mason County planning advisory commission.

"Community on-site septic systems" means a sewage system used to serve multifamily residential complexes or groups of individual residences.

"Comprehensive land use plan, comprehensive plan, or plan" means the Mason County comprehensive plan, as adopted pursuant to the Growth Management Act, and as thereafter may be amended.

"Concurrency" means adequate public facilities are available when the impacts of development occur. This definition includes the two concepts of "adequate public facilities" and of "available public facilities" as defined in this section. (WAC 365-195-210)

"Consistency" means a term which means that no feature of a plan or regulation is incompatible with any other feature of a plan or regulation. Consistency is indicative of a capacity for orderly integration or operation with other elements in a system. (WAC 365-195-210)

"Construction sign" means any sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and announce the character of the building or the purpose for which the building is intended.

"Contiguous development" means development of areas immediately adjacent to one another. (WAC 365-195-210)

"Convenience store" means any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

"Cottage industry" means a business, occupation, or profession that is incidental to a residential use and is carried on by a member or members of the household living in the residential unit on the site. There may be up to five employees working on the site who do not reside on the site. Cottage industries may be conducted within the residential dwelling or within an accessory structure.

"County" means Mason County, Washington.

"Critical areas" means areas which include the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flowed areas; and (e) geologically hazardous areas. (RCW 36.70A.030)

"Density" means a measure of the intensity of development, generally expressed in terms of dwelling units per acre. Density can also be expressed in terms of population (i.e., people per acre).

"Density transfer" means the transfer of all or part of the permitted residential density on a parcel to another parcel.

"Design guidelines" means a set of guidelines defining parameters to be followed in site and/or building design and development.

"Design standards" means a set of standards defining parameters to be followed in site and/or building design and development.

"Development" means the construction, reconstruction, conversion, structural alteration, relation or enlargement of any structure, and any mining, excavation, filling, or other associated land disturbance.

"Development districts" means areas in which a variety of development options are allowed if they are consistent with the purpose of the district.

"Development regulations" means any controls placed on development or land use activities by a county or city. Including, but not limited to, zoning ordinances, subdivision ordinances, and binding site plan ordinances. (RCW 36.70A.030)

"Director" means the director of community development, and whose responsibilities may be delegated when not contrary to law or ordinance.

"Domestic water system" means any system providing a supply of potable water which is deemed adequate pursuant to RCW 19.27.097 for the intended uses of a development. (WAC 365-195-210)

"Easement" means a covenant which grants or restricts a specific right of use.

"Educational learning center" means a facility dedicated to environmental and resource education and research. This land use would be permitted on lands designated for long term agricultural use in urban growth areas with a special use permit. This land use would be permitted on agricultural resource lands with a special use permit, using the special use permit criteria and meeting the standard that the proposed land use shall have

no more cumulative impacts than if the land remained in traditional agricultural production.

"Environmental impact statement (EIS)" means a document detailing the expected environmental impacts of a proposed action.

"Erosion" means the wearing away of the earth's surface as a result of the movement of wind, water or ice.

"Erosion hazard areas" means those areas that because of natural characteristics, including vegetative cover, soil texture, slope gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

"Essential public facilities" means and includes facilities such as prisons, correctional facilities, juvenile detention centers, courthouses, wastewater/sanitary treatment facilities and systems, solid waste facilities, transportation facilities (including public works operations and vehicle maintenance facilities), airports and hospitals.

"Facility" means the physical structure or structures in which a service is provided.

"Fire flow" means the amount of water volume needed to provide fire suppression. Adequate fire flows are based on industry standards, typically measure in gallons per minute (gpm). Continuous fire flow volumes and pressures are necessary to insure public safety. The fire flow volume shall be in addition to the requirements of the water system for domestic demand.

"Flashing sign" means any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.

"Floodplain" means that area of land adjoining a body of water that has been or may be covered by floodwater.

"Floor area ratio" is determined by summing the gross horizontal areas of all the floors of a building, measured from the exterior walls, or the centerline of walls separating two buildings, and dividing that sum by the gross area of the parcel proposed for use or development. Space devoted to off-street parking or loading is not included in this calculation.

