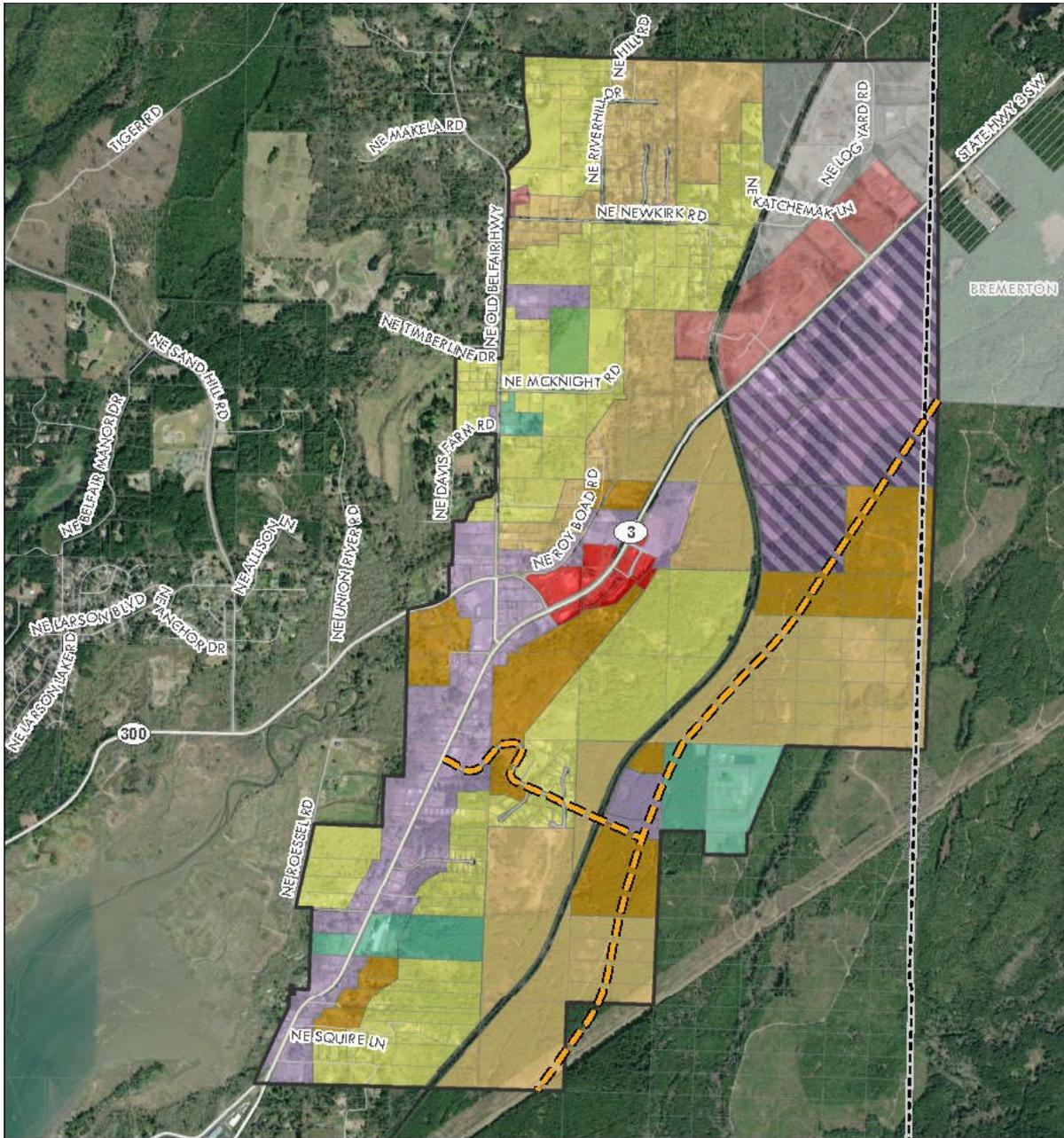


Attachment B: Zoning Map and Code Changes

B-1. Zoning Map Change

Amend Belfair zoning as shown in Exhibit 1.

Exhibit 1. Belfair Zoning Map as Amended



Map Date: February 2022



- | | |
|---|---|
| <ul style="list-style-type: none"> Belfair UGA Boundary UGAs Parcels Approximate Bypass & Connector Route | <p>Belfair UGA Zoning</p> <ul style="list-style-type: none"> Business Industrial General Commercial General Commercial and Business Industrial Long Term Agricultural Medium Density Residential Mixed Use Master Planned Mixed Use Multi Family Residential Public Facility Single Family Residential |
|---|---|

B-2: Code Amendments

CHAPTER 17.07 – SHELTON AND BELFAIR URBAN GROWTH AREA DEVELOPMENT REGULATIONS

ARTICLE 7. - PUBLIC INSTITUTIONAL (PI)

17.07.710 - Intent.

The public institutional designation is intended to:

- A. Provide an area for activities relating to the purpose of state and local governmental entities and semi-public institutions providing necessary public services; and
- B. Provide for continued operation and facilitate managed growth of existing major institutions within the Shelton UGA or the Belfair UGA;
- C. Provide and protect parks, open space and other natural, physical assets of the community to improve the aesthetic and functional features of the community.

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.720 - Permitted uses.

A. Specific types of permitted uses are those, which provide a public service or fill a public need as described in the statement of intent. Any proposed use, whether new or an expansion or change of an existing use, shall be evaluated individually to determine whether it will be treated as an administrative or special use, based on its size, overall functions, and anticipated level of impact, including, but not limited to, such factors as hours of operation, relationship to adjacent land uses, trip generation and parking needs, storage needs, and environmental impact. Permitted uses include but are not limited to the following:

1. Continuation of uses already legally existing within the zone at the time of adoption of this title;
2. Parks, greenbelts and open space for active or passive recreation or enjoyment;
3. Government buildings or offices such as fire stations, schools and colleges, hospitals, community meeting or recreation halls;
4. Libraries, museums, or similar cultural facilities;
5. Churches;
6. Public utilities, such as electrical, sewer, water, natural gas, stormwater, telecom facilities and other similar uses including but not limited to structural improvements appurtenant to or reasonably related to the provision of electrical and telecommunications services by state or local governmental entities (for example: enclosures and overhead/underground facilities such as distribution poles, transmission poles, wires, vaults, conduits, and other associated equipment/improvements) except for essential public facilities which are regulated in 17.07.730;

B. Similar or related uses permitted, and criteria for determination of similarity or relatedness, are as follows:

1. Uses similar to, or related to, those listed in Section 17.07.720A are permitted upon a finding of the Community Development Director or his/her designee that a particular unlisted use does not conflict with the intent of this chapter or the policies of the land development plan.

2. The criteria for such finding of similarity shall include but not be limited to the following:

- A. The proposed use is appropriate in this area;
- B. The development standards for permitted uses can be met by the proposed use;
- C. The public need is served by the proposed use.

C. Child day care centers shall be allowed as an accessory use to those uses permitted by section 17.07.720.

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.725 - Accessory uses.

The following accessory uses are permitted:

A. Storage of supplies and equipment associated with a primary use, and other activities incidental to the primary use such as:

- 1. Storage yards;
- 2. Fleet parking;
- 3. Maintenance /distribution buildings and appurtenant improvements, related facilities and activities;
- 4. Residential uses as an incidental use to the permitted use, such as caretaker's quarters, or as an accessory use to institutional facilities such as housing for students, staff or faculty of colleges, hospitals and the like.

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.730 - Special uses.

Special uses may be permitted as provided for in Chapter 17.05 of the Mason County Code, and subject to applicable conditions as found in that chapter.

Any use that, in the opinion of the Community Development Director, constitutes an essential public facility as defined in 17.06 and consistent with RCW 36.70A.200 shall require a Special Use Permit.

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.740 - Prohibited uses.

Uses other than those identified or described in Section 17.07.720 and 17.07.730 are prohibited.

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.750 - Setback and open space requirements.

A. Site Area: The minimum size and shape of the site shall be appropriate to the proposed use of said site and its relationship to abutting properties and traffic patterns in the vicinity of the site.

B. Building Height: Maximum height of buildings shall be forty-five feet. PROVIDED that with respect to public utility electrical and telecommunications improvements, this standard applies only to buildings and not to other types of public utility infrastructure.

C. Building Setback Requirements:

1.If adjacent properties are in the same or in a less restrictive land use district:

A. Side Yard Minimum: Fifteen feet;

B. Rear Yard Minimum: Fifteen feet;

2.If adjacent properties are in any residential district:

A. Side Yard Minimum: Twenty-five feet;

B. Rear Yard Minimum: Twenty-five feet.

3.Setbacks from right-of-way:

A. If property fronts on a private street or drive, twenty-five feet;

B. If property fronts on public street, thirty-five feet.

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.755 - Maximum height.

A. Maximum height in the public institutional district shall be as follows: Forty-five feet, except when adjoining a zone with a lower height restriction, in which case any structure located within one hundred feet of the more restrictive zone shall have a maximum height as imposed by the more restrictive zone. Height may be further restricted by airport overlay zoning, where applicable. Deviation from this standard will be processed as a special use permit, or as reviewed by special use permit, not to exceed fifty-five feet.

B. PROVIDED that with respect to public utility electrical and telecommunications improvements, the standard in Subsection A applies only to buildings and not to public utility infrastructure, which may be constructed to a height reasonably necessary to provide the subject service without any special use permit review requirement.

(Ord. No. 47-09, Attach. A, 6-2-2009; Ord. No. 52-19, att. A, 6-4-2019)

17.07.760 - Parking requirements.

A. Parking shall meet the requirements of Chapter 17.07.800 [Article 8] of this title within the Shelton UGA.

B. Parking shall meet the requirements of Chapter 17.28 Off-Street Parking in the Belfair UGA.

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.770 - Landscaping.

A. Landscaping shall meet all requirements of Chapter 17.07.800 [Article 8] of this title within the Shelton UGA.

B. Landscaping shall meet all requirements of Chapter 17.31 - Landscaping in the Belfair UGA.

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.780 - Site plan approval.

A. Development within the Public Institutional Zoning District in the Shelton UGA is subject to site plan approval to ensure that new development is planned in a manner consistent with this Chapter and to assure it will be compatible with adjoining development.

B. Development within the Public Institutional Zoning District in the Belfair UGA is subject to site and building design standards of 17.07.760 and 17.07.770 and the following chapters:

1. Chapter 17.25 - Pedestrian Access and Amenities
2. Chapter 17.27 - Interior Vehicular Access in the Belfair UGA
3. Chapter 17.29 - Service and Storage Areas In The Belfair UGA
4. Chapter 17.30 - Building Design Requirements In The Belfair UGA
5. Chapter 17.31 - Landscaping In The Belfair UGA
6. Chapter 17.32 - Lighting In The Belfair UGA
7. Chapter 17.34 - Signs In The Belfair UGA

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.790 - Appeals.

Administrative decisions of the Community Development Director or her/his designee shall be final and conclusive, unless a written statement of appeal is filed using the appeal procedures contained in Mason County Development Code Chapter 15.11, Appeals. Said statement shall set forth any alleged errors and/or the basis for appeal and shall be accompanied by a fee in an amount as set by resolution of the board.

The timely filing of an appeal shall stay the effective date of the decision until such time as the appeal is heard and decided or is withdrawn. The burden of proof regarding modification or reversal shall rest with the appellant.

(Ord. No. 47-09, Attach. A, 6-2-2009)

CHAPTER 17.20 - GENERAL PROVISIONS FOR THE BELFAIR UGA

17.20.080 - DISTRICTS ESTABLISHED.

Zoning districts are established as follows:

- LTA Long Term Agricultural
- R-4 Low Density Residential District
- R-5 Medium Density Residential District
- R-10 High Density Residential District

~~FR Festival Retail District~~

~~MPMU Mixed Use Master Plan~~

- MU Mixed Use District
- GC General Commercial District
- BI Business Industrial District

~~PI Public Institutional (See Chapter 17.07)~~

CHAPTER 17.23 - MIXED USE DISTRICTS IN THE BELFAIR UGA

17.23.010 - ~~"FR" FESTIVAL RETAIL DISTRICT~~ - PURPOSE. RESERVED.

~~The primary purpose of the festival retail district is to combine business, cultural and civic activities into a cohesive community focal point which promotes pedestrian usage. Locations generally are areas not significantly impacted by critical areas and slopes. The district encourages pedestrian-oriented uses such as retail trade uses (excluding certain types of auto-oriented uses), eating and drinking places, hotels and motels, personal service uses, civic and educational uses, and special events (including a farmers' market). Professional offices and residential uses are permitted on upper floors to add vitality to the area and support businesses. Building heights are limited to four stories, but can go up to five stories in the downtown area if the development provides substantial pedestrian-oriented space. Overall commercial and residential densities are limited by height limits, parking requirements, site constraints, market conditions, and design guidelines. Design guidelines encourage pedestrian-oriented site and building design, good pedestrian and vehicular access, pedestrian amenities and open space, parking lot landscaping, and the integration of developments with the natural environment. Outdoor spaces within these areas should function as social settings for a variety of experiences, adding to the comfort and complexity of life in a village center environment, while maintaining a human scale and an ability for easy pedestrian circulation. Reserved.~~

~~(Ord. 133-04 Att. B § 2 (part), 2004).~~

~~(Ord. No. 62-09, Att. A, 7-7-2009; Ord. No. 124-19, Att. A, 12-17-2019)~~

17.23.020 - ~~ALLOWED USES~~ - RESERVED.

~~Uses allowed in the FR district shall be as follows:~~

~~(1)Alcoholic beverage sales: package stores and wine shops;(2)Antique shops;(3)Appliance and communication equipment repair shop and/or sales;(4)Art galleries and artist studios;(5)Art and craft supplies, retail;(6)Bakeries, with on-site sales;(7)Bars and taverns other than those associated with full menu food service;(8)Bicycle shops;(9)Book stores;(10)Banks and financial institutions;(11)Barber and beauty shops;(12)Commercial child care centers;(13)Clothing sales and rentals and shoe stores;(14)Delicatessens;(15)Dry cleaners and laundries not including laundromats;(16)Fabric and yard goods stores;(17)Florists;(18)Food specialty shops, including: baked goods, meats, health foods, candies;(19)Furniture stores under fifty thousand square feet;(20)Grocery stores under fifty thousand square feet;(21)Hotels/motels as long as rooms are on upper floors;(22)Household specialty shops, including: plumbing, lighting, heating/cooling;(23)Hardware stores under fifty thousand square feet;(24)Hobby shops;(25)Jewelry stores;(26)Locksmiths;(27)Medical offices, excluding clinics, on upper floors;(28)Multi-family dwelling units;(29)Music stores, recordings and instruments;(30)Paint and glass shops;(31)Pharmacies, dispensing;(32)Photographic studios;(33)Printing shops, publishing and reproduction;(34)Professional offices on upper floors;(35)Radio and television broadcasting stations;(36)Restaurants, cafes and food stands;(37)Retail shops not otherwise named which are under five thousand square feet;(38)Second hand stores and pawn shops;(39)Sporting goods stores;(40)Stationary and office supply stores;(41)Theaters, live stage;(42)Theaters, motion picture;(43)Vehicle parts stores.~~

~~(Ord. 133-04 Att. B § 2 (part), 2004; Ord. No. 124-19, Att. A, 12-17-2019) Reserved.~~

~~17.23.030 - ACCESSORY USES. RESERVED.~~

~~The following uses are permitted only as they are ancillary to the primary allowed uses and may or may not require a special license or permit in addition to holding a building permit:~~

~~(1)Alcoholic beverage sales: on-site, in association with full menu food uses;(2)Merchandise repair, excluding vehicles;(3)Micro brewery;(4)Parking of one delivery vehicle;(5)Dance floors no larger than three hundred square feet;(6)Music and electronic game machines up to a total of four;(7)Catering.(8)Gasoline retail sales in association with grocery stores~~

~~(Ord. 133-04 Att. B § 2 (part), 2004).~~

~~(Ord. No. 62-09, Att. A, 7-7-2009) Reserved.~~

~~17.23.040 - SPECIAL USES. RESERVED.~~

~~The following uses, subject to applicable licensing and development regulations, shall be allowed only with approval of a conditional use permit. Consideration shall be given to the purpose and development standards of the district including any adopted design standards or guidelines:~~

~~(1)Antique malls over ten thousand square feet.(2)Building material sales.(3)Churches.(4)Clinics, including veterinary.(5)Commercial parking lots not associated with an on-site use.(6)Funeral parlors, cremation and mortuary services.(7)Gyms, fitness and aerobic studios.(8)Laundromats.(9)Live entertainment except between the hours of 12:00 AM and 7:00 AM.(10)Private transportation depot.(11)Schools.(12)Public sidewalk food and merchandise vendors including espresso and newsstands.(13)Commercial recreation facilities including game arcades, batting cages, shooting galleries and skating rinks.(14)Dance and music studios.(15)Dance floors over three hundred square feet in area.(16)Out door storage of merchandise and/or more than one vehicle.(17)Self-storage facilities.~~

~~(Ord. 133-04 Att. B § 2 (part), 2004).~~

~~(Ord. No. 23-19, Att. A, 3-19-2019)~~

~~17.23.045— Prohibited uses.~~

~~The following uses are prohibited:~~

~~(1) Adult entertainment.~~

~~(Ord. 133-04 Att. B § 2 (part), 2004).Reserved.~~

~~17.23.050 - BULK AND DIMENSIONAL STANDARDS.RESERVED.~~

~~Density: ——— No maximum density standard, however the number of units may be limited by the applicable height limit, parking requirements, design standards and guidelines, building codes, and site specific constraints.~~

~~Intensity: ——— No requirements.~~

~~Minimum Lot Area: ——— None.~~

~~Lot Dimensions: None.~~

~~Height: The maximum height of structures in the district shall be 45 feet, with the following exception: The maximum height may be increased to 55 feet if one contiguous pedestrian-oriented space is provided on-site per the following, whichever is less: (a) At least 3,000 square feet in area and at least 40 feet in width; or (b) Sized to at least 25% of the applicable building footprint~~

~~Setbacks: ——— There shall be no setbacks required in the district.~~

~~(Ord. 133-04 Att. B § 2 (part), 2004).Reserved.~~

~~17.23.060 - SITE DESIGN STANDARDS AND GUIDELINES.RESERVED.~~

~~(a) Intent. (1) To upgrade the identity of downtown Belfair. (2) To enhance the streetscape by minimizing the amount of driveway and parking areas visible from the street in downtown. (3) To enhance the appearance of highly visible sites. (b) Provide pedestrian-oriented street frontage. Specifically, no more than fifty percent of the linear street frontage for commercially developed properties shall be occupied by driveways and parking areas. In other words, at least fifty percent of the linear street frontage must either be open space area (must be at least twenty feet in width from the street to qualify as "open space") or contain pedestrian-oriented facades.~~

~~Exceptions:~~

~~(1) Properties fronting SR 3 between Old Belfair Highway and Clifton Lane or Old Belfair Highway between SR 3 and Clifton Lane as long as they meet the standards in Section 17.23.070; (2) Other properties where the applicant can demonstrate that an alternate proposal can better meet the intent of the guidelines. (c) Street corners and highly visible sites. Development of street corner properties should contribute to a sense of community and/or the demarcation of the area. Specifically, all development proposals for sites should include at least one of the design treatments described below. (1) Locate a building towards the street corner (within fifteen feet of corner property line). Building facades located here are encouraged to include a special architectural element, such as a raised roofline, tower, or an extended parapet, along the most visible views of the structure (see Figures 1 and 2 for~~

examples).⁽²⁾Provide a pedestrian walkway and/or plaza space at the corner leading directly to a building entry or shopping plaza space. May be appropriate in conjunction with an approved monument sign.⁽³⁾Install substantial landscaping (at least two hundred square feet of ground surface area with trees, shrubs, and/or ground cover). May be appropriate in conjunction with an approved monument sign.