"Front yard" and "front yard setback" mean the space extending the full width of the lot between a structure or building and the front lot line or road easement boundary, whichever is closer. The setback is measured from the building to the closest point of the front lot line or road easement boundary, whichever is closer. See Figure 17.06 A.

"Fully contained community (FCC)" means a reserved capacity for new urban development that will be characterized by urban densities and intensities, urban

governmental services, and meets the criteria established in the comprehensive plan and in RCW 36.70A.350.

"Garage sale signs (yard sales, moving sales, patio sales)" means temporary signs used to announce and/or direct the public to a sale of used items.

"Geologically hazardous areas" means areas that because of the susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns. (RCW 36.70A.030)

"Greenbelt" means a linear corridor of open space which often provides passive recreation and nonmotorized transportation opportunities, serves as a buffer between developments and varying land uses, or creates a sense of visual relief from urban landscapes.

"Groundwater" means water that fills all the unblocked pores of material lying beneath the water table.

"Group homes" means a nonprofit or for-profit boarding home for the sheltered care of persons with special needs, which may provide food, shelter, and a combination of personal care, social and counseling services and transportation.

"Growth Management Act (GMA), or Act" means the Growth Management Act as enacted in 1990 and subsequently amended by the state of Washington.

"Hamlets" are intended to provide a focal point and community identity for surrounding rural area, while they meet some of the immediate needs of rural residents, resource dependent industry, and visitors. They may include one or two civic, community, or retail uses such as post office, community center, church, grange, gas station, or small convenience store. Residential uses are not included in Hamlets. They may be served by community water systems and community sewage treatment facilities but have only rural governmental services.

"Height" shall be measured using average grade level. The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed structure and shall be determined by averaging the ground elevations at the midpoint of all exterior walls of the proposed structure.

"Hobby farm" means rural parcel(s) with a principal residential land use and secondary noncommercial or small-scale commercial farming, livestock raising, aquaculture, or forestry activities conducted on the property.

"Home occupation" means a business, occupation, or profession that is incidental to and carried on within a portion of a residential dwelling unit by a member or members of

the household. The business may have up to three employees in addition to members of the household.

"Hotel" means a facility offering guest lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.

"Household" means all persons who occupy a housing unit which is intended as separate living quarters and having direct access from the outside of the building or through a common hall. The occupants may be a single-family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements. (U.S. Department of Commerce, Bureau of the Census)

"Impact mitigation" means the mitigation of the negative impacts of a development proposal. Mitigation includes, but is not limited to the following: avoiding the impact through change in the proposal, minimizing the impact through changes to the proposal, rectifying the impact by repairing, rehabilitating or restoring the affected environment, reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action, compensating for the impact by replacing, enhancing, or providing substitute resources or environments, and monitoring the impact and taking appropriate corrective measures. The term includes to voluntary and mandatory actions to compensate for the costs of reducing impacts; including traffic impacts.

"Infill" means the development of housing or other buildings in vacant sites in an already developed area.

"Infrastructure" means facilities and services needed to sustain industry, residential, and commercial activities. Infrastructure may include, but not be limited to, water and sewer lines, streets, and power and communication lines.

"Inholding land" means blocks of land that are surrounded on all sides by designated long-term commercial forest lands and are crucial for conservation of those lands, but are not directly of long-term commercial significance for forestry.

"Inn" means a commercial facility for the housing and feeding of guests, where the principal structure of such facility has been converted from a residential use.

"Intensity" means a measure of land use activity based on density, use, mass, size and impact.

"Level of service (LOS)" means an established minimum capacity of public facilities or services that must be provided per unit demand or other appropriate measure of need. (WAC 365-195-210); a qualitative measure describing the operational conditions within the traffic stream, and their perception by motorists and passengers.

"Local and community recreation centers" or "community centers" means places and buildings primarily designed for use by local residences for sports, leisure-time activities, or assembly for the public or for community service groups.

"Long-term commercial forests" or "long-term commercial forest land" means land so designated by the county in order to provide special protection for the continued use of the land for the production of timber. Land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production as defined in RCW 36.70A.30(8) and (10).

"Lot" means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit. See Figure 17.06 A to see location of lot lines and setbacks.

"Major arterial" or "principal arterial" means roads which convey traffic along corridors to areas of a high density of commercial or industrial activity. Major arterial or principal arterial emphasize mobility and de-emphasize access.