17-23-060

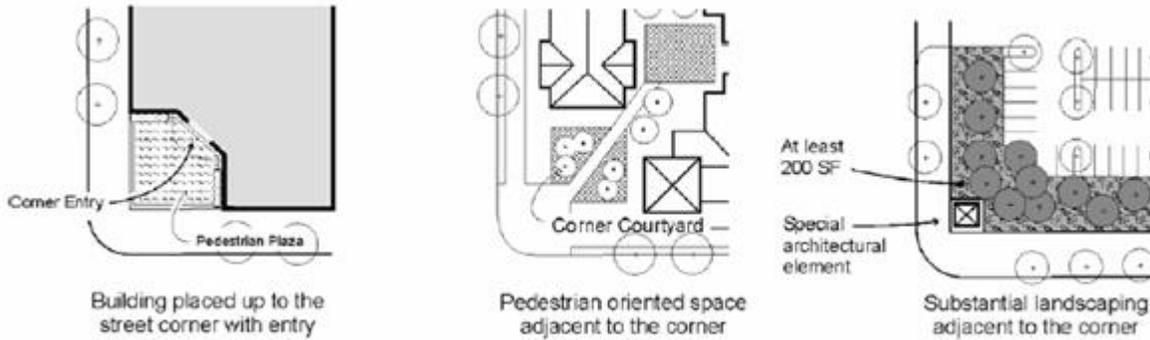


Figure 1. Street corner design options.¹

~~(d)Setback buildings adjacent to SR-3 sufficient to accommodate the planned roadway configuration, planting strip and sidewalk improvements per the Belfair urban growth area plan.~~

~~(Ord. 133-04 Att. B § 2 (part), 2004).Reserved.~~

17.23.070 - PEDESTRIAN AND VEHICULAR ACCESS STANDARDS AND GUIDELINES.RESERVED.

~~(a)Intent. To improve the pedestrian environment downtown by making it easier, safer, and more comfortable to walk between businesses, to the street sidewalk, to transit stops, and through parking lots.(b)Create a network of primary and secondary pedestrian walkways in the central triangle area between Clifton Way, SR-3, and Old Belfair Highway. These may be one direct route, a curvilinear route, or several indirect routes depending on development opportunities, developer creativity, and constraints on individual properties. Due to the size of the parcels in this area, it is recognized that such a pedestrian network will likely be developed incrementally over time as properties redevelop. However, these properties represent the focal point for downtown Belfair and the area is intended to become the focal point for social, cultural, and festival retail activities in the community as well. The pedestrian network should include at least one primary east-west pedestrian route through the festival retail zone and contain at least one primary north-south walkway connecting to SR-3. Applicants must demonstrate how their proposal meets the guidelines below and provides for future extensions of the pedestrian network. Specific guidelines:(1)Primary walkways in the network must be at least twelve feet in width. Other (secondary) walkways should be sized and designed per subsection 17.25.020(e).~~

~~Exceptions:~~

~~(A)The county may approve a six-foot wide pathway width where it can be demonstrated that the primary walkway should follow an interior property line;(B)Where the primary walkway follows an interior roadway, the county may allow reduced walkway widths to no less than eight feet.(2)At least~~

¹ Move Figure 1 to MCC 17.24.045

fifty percent of the combined frontage on both sides of the primary walkway should feature buildings with pedestrian-oriented facades.

Definition: Pedestrian-oriented facades contain transparent window area or window displays along at least fifty percent of the building's linear frontage. The primary building entries must be located along this facade. Weather protection, including awnings, canopies, marquees, or overhangs, at least six feet in width and ten foot in height clearance, must be provided along at least eighty percent of the building frontage.

(3) Where the primary walkway is adjacent to driveways or parking lots, provide street trees on the applicable side at least thirty feet on-center in planting strips (at least twenty square feet per tree) or within tree grates. (4) Provide pedestrian lighting (attached to buildings or placed on individual poles between twelve and fourteen feet in height) to achieve two foot-candles on the primary walkway's surface. (5) Incorporate pedestrian amenities, including seating, landscaping, and public art, along primary walkways. Specifically, one linear foot of seating (at least sixteen inches deep) should be provided for every thirty square feet of corridor area. Seating may include benches, low seating walls, steps, or, if properly designed, a planter edge or edge of a fountain. (6) Untreated blank walls along primary walkways are prohibited.

(Ord. 133-04 Att. B § 2 (part), 2004).

17-23-070

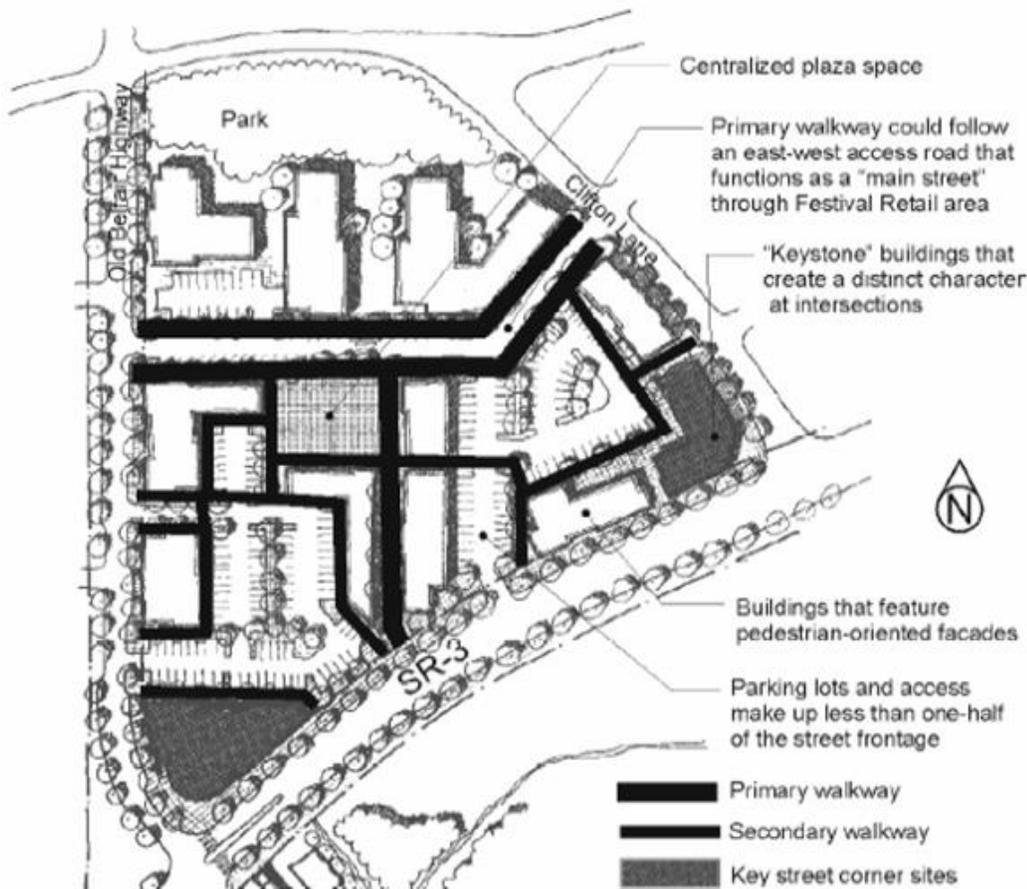


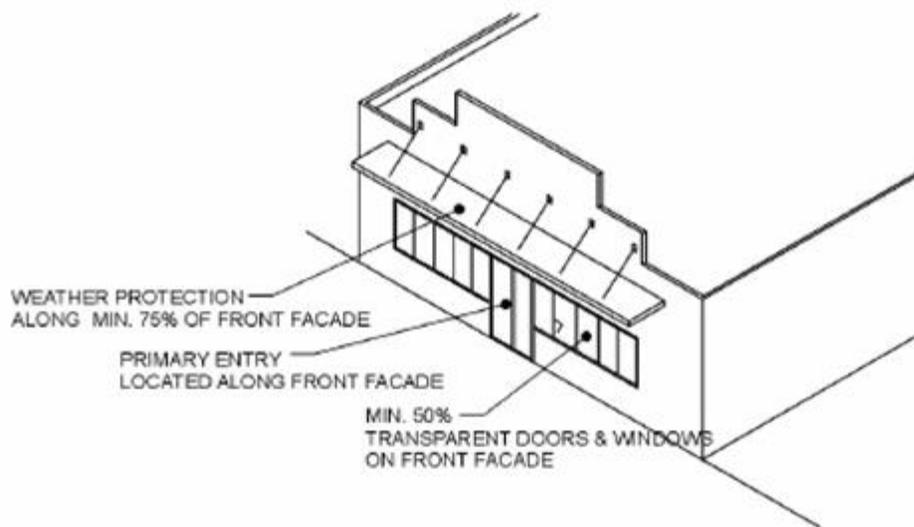
Figure 2. Illustrating one-way new development could meet the site design and pedestrian and vehicular access standards. Reserved.

17.23.080 - ~~BUILDING DESIGN STANDARDS AND GUIDELINES.RESERVED.~~

~~(a)Intent.(1)To encourage pedestrian activity downtown.(2)To make businesses inviting.(3)To add comfort and interest to the pedestrian experience along the street front.(b)Buildings fronting on public streets must feature pedestrian-oriented facades (see Figures 2 and 3). This includes:(1)Provision of transparent window areas or window displays along at least fifty percent of the building's linear frontage;(2)Location of the primary building entries along this façade;(3)Provision of weather protection, including awnings, canopies, marquees, or overhangs, at least three feet in width, along at least seventy-five percent of the building frontage. Awnings may extend to within four feet of the roadway curb, subject to Mason County building permit review.~~

~~(Ord. 133-04 Att. B § 2 (part), 2004).~~

~~17-23-080~~



~~Figure 3. Illustrating standards for pedestrian-oriented facades.Reserved.~~

17.23.090 - ~~LANDSCAPING DESIGN STANDARDS AND GUIDELINES.RESERVED.~~

~~(a)Intent. To mitigate the appearance of parking lots on the downtown streetscape.(b)The minimum landscaped area between a public right-of-way and parking area shall be at least eight feet and include the following plantings (see Figure 4):(1)An average of one tree per thirty linear feet of required landscaped area;(2)An average of one shrub per twenty square feet of planting area. Shrubs shall be at least sixteen inches tall at planting and have a mature height between three and four feet;(3)Ground cover material should cover seventy percent of the soil in one growing season or seventy percent of the soil in three years if mulch is applied until the ground cover fills the designated area.~~

~~(Ord. 133-04 Att. B § 2 (part), 2004).~~

~~17-23-090~~

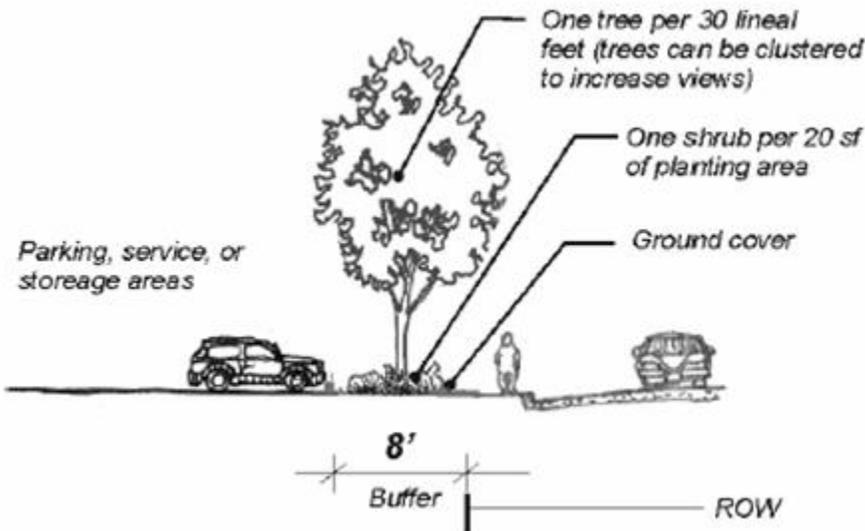


Figure 4. Illustrating standards for landscaping buffers between a street and parking lot. ~~Reserved.~~

17.23.100 - ~~NON-CONFORMING USES AND STRUCTURES. RESERVED.~~

~~Legally established and non-conforming uses and structures shall be allowed to remain subject to the provisions of the Mason County development regulations, except that in the festival retail district the following allowances shall also apply to a legally established structures and uses.~~

~~(1) Non-Conforming Structures. (A) A non-conforming structure that is damaged or accidentally destroyed up to one hundred percent may be replaced subject to the obtaining of a special use permit wherein compliance where possible with the current design standards and guidelines shall be determined and required. (B) A non-conforming structure may be enlarged, extended or structurally altered so long as any new construction does not increase the non-conforming aspects of the structure. (2) Non-Conforming Uses. (A) A nonconforming use may continue so long as the associated structure is not enlarged by more than twenty percent or the intensity of use of the property for commercial uses is not otherwise increased. (Ord. 133-04 Att. B § 2 (part), 2004). Reserved.~~

17.23.110 - ~~APPLICABILITY. RESERVED.~~

~~The provisions of this section and chapter shall apply to all new construction, applications for a change of use and/or alterations to existing structures.~~

~~(Ord. 133-04 Att. B § 2 (part), 2004). Reserved.~~

RESERVED. 17.23.120 - "MU" MIXED USE DISTRICT—PURPOSE.

The primary purpose of this district is to provide for a mix of uses along the SR-3 corridor, ~~in sites around the FR district,~~ and at the future crossroads of Romance Hill Road and the planned alternative north/south access road. Permitted uses include commercial, office, and residential uses. By allowing a broad array of uses, property owners have more choice in how the land can be developed. Design standards allow developments to front on the street as long as they provide pedestrian-oriented facades—otherwise, developments must provide a landscaping buffer along the street front to enhance the character of the

area. Design standards also encourage pedestrian and vehicular connectivity between properties. Building heights up three to five stories are permitted, with lower building heights west of SR-3. Otherwise, no specific density limits are provided (as they will be limited by parking requirements, natural site constraints, and market constraints).

(Ord. 133-04 Att. B § 2 (part), 2004).

17.23.130 - ALLOWED USES.

Uses allowed in the MU district shall be as follows:

- (1)Alcoholic beverage sales: package stores and wine shops
- (2)Antique shops
- (3)Appliance and communication equipment repair shop and/or sales
- (4)Art galleries and artist studios
- (5)Art and craft supplies, retail
- (6)Bakeries, with on-site sales
- (7)Bars and taverns, other than those associated with full menu food service
- (8)Bicycle shops
- (9)Book stores
- (10)Banks and financial institutions
- (11)Barber and beauty shops
- (12)Building material sales
- (13)Churches
- (14)Commercial child care centers
- (15)Community centers
- (16)Clinics, including veterinary
- (17)Clothing sales and rentals and shoe stores
- (18)Delicatessens
- (19)Detached dwelling per lot (one)
- (20)Dry cleaners and laundries, not including laundromats
- (21)Duplexes
- (22)Fabric and yard goods stores
- (23)Florists
- (24)Food specialty shops, including: baked goods, meats, health foods, candies
- (25)Funeral parlors, cremation and mortuary services
- (26)Furniture stores

- (27) Grocery stores
- (28) Gyms, fitness and aerobic studios
- (29) Hotels/motels
- (30) Household specialty shops, including: plumbing, lighting, heating/cooling
- (31) Hardware stores
- (32) Hobby shops
- (33) Jewelry stores
- (34) Laundromats
- (35) Light manufacturing of stone, clay, and glass products including: glass, pottery and china ceramic, stone cutting and engraving
- (36) Light manufacturing of handcrafted products
- (37) Light manufacturing of computers, office machines and equipment manufacturing
- (38) Local utility system transmission lines and structures
- (39) Locksmiths
- (40) Lumber and other building materials including pre-assembled products
- (41) Medical offices
- (42) Multi-family dwelling units
- (43) Museums, libraries, and educational facilities (other than public schools)
- (44) Music stores, recordings and instruments
- (45) Outside storage and display
- (46) Paint and glass shops
- (47) Parks
- (48) Pharmacies, dispensing
- (49) Photographic studios
- (50) Printing, publishing and reproduction services
- (51) Professional offices
- (52) Public transportation: bus terminals, park and ride lots
- (53) Radio and television broadcasting stations
- (54) Recycling centers
- (55) Rental and leasing services: vehicles, furniture and tools
- (56) Research, development and testing services
- (57) Restaurants, cafes and food stands
- (58) Retail shops not otherwise named which are under ten thousand square feet

- (59) Second hand stores and pawn shops
- (60) Service and repair shops for appliances, small equipment, and automobiles
- (61) Sporting goods stores
- (62) Stationary and office supply stores
- (63) Theaters, live stage
- (64) Theaters, motion picture
- (65) Townhouses
- (66) Triplexes
- (67) Vehicle parts stores and
- (68) Wholesale trade uses.

(Ord. 133-04 Att. B § 2 (part), 2004; Ord. No. 21-13, Attach. A, 4-16-2013; Ord. No. 30-13, Attach. A, 6-4-2013; Ord. No. 53-16, Att. A, 8-16-2016)

17.23.140 - SPECIAL USES.

The following uses, subject to applicable licensing and development regulations, shall be allowed only with approval of a conditional use permit. Consideration shall be given to the purpose and development standards of the district including any adopted design standards or guidelines.

- (1) Utility buildings and structures except transmission lines and structures.
- (2) Commercial parking lots not associated with an on-site use.
- (3) Live entertainment except between the hours of 12:00 AM and 7:00 AM.
- (4) Private transportation depot.
- (5) Schools.
- (6) Public sidewalk food and merchandise vendors including espresso and newsstands.
- (7) Private recreation facilities including game arcades, batting cages, shooting galleries and skating rinks.
- (8) Self-storage facilities.