"Master planned resort" means a self-contained and fully integrated development in a setting of significant natural amenities that includes short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreation facilities. It may also include permanent residential uses as an integrated plan of the overall resort development. (WAC 365-195-210)

"Minerals" means a term which includes gravel, sand, and valuable metallic substances. (RCW 36.70A.030)

"Minor arterial" or "secondary arterial" means roads which link activity centers and convey traffic onto major arterial. Minor arterial provide both mobility and access.

"Mixed use" means development that combines two or more different land uses in the same project. For example, a mixed use project may include both commercial uses and residential uses.

"Mobile home" means a factory-assembled structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein.

"Mobile home park" means a tract of land occupied or designed for occupancy by two or more mobile homes.

"Modular housing," or "modular home" refers to a dwelling that is designed for human habitation and is either entirely or substantially prefabricated or assembled at a place other than a building site. Modular homes or modular housing, commonly referred to as factory

built housing, are placed on permanent foundations. For the purposes of this chapter, modular homes shall be treated the same as any other single-family dwelling units.

"Multifamily" means a structure containing four or more, joined dwelling units.

"Nonconforming land use" means a use or activity that was lawful prior to the adoption, revision or amendment of the ordinance codified in this chapter but fails by reason of such adoption, revision or amendment to conform to the present performance standards of the Mason County development regulations.

"Nonconforming structure" means a structure that was lawful prior to the adoption, revision or amendment to the ordinance codified in this chapter but fails by reason by such adoption, revision or amendment to conform to the present performance standards of the Mason County development regulations.

"Nontraditional housing types" means dwelling types other than on-site built housing units. Nontraditional housing types include, but are not limited to, manufactured housing, mobile homes and houseboats.

"Office" means a structure that generally houses a business, government, professional, medical or financial institution for the nondaily needs of individuals, groups or organizations.

"Off-premises sign" means a sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

"On-premises sign" means any communication device, structure or fixture that is intended to aid in identification and to advertise and/or promote a business, service, activity, interest or view at the location on which the sign is located.

"Open space." There are three kinds of open space land: private, common use, and public open space. Private open space includes farms, forest lands, and other parcels of undeveloped land. Common use open space is land within a residential development or other development which is designated for common access by the residents of the development or by the general community. Public open space is publicly-owned land available for recreational use of the entire community. Open water areas, such as the hood canal or lakes, is also often considered as open space because it creates a sense of openness.

"Performance standards" means criteria that are established and must be met before a certain use or intensity of use will be permitted. These measures are designed to guide development of property and include, but are not limited to, open space requirements, site design, bufferyards, screening, size and heights limits for buildings, noise, vibration, glare, heat, air or water contaminants and traffic.

"Performance subdivision" means a subdivision or short subdivision in which the applicant seeks to gain additional residential density by designing the proposed development in clusters of development and areas of open space which recognizes and preserves those land elements which are deemed worthy of protection. Within this chapter, performance subdivisions include those authorized under Chapters 16.22 and 16.23 of this code.

"Permitted use" means any use which is authorized or allowed outright, not requiring a special use permit or the approval of the board.

"Person." Within the context of this chapter, "person" means and intended to include an individual, firm, partnership, association or corporation; or a state, or any political subdivision of a state, or any agency thereof.

"Personal services" means establishments primarily engaged in providing services involving the care of a person, or his or her personal goods or apparel.

"Planned unit development (PUD)" means a residential development that includes a mix of housing types such as single-family, townhouses, and other multi-family, and groups uses to provide common open space or to include recreation such as golfing as part of the development.

"Plat" means a map or plan, especially of a piece of land dividing into building lots.

"Political sign" means a sign advertising a candidate or candidates for public elective office, or a political party, or sign urging a particular vote on a public issue decided by ballot.

"Primary treatment" means the first step in wastewater treatment in which solids in a wastewater stream are allowed to settle out. The suspended solids and the BOD (biochemical oxygen demand) are reduced by twenty-five to forty percent.

"Public services" means and includes fire protection and suppression, law enforcement, public health, education, recreation, environmental protection and other governmental services. (RCW 36.70A.030)

"Public water system" means any systems of water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission, and distribution facilities where water is being furnished to any community, collection, or number of individuals, but excluding a water systems serving on single-family residence. (WAC 248.54)

"RCW" means Revised Code of Washington.