(Ord. 133-04 Att. B § 2 (part), 2004).

(Ord. No. 23-19, Att. A, 3-19-2019)

17.23.145 - PROHIBITED USES.

The following uses are prohibited:

- (a) Adult entertainment.

(Ord. 133-04 Att. B § 2 (part), 2004).

17.23.150 - BULK AND DIMENSIONAL STANDARDS.

Density:	The maximum density shall be dictated by the applicable height limit, parking requirements, design guidelines, site constraints, and market conditions.
Intensity:	No requirements.
Minimum Lot Area:	None.
Lot Dimensions:	None.
Height:	The maximum height of structures in the district shall be 55 feet, with the following exception: The top of buildings or structures (including rooflines but excluding church spires, bell towers, and chimneys) on the west side of SR-3 shall not reach an elevation of more than 35 feet above the grade level of the roadway, within 150 feet of the SR-3 right-of-way.
Setbacks:	See subsections 17.23.155(c), 17.23.165(b) and (c), and 17.31.020(G) for required setbacks, otherwise no setbacks are required.

(Ord. 133-04 Att. B § 2 (part), 2004; Ord. No. 52-19, att. A, 6-4-2019)

17.23.155 - SITE DESIGN STANDARDS AND GUIDELINES.

(a) Intent.

(1) To upgrade the identity of downtown Belfair.

(2) To enhance the streetscape by minimizing the amount of driveway and parking areas visible from the street in downtown.

(b) For properties fronting Old Belfair Highway, NE Roy Boad Road and The Old Beard's Place, and properties fronting streets along or within the central triangle area between Clifton Way, SR-3, and Old Belfair Highway, provide pedestrian-oriented street frontage. Specifically, no more than fifty percent of the linear street frontage for commercially developed properties shall be occupied by driveways and parking areas. In other words, at least fifty percent of the linear street frontage must either be:

(1) Landscaping: at least twenty feet of width of Landscape Type B;

(2) Pedestrian oriented spaces (see definition): at least twenty feet in width;

(3) Pedestrian-oriented facades (see definition);

(4) Any combination of the above.

Exception: alternative proposals will be considered where the applicant can demonstrate to the county that such proposal can better meet the intent of the guidelines.

(c) Set back buildings adjacent to SR-3 sufficient to accommodate the planned roadway configuration, planting strip and sidewalk improvements per the Belfair urban growth area plan.

(d) Through compliance with frontage standards and mid-block crossings, new development shall create a network of primary and secondary pedestrian walkways in the central triangle area between Clifton

Way, SR-3, and Old Belfair Highway.

(1) Intent. To improve the pedestrian environment downtown by making it easier, safer, and more comfortable to walk between businesses, to the street sidewalk, to transit stops, and through parking lots.

(2) Create a network of primary and secondary pedestrian walkways in the central triangle area between Clifton Way, SR-3, and Old Belfair Highway. These may be one direct route, a curvilinear route, or several indirect routes depending on development opportunities, developer creativity, and constraints on individual properties. Due to the size of the parcels in this area, it is recognized that such a pedestrian network will likely be developed incrementally over time as properties redevelop. However, these properties represent the focal point for downtown Belfair and the area is intended to become the focal point for social, cultural, and festival retail activities in the community as well. The pedestrian network should include at least one primary east-west pedestrian route through the downtown area and contain at least one primary north-south walkway connecting to SR-3. Applicants must demonstrate how their proposal meets the guidelines below and provides for future extensions of the pedestrian network. Specific guidelines:

(A) Primary walkways in the network must be at least twelve feet in width. Other (secondary) walkways should be sized and designed per subsection 17.25.020(e).

Exceptions:

(i) The county may approve a six-foot wide pathway width where it can be demonstrated that the primary walkway should follow an interior property line;

(ii) Where the primary walkway follows an interior roadway, the county may allow reduced walkway widths to no less than eight feet.

(3) At least thirty three percent of the combined frontage on both sides of the primary walkway should feature buildings with pedestrian-oriented facades.

Definition: Pedestrian-oriented facades contain transparent window area or window displays along at least thirty three percent of the building's linear frontage. The primary building entries must be located along this façade. Weather protection, including awnings, canopies, marquees, or overhangs, at least six feet in width and ten foot in height clearance, must be provided along at least eighty percent of the building frontage.

(A) Where the primary walkway is adjacent to driveways or parking lots, provide street trees on the applicable side at least thirty feet on-center in planting strips (at least twenty square feet per tree) or within tree grates.

(B) Provide pedestrian lighting (attached to buildings or placed on individual poles between twelve and fourteen feet in height) to achieve two foot-candles on the primary walkway's surface.

(C) Incorporate pedestrian amenities, including seating, landscaping, and public art, along primary walkways. Specifically, one linear foot of seating (at least sixteen inches deep) should be provided for every thirty square feet of corridor area. Seating may include benches, low seating walls, steps, or, if properly designed, a planter edge or edge of a fountain.

(D) Untreated blank walls along primary walkways are prohibited.

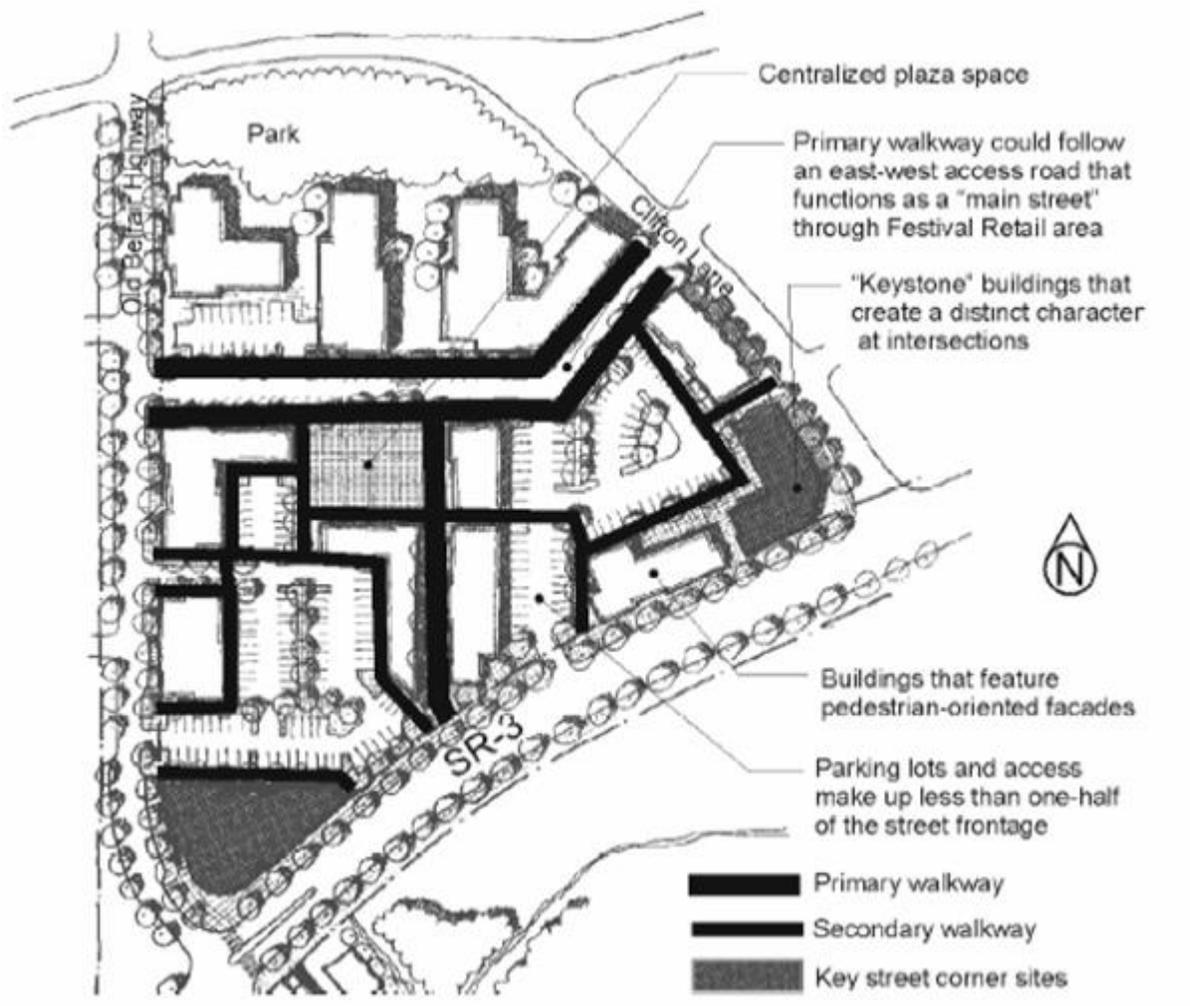


Figure 2. Illustrating one way new development could meet the site design and pedestrian and vehicular access standards.

(Ord. 133-04 Att. B § 2 (part), 2004).

17.23.160 - BUILDING DESIGN STANDARDS AND GUIDELINES.

(a) Intent.

- (1) To encourage pedestrian activity downtown.
- (2) To make businesses inviting.
- (3) To add comfort and interest to the pedestrian experience along the street front.