"Real estate signs" means any sign pertaining to the sale, lease or rental of land or buildings.

"Rear yard" and "rear yard setback." The "rear yard" means the space extending the full width of the lot between a structure or building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. The "setback" means the closest distance from the structure to the rear lot line. See Figure 17.06 A.

"Recreation storage" means the storage of recreational vehicles, boats, boat trailers, camper trailers, personal water craft, and similar outdoor recreational equipment.

"Recreational vehicle (RV) park." As defined in the mobile home and recreational parks Ordinance No. 118-91.

"Rehabilitation" means the physical improvement, remodeling, or partial reconstruction of existing structures rather than their demolition and replacement.

"Residential development" means the development of land, or the construction or placement of dwelling units for residential occupancy or appurtenant structures and for accessory uses. This definition shall not be construed to authorize any use under the variance criteria.

"Resource lands" means those lands which are suitable for agriculture, forest mineral extraction and protected by resource lands regulations.

"Resource-based" means a use that is dependent upon, or supports uses that are dependent upon, natural resources including, but not limited to, forestry, agriculture, aquaculture, horticulture and mineral extraction.

"Resource-based industry" means a manufacturing, industrial, or commercial business which requires a location near agricultural land, forest land, or mineral resource land or aquacultural area upon which it is dependent or supports. Examples include sawmills, plant nurseries, feed stores.

"Retail" means the selling of goods or merchandise to the public and providing services incidental to the sale of such goods. Retail does not include new and used auto sales, boat sales, recreational vehicle sales, or mobile/modular home sales.

"Right-of-way" means land owned by a government or an easement for a certain purpose over the land of another, used for a road, ditch, electrical transmission line, pipeline, or public facilities such as utility or transportation corridors.

"Road adequacy standards" means standards by which government agencies can assess whether adequate road facilities are being provided and regulated.

"Roof sign" means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

"Runoff" means water from rain, snowmelt, or irrigation that flows over the ground surface and returns to streams.

"Rural activity center (RAC)" means concentrated settlements within rural lands that may include a variety of residential, small scale commercial, resource-based and rural light industrial, recreation and public uses. They may also include a compact, pedestrian-oriented core. They may be served by community water systems and have community sewage treatment facilities but have only rural governmental services. They reflect an existing development pattern, but they are not intended to expand. RAC boundaries are established in the comprehensive plan.

"Rural areas" means rural areas in Mason County include those areas not designated as urban areas, resource lands, RACs or hamlets. They currently provide for rural residential, farming, forestry, recreation, and single-purpose commercial, retail and industrial uses. These uses are expected to continue and increase over the next twenty years. In rural areas, the rural landscape will remain dominant, and include a variety of protected natural features.

"Rural lands" means those areas outside of designated resource lands and urban growth areas. Natural features contribute significantly to rural character of these lands. These features include, but are not limited to, forests, farmlands, and farm buildings, pastures, meadows, shorelines, wetlands, streams, lakes, hills and mountains. Types of uses within rural lands include resource-based land uses, recreational uses, residential uses, and low intensity nonresidential uses. Rural lands can be served by rural governmental services and included districts such as rural activity centers, hamlets and rural areas.

"Sandwich board sign" means an "a-framed" portable sign measured by height X width.

"Sanitary sewer systems" means all facilities, including approved on-site disposal facilities, used in the collection, transmission, storage, treatment or discharge of any waterborne waste, whether domestic in origin or a combination of domestic, commercial or industrial waste. (WAC 365-195-210)

"Secondary treatment" means the second step in purifying sewage which uses biological processes in addition to settling and provides purification from eighty-five to ninety-five percent.

"Seismic hazard areas" means areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement or soil liquefaction.

"Self-Storage Facility" means a building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.¹

"Sewage" means the total of organic waste and wastewater generated by residential, industrial and commercial establishments.

"Sewer" means the closed pipe which carries raw sewage from a home or business to a treatment facility.

"Sewerage" means the entire system of sewage collection, treatment and disposal.

"Side yard" and "side yard setback" mean the space extending the full width of the lot between a structure or building and the side lot line and measured perpendicular to the building to the closest point of the side lot line. The side yard setback is the closest distance from the structure to the side lot line. See Figure 17.06 A.

"Sight distance" means the length of a roadway required which is sufficient enough to ensure safe operation of a motor vehicle at posted speeds.

"Sign" means any communication device, structure or fixture that is intended to aid in identification and to advertise and/or promote a business, service, activity or interest. For the purpose of this chapter, a sign shall not be considered to be building or structural design, but shall be restricted solely to graphics, symbols or written copy that is meant to be used in the aforementioned way.

"Single-family dwelling" means a detached building containing one dwelling unit.

"Small scale" means a term which indicates that development regulations will limit the intensity, size, scale, number of uses and other factors of a particular development.

"Small scale business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has twenty or fewer employees.

"Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof and recyclable materials. (RCW 70.95.030)

"Special needs housing" means all housing that is designed for an individual or family who requires supportive social services in order to live independently or semi-

¹ Moskowitz, Harvey S. (2004) The latest illustrated book of development definitions (new expanded ed.) Rutgers, the State University of New Jersey

independently. These households require all types of housing including emergency, transitional and permanent housing. Special needs groups include, but are not limited to, the homeless; elderly; AIDS victims; single parents; runaway and homeless youth; severely physically handicapped; mentally and emotionally disturbed; chronically mentally ill, developmentally disabled; farm workers (migrant labor households) and persons with substance abuse problems. (Washington State Department of Community Development, Assessing your Community's Needs, a Practical Guide to Preparing Housing Assessments under the GMA and CHAS Requirements, June 1992.)

"Special use permit" means a "special use" refers to a land use that are found to possess characteristics relating to their size, numbers of people involved, the traffic generated, and their immediate impact on the area which makes impractical their being identified exclusively with any particular performance district as defined in this chapter. In order to determine that the location of these uses will not be unreasonably incompatible with uses permitted in the surrounding areas; and to permit the planning commission to recommend stipulations and conditions as may reasonably assure that the basic intent of this chapter will be served, these uses will be subject to review and recommendation by the planning commission and final determination by the board regarding the approval, denial or approval with conditions for the issuance of a special use permit by the Mason County community department of community development.

"State Environmental Policy Act (SEPA)" means a Washington state law requiring the systematic assessment of the environmental impacts of any action that is expected to significantly affect the environment.

"Structure" means anything constructed in the ground, or anything erected which requires location on the ground, or is attached to something having location on or in the ground, but not including fences or signs seven feet or less in height, driveways, or other paved areas.

"Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose of sale, lease, or transfer of ownership, unless specifically exempted in RCW Chapter 58.17.040.

"Surface waters" means streams, rivers, ponds, lakes or other waters designated as "waters of the state by the Washington Department of Natural Resources (WAC 222-16-030)."

"Temporary sign" means those signs associated with a particular event or short-term activity, such as, but not limited to; agricultural or garage sales signs, festival, carnival or parade signs, political signs and real estate signs, which are to be removed within ten days when the event or activity ends.

"Tertiary treatment" means the third step in purifying sewage that removes additional nutrient levels.

"Urban governmental services" means and includes those governmental service historically and typically delivered by cities, and include storm and sanitary sewer services, fire and police protection services, public transit services and other public utilities associated with urban areas and normally not associated with non-urban areas. (RCW 36.70A.030)

"Urban growth" means growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth. (RCW 36.70A.030)

"Urban growth area" means those areas designated by a county pursuant to RCW 36.70A.110.

"Urban level of facilities and services" means those services defined as "urban governmental services" with levels of service as defined within capital facilities element of the Mason County comprehensive plan.

"Utilities or public utilities" means enterprises or facilities serving the public by means of an integrated systems of collection, transmission, distribution, and processing facilities through more or less permanent physical conditions between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunications services, and water for the disposal of sewage. (WAC 365-195-210)

"Water dependent use" means a use or portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of some water dependent uses include: boat ramps, swimming areas, aquaculture, marinas, water intakes and outfalls, fish pens and fish screens.

"Watershed" means region drained by or contributing water to a stream, lake or other body of water.

"Wetland or wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swaps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created

as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands. (RCW 36.70A.030)