(b) Buildings fronting on Old Belfair Highway and NE Roy Boad Road must feature pedestrian-oriented facades (see Figure 3). This includes:

- (1) Transparent window area or window displays along at least fifty percent of the building's linear frontage;
- (2) Primary building entries located along this façade;

(3) Weather protection, including awnings, canopies, marquees, or overhangs, at least three feet in width, provided along at least seventy-five percent of the building frontage. Awnings may extend to within four feet of the roadway curb, subject to Mason County building permit review.

(c) Streets along and within the central triangle area between Clifton Way, SR-3, and Old Belfair Highway shall meet the provisions of (b)(2) and (b)(3).

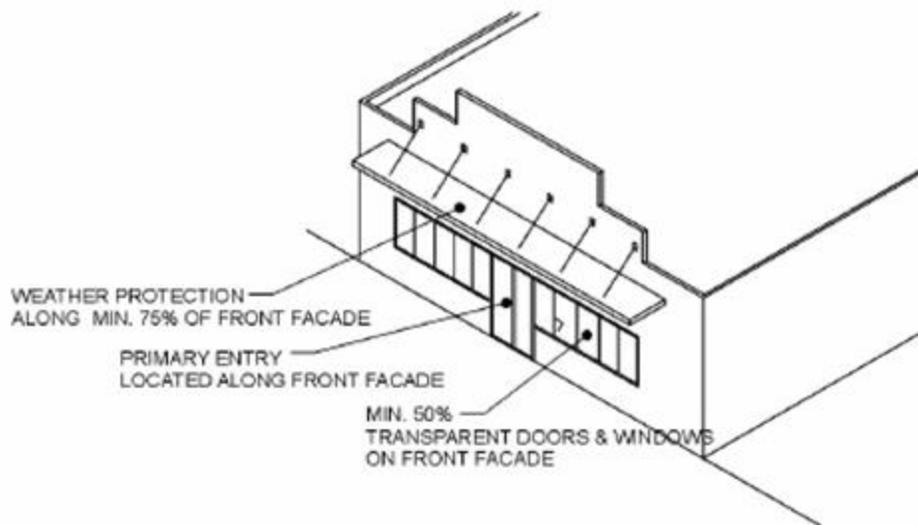


Figure 3. Illustrating standards for pedestrian-oriented facades.

(Ord. 133-04 Att. B § 2 (part), 2004).

17.23.165 - LANDSCAPING DESIGN STANDARDS AND GUIDELINES.

(a) Intent. To mitigate the appearance of parking lots on the streetscape.

(b) The minimum landscaped area between SR-3 and a parking, service, or outdoor storage area shall be at least fifteen feet and include the following plantings (see Figure 5):

- (1) An average of one tree per twenty linear feet of required landscaped area;
- (2) An average of one shrub per twenty square feet of planting area. Shrubs shall be at least sixteen inches tall at planting and have a mature height between three and four feet;
- (3) Ground cover per 17.31.020(d)(5) standards.

(c) The minimum landscaped area between all other public streets and a parking, service, or outdoor storage area shall be at least ten feet and include the following plantings:

- (1) An average of one tree per thirty linear feet of required landscaped area;
- (2) An average of one shrub per twenty square feet of planting area. Shrubs shall be at least sixteen inches tall at planting and have a mature height between three and four feet;
- (3) Ground cover per 17.31.020(d)(5) standards.

(Ord. 133-04 Att. B § 2 (part), 2004).

17-23-165

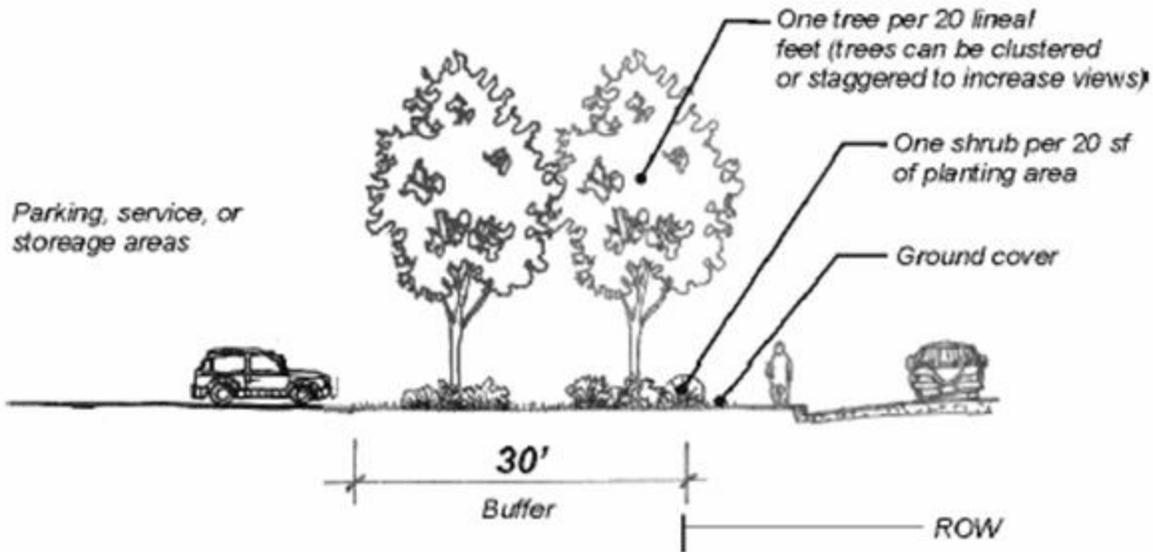


Figure 5. Illustrating standards for landscaping buffers between a street and parking lot.

17.23.170 - NON-CONFORMING USES AND STRUCTURES.

Legally established and continued Non-conforming uses and structures shall be allowed to remain subject to the provisions of [the Mason County development regulations Chapter _____](#) except that in the mixed-use district the following allowances shall also apply to legally established structures and uses.

(1) Non-Conforming Structures.

(A) A non-conforming structure that is damaged or accidentally destroyed up to one hundred percent may be replaced subject to the obtaining of a special use permit wherein compliance where possible with the current design standards and guidelines shall be determined and required.

(B) A non-conforming structure may be enlarged, extended or structurally altered so long as any new construction does not increase the non-conforming aspects of the structure.

(2) Non-Conforming Uses.

(A) A nonconforming use may continue so long as the associated structure is not enlarged by more than twenty percent or the intensity of use of the property for commercial uses is not otherwise increased.

(Ord. 133-04 Att. B § 2 (part), 2004).

17.23.180 - APPLICABILITY.

The provisions of this section and chapter shall apply to all new construction, applications for change of use and/or alterations to existing structures.

(Ord. 133-04 Att. B § 2 (part), 2004).

17.23.200 – MASTER PLANNED " MP-MU" MIXED USE DISTRICT—PURPOSE.

The purpose of this district is to provide for large-scale master planned developments. This district allows a mix of commercial and residential uses with a focus on business/industrial park development and multifamily housing.

17.23.210 - ALLOWED USES.

The uses permitted in the following zones are permitted in the Master Planned Mixed Use District:

- (1) General Commercial
- (2) Mixed Use

17.23.220 - SPECIAL USES.

The special uses in the following zones are considered special uses in the Master Planned Mixed Use District, unless otherwise permitted per 17.23.210:

- (1) General Commercial
- (2) Mixed Use

17.23.230 - BULK AND DIMENSIONAL STANDARDS.

Bulk and dimensional standards of the Mixed Use zone shall apply.

17.23.240 - SITE DESIGN STANDARDS AND GUIDELINES.

Proposals shall meet the UGA design standards found in Chapters 17.25 through 17.35.

17.23.250 - BUILDING DESIGN STANDARDS AND GUIDELINES.

Building Design standards and guidelines of MCC chapter 17.30 shall apply.

17.23.260 - LANDSCAPING DESIGN STANDARDS AND GUIDELINES.

(a) Landscaping standards and guidelines of Chapter 17.31 shall apply except where amended below.

(b) Landscaping design standards and guidelines in MU-MP shall include the following:

(1) Intent.

(A) To mitigate the appearance of parking lots on the streetscape.

(B) To enhance the appearance of the SR-3 corridor.

(2) The minimum landscaped area between SR-3, north of the railroad, and a parking, service, or outdoor storage area shall be at least thirty feet and include the following plantings (see Figure 5):

(A) An average of one tree per twenty linear feet of required landscaped area;

(B) An average of one shrub per twenty square feet of planting area. Shrubs shall be at

least sixteen inches tall at planting and have a mature height between three and four feet;

(C) Ground cover per 17.31.020(d)(5) standards.

(3) The minimum landscaped area between SR-3, south of the railroad, and a parking, service, or outdoor storage area shall be at least fifteen feet and include the following plantings:

(A) An average of one tree per thirty linear feet of required landscaped area;

(B) An average of one shrub per twenty square feet of planting area. Shrubs shall be at least sixteen inches tall at planting and have a mature height between three and four feet;

(C) Ground cover per 17.31.020(d)(5) standards.

(4) The minimum landscaped area between all other streets and a parking, service, or outdoor storage area shall be at least ten feet and include the following plantings:

(A) An average of one tree per thirty linear feet of required landscaped area;

(B) An average of one shrub per twenty square feet of planting area. Shrubs shall be at least sixteen inches tall at planting and have a mature height between three and four feet;

(C) Ground cover per 17.31.020(d)(5) standards.

(c) The following substitute landscape buffers shall apply to create transitional landscape standards between higher intensity uses and lower intensity uses. Chapter 17.31 Table 3 applicable landscape types shall be applied except as follows:

(1) Category 3, 4, and 5 uses abutting Categories 1, 2, and 3 uses

(A) 20 foot Type A

(B) 30 foot Type B

(C) 40 foot Type C

(2) Category 6 uses abutting Categories 1, 2, and 3 uses

(A) 30 foot Type A

(B) 40 foot Type B

(C) 50 foot Type C

17.23.280 MASTER PLAN

See MCC 17.70 Master Development Plans.

17.23.290 - NON-CONFORMING USES AND STRUCTURES.

Legally established and non-conforming uses and structures shall be allowed to remain subject to the provisions of the Mason County development regulations.

17.23.300 - APPLICABILITY.

The provisions of this section and chapter shall apply to all new construction, applications for change of use and/or alterations to existing structures.

17.24.045 - SITE DESIGN STANDARDS AND GUIDELINES.

(a) Intent.

(1) To enhance the appearance of highly visible sites.

(b) Enhance the appearance of street corners on SR-3. Development of street corner properties should contribute to a sense of community and/or the demarcation of the area. Specifically, all development proposals for sites adjacent to public street intersections along the SR-3 corridor should include at least one of the design treatments described below (See Figure 1).

(1) Locate a building towards the street corner (within fifteen feet of corner property line). Building facades located here are encouraged to include a special architectural element, such as a raised roofline, towers, or an extended parapet, along the most visible views of the structure.

(2) Provide a pedestrian walkway and/or plaza space at the corner leading directly to a building entry or shopping plaza space. May be appropriate in conjunction with an approved monument sign.

(3) Install substantial landscaping (at least two hundred square feet of ground surface area with trees, shrubs, and or ground cover. May be appropriate in conjunction with an approved monument sign.

(c) Setback buildings adjacent to SR-3 sufficient to accommodate the planned roadway configuration, planting strip and sidewalk improvements per the Belfair urban growth area plan.

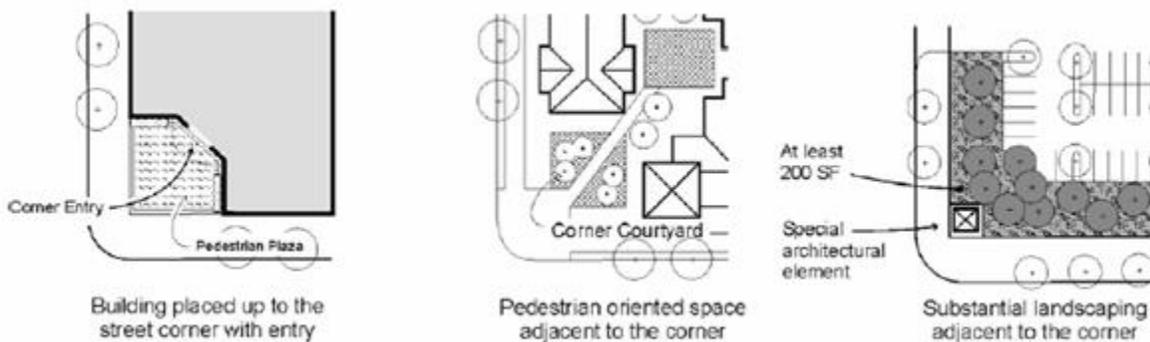


Figure 1. Street corner design options.²
(Ord. 133-04 Att. B § 2 (part), 2004).

² Moved from 17.23.060

CHAPTER 17.70 MASTER DEVELOPMENT PLANS

17.70.011 - Eligibility.

The MDP process may be initiated when the following criteria are met:

(1) Applicant. The master development plan application must include notarized signatures of all current property owners listed on the title report consenting in writing to the proposed master development plan and review process. If the property owner is a corporation, trust, or other holding legal interests in the land the authorized representative must attach proof of signing authority on behalf of the corporation, trust, etc.

(2) Minimum Size.

(A) To be eligible for consideration as an MDP in an urban growth area, the area shall contain a minimum of ~~forty~~ ten acres.

(B) To be eligible for consideration as an MDP in an area not within an urban growth area, the area shall contain a minimum of two hundred fifty acres.

(3) Contiguous Parcels. To be eligible for consideration as an MDP, the tract shall consist of a parcel or set of contiguous parcels under single ownership or control of one person or entity with the authority to develop the land within the proposed MDP. Contiguous parcels include parcels that are separated by right-of-way, such as roads.

(4) Zoning Classification. Land proposed for an MDP may not be located in designated resource lands.

(5) Fully Contained Community (FCC). Any proposed FCC shall include an application for an MDP.

(Ord. 01-08 (part), 2008; Ord. 112-06 (part), 2006).

(Ord. No. 09-17, Attach. A, 3-17-2017)

17.70.015 Submittal and review requirements.

(a) Initial Submittal Requirements. An MDP shall be prepared in a clear and legible manner necessary to demonstrate that the requirements of this code are being fulfilled and shall include but not be limited to the following:

- (1) Plans and Maps. All maps or plans submitted shall be ~~submitted electronically presented on a sheet having a maximum size of twenty-four by thirty-six inches~~. All maps shall include the name of the proposal; north arrow; scale; date map was prepared and revisions when applicable; a vicinity map; and the name, address, and phone number of the applicant. If plans are presented on more than one sheet, match lines shall clearly indicate where the several sheets join. One eleven by seventeen-inch reduction of all plans and supporting graphics shall also be submitted. A plan or portion thereof involving engineering, architecture, landscape architecture, or land surveying shall be respectively certified by an engineer, architect, landscape architect, or land surveyor licensed by the state of Washington to practice as such. The sheet size and scale of any plan may be modified by the director, based on the nature and/or size of the application. In addition, the submission requirements for any modifications to an approved MDP shall be those requirements deemed necessary for a review of such modification, as determined by the director.

(20) Planned Uses and Functions Within the Boundaries of the MDP. Including the density or intensity of proposed uses and the maximum height and size of the proposed structures. This information shall be keyed to a supporting concept map for easy reference. A chart providing the following information shall include the following:

- (A) Maximum number of dwelling units by type (e.g., single-family ~~attached, single-family detached~~, cottage housing, duplex, townhouse, etc.);
- (B) Maximum total square feet of building floor area proposed for commercial or industrial uses by general type of use;
- (C) Maximum total land area, expressed in acres or square feet and as a percent of the total development area, proposed to be devoted to residential, commercial, or industrial uses; minimum public and private open space; streets; and, off-street parking and loading areas. Land area and square feet may be expressed as a range (minimum and maximum ranges);
- (D) Maximum total land area expressed in acres and as a percent of the total development area (and by phase), proposed to be in pervious and impervious surface.

(29) ~~Optio~~Additional Elements.

- (A) Concept landscaping plan.
 - (B) Concept lighting plan.
 - (C) Project signage plan.
 - (D) Plans showing building orientation, massing, and footprints.
 - (E) Features unique to commercial and industrial sites if applicable, such as security measures, loading, and material storage.
- (b) Review Criteria. MDPs must demonstrate compliance with the applicable goals and policies of the comprehensive plan and detail the source and adequacy of water, wastewater treatment, stormwater treatment, surface and groundwater protection, critical area protection, fire control, transportation, and mitigation on adjacent properties to compensate for direct impacts from traffic, noise, fugitive dust, odor, and runoff. Compliance with these review criteria shall entitle the applicant to a residential density bonus not to exceed the maximum residential density bonus allowed within the underlying zoning district. An applicant satisfies the conceptual plan requirements of this chapter if the plan demonstrates that the proposed concept is feasible. In most circumstances, detailed engineering studies are not required to demonstrate feasibility. The burden of proof is on the applicant to demonstrate the proposed MDP is consistent with the following criteria.

(2) Uses and Density.

- (A) An MDP may only contain uses that are permitted in the zone(s) in which it is located.
- (B) When an MDP is located in more than one zoning district, uses and density may shift between zoning districts within the boundaries of the MDP if that transfer does not:
 - (i) Exceed the maximum density of the zones; and
 - (ii) Transfer density from inside the urban area to outside the urban area.
- (C) Bonus Density. The county board of commissioners, or hearing examiner in the case of Belfair, may approve a bonus in the number of dwelling units allowed up to the maximum residential density allowed in the Mason County Code, based on the gross land area of the property, if:
 - (i) For Rural Areas. The applicant may request a bonus in the number of dwelling units

permitted by the underlying land use district, up to the density permitted by a performance subdivision in rural areas (see Mason County Code Section 17.03.032(a), Chapter 16.21,). Notwithstanding any other provision of Titles 16 and 17, the applicant may obtain such bonus density by means of approval of the MDP, and may subdivide consistently with such MDP by means of a standard subdivision, without approval of a performance subdivision.

- (ii) For Urban Areas. The applicant may request a density bonus of up to one unit/gross acre for each five percent increase in the total minimum required open space.
 - (iii) Bonus Decision Criteria. The county board of commissioners, or hearing examiner in the case of Belfair, may approve a bonus in the number of dwelling units allowed up to the maximum residential density allowed in Mason County Code, based on the gross land area of the property, if:
 - a. The design of the development offsets the impact of the increase in density due to provision of privacy, open space, landscaping, and other amenities; or
 - b. The increase in density is compatible with existing uses in the immediate vicinity of the subject property.
 - c. If no density is transferred from within the urban area to outside the urban area.
- (4) Site/Building Design. Development shall demonstrate high quality architectural design and thoughtful placement of structures in relation to the natural and built environment.
- (A) Siting of all development shall avoid the following:
- (i) Interruption of scenic views and vistas from public rights-of-way, parks, and other publicly owned lands;
 - (ii) Construction on hill tops or ridgelines without consideration of building massing, visibility and the inclusion of public spaces;
 - (iii) ~~Direct Unconsolidated~~ access points from ~~individual multiple~~ parcels onto ~~existing public ways~~ state routes or county arterials and collectors unless no alternative is possible;
 - (iv) A predominant "linear" configuration of common open space (except when following a linear site feature such as a watercourse or shoreline);
 - (v) Creation of a "gated" community.

- (5) Common Open Space. A common open space designated on the master development plan is area permanently restricted from future residential development. Common open space is land that meets the following standards:
- (A) Urban Growth Areas. Minimum common open space for master development plans located within an urban growth area.
- (i) Common open space shall be predominately located in large contiguous, undivided areas, with no dimensions less than thirty feet.
 - (ii) Critical areas may be located within the common open space, provided no more than twenty percent of the common open space areas are designated critical areas, and the critical areas and their buffers account for no more than forty percent of the common open space. Signage and/or fencing may be required to protect and/or delineate the critical area.
 - (iii) The minimum common open space shall be concentrated in large usable areas.

- (iv) Single-Family Residential. Residential developments shall provide a minimum area of common space or recreation area equal to one hundred square feet per unit.
- (v) Attached Residential Units. Attached housing developments shall provide a minimum area of common space or recreation area equal to two hundred square feet per unit.
- (vi) Common open space shall be accessible by all residents and employees of the MDP for passive recreation and enjoyment.

- (6) Private Open Space for Master Development Plans within Urban Growth Areas. Each residential unit in the MDP shall have usable private open space (in addition to parking, storage space, lobbies, and corridors) for the exclusive use of the occupants of that unit. Each ground floor unit, whether attached or detached, shall have private open space, which is contiguous to the unit and shall be an area of at least twenty percent of the gross square footage of the associated dwelling units. The private open space shall be well demarcated and at least ten feet in every dimension. Decks on upper floors ~~can substitute for some of this required private open space~~ are allowed for those units. For dwelling units that are exclusively upper story units, there shall be deck areas totaling at least sixty square feet in size with no dimension less than five feet. This upper story provision is inapplicable to ~~attached-detached~~ residential units. Where the underlying zoning district has specific open space requirements those shall supersede these in this paragraph.

17.70.016 - Process.

(a) Permit Process. MDPs shall be reviewed under a Type IV permit procedure provided in the Belfair UGA the permit type shall be Type III. A complete MDP application together with all required materials listed in Section 17.70.015(a) and (b) shall be submitted to the director prior to review and after and a pre-application meeting with county staff has been held.

(b) Complete Application. An application is complete for purposes of this section when it meets the submittal requirements established by the county, is accompanied by payment of all required fees and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the county from requesting additional information or studies either at the time of the notice of completeness or subsequently, if new information is required to complete review of the application or substantial changes in the permit application are proposed.

A valid and complete application for an MDP that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the land use regulations in effect on the date of such valid and complete MDP application.

(c) SEPA Threshold Determination. An application for an MDP shall not be considered complete unless it is accompanied by the appropriate State Environmental Policy Act (SEPA) document in accordance with all procedural requirements of Chapter 43.21c RCW, SEPA, administrative regulations adopted to implement SEPA, and the Mason County Environmental Policy Ordinance 99-84, or as hereafter amended.

Applicants shall prepare SEPA analysis that addresses the MDP as a whole for the requested build-out period, and may address to a greater detail one or more early phases. The SEPA document for an MDP shall analyze a range of uses and impacts within the project envelope, i.e., development

assumptions and parameters including but not limited to areas of clearing and pavement, building heights, traffic trips, etc. As such, much of the development proposed in any subsequent ISD plan application will most likely have been addressed in the MDP SEPA document.

In the Belfair UGA, the applicant will submit a SEPA checklist for purposes of determining consistency with the Planned Action Ordinance. If the proposal is consistent, no further SEPA review will be required.

(d)Referral and Comment.

(1)County Review. Upon receipt of a complete application, the county will assign a planner to coordinate the review and processing of the MDP application. The complete application shall be circulated to the appropriate county staff and other agencies with jurisdiction as necessary.

(2)Third-Party Review. The county may require third-party review in cases where additional professional or technical expertise is required. The cost of any third-party review will be the responsibility of the applicant.

(e)Development Agreement. For master plans requiring Type IV permit review, the applicant shall prepare a development agreement for county review and approval, in accordance with RCW 36.170B.170 through 210.

(f)Public Notice and Hearing. Upon receipt of a complete application for a master development plan or amendment, notice of application, public meetings, and hearings shall be given consistent with MCC Chapter 15.07.

(g)Cancellation of Master Development Plan Applications. Applications for an MDP and approvals may be canceled for inactivity if an applicant fails to respond to the county's written request for revisions, corrections, or additional information within ninety days of the request. The director may extend the response period beyond ninety days if within that extended time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections, or other information needed by the county.

(h)Planning Advisory Committee Review. The planning advisory committee shall hold a public meeting to hear public testimony and make a written recommendation on the proposed MDP to the county board of commissioners, whether to approve, approve in modified form, or deny the proposed MDP or amendment, based on the findings in Section 17.70.017, provided that in the Belfair UGA the permit review process shall be consistent with a Type III permit review.

(i)Board of County Commissioner Review and Action. Pursuant to MCC Section 15.09.060, the county board of commissioners will hold a public hearing to hear public testimony and consider the recommendation of the planning advisory committee. The board of county commissioners may approve, approve with modifications or deny the proposed MDP or amendment, based on findings contained in Section 17.70.017. The approved plan shall be recorded and may be amended more than once if the applicant, developer and/or successor in interest and the board of county commissioners agree. In the case of the Belfair UGA, the permit review process shall follow a Type III process, and the hearing examiner may approve, approve with modifications, or deny the proposed MDP or amendment, based on findings contained in Section 17.70.017.

(Ord. 01-08 (part), 2008: Ord. 112-06 (part), 2006).

17.70.017 - Decision.

(a) Findings. The board of county commissioners, or in the case of the Belfair UGA the hearing examiner, may approve an MDP or amendment only if all of the following findings of fact can be made in a positive manner:

- (1) The MDP is consistent with and promotes the goals and policies of the comprehensive plan and any applicable sub-area plan.
- (2) The proposed MDP adequately addresses the applicable review criteria in Section 17.70.015(b).
- (3) The MDP and handbook provide adequate guidance for the design, development and coordination of future phases. The development standards contained in the MDP handbook serve to protect the public health, safety and general welfare.
- (4) The MDP adequately addresses the physical development characteristics of the proposed development area.
- (5) Proposed on- and off-site public and private improvements shall be sufficient to accommodate the proposed phased development and any capacity requirements of public facilities plans; provisions shall be made to assure that construction of off-site improvements occur in conjunction with a schedule of the phasing.
- (6) The MDP is consistent with all applicable requirements of state and federal law.
- (7) Physical features, including but not limited to, critical areas, surface and groundwater, significant clusters of trees and shrubs, riparian areas, open spaces, and areas of historic and archaeological significance are protected as specified by Mason County Code or in state or federal law.
- (8) Local public facility plans and transportation plans shall not be significantly adversely impacted by the proposed development and mitigation is provided to ensure attainment of county or service provider standards.

(b) Rural Lands. In addition to the finding listed above in subsection (a), in rural areas the county must make the following findings:

- (1) MDPs in rural areas shall not require the provision of municipal sewers.
- (2) In rural areas, on-site public services or facilities are limited to the land area within the MDP and are not available to spur growth outside the MDP.

(c) Fully Contained Communities (FCCs). In addition to the findings listed above in subsection (a), findings for new, fully contained communities are as outlined in RCW 36.70A.350.

(1) Infrastructure, including transportation, wastewater disposal, water service, school, fire, and public safety must be capable of meeting demand, as it occurs in the FCC. A voluntary agreement may substitute for construction of necessary improvements to meet adequacy requirements, if local service providers approve in writing and the program is adopted into the approved MDP as a condition of approval.

(2) The MDP identifies and provides for internal and external links to implement transit-oriented site planning and traffic demand management programs. The MDP shall identify how such

programs are implemented and conform to regional transportation plans.

(3)The MDP shall identify and develop buffers to separate the MDP community from potentially incompatible but lawful uses, and from adjoining urban development, if any, or rural development.

(4)The MDP shall provide a phasing plan to include a mix of uses within the community to provide jobs, housing, and services to the residents of the new community. The phasing plan shall provide assurance that the community will develop with a balance of residential, commercial, and other uses.

(5)The MDP shall provide affordable housing for a broad range of income levels, which may include a mix of residential uses such as attached and detached single-family units; accessory dwelling units; duplexes, triplexes, and fourplexes; townhouses; cottages; and multifamily; as well as senior housing, including assisted living, congregate, and long-term care facilities.

(6)The environmental documents shall identify and designate on-site, and off-site to the extent necessary, all environmental considerations, and specifically but not limited to all critical areas that may be affected by the proposed development, and the steps taken to avoid or minimize the impact to the extent possible, and to mitigate the potential impacts where such impacts are unavoidable. The MDP shall contain a specific section addressing critical areas and shall provide covenants within the community assuring critical area protection as required by the county critical area regulations.

(7)The water and wastewater facilities developed for the MDP shall not be used or available outside the boundaries of the fully contained community to assure that the new community will not foster urban growth outside the boundaries of the approved site. The county may establish other specific limitations through the MDP review process to assure that such urban development does not occur.

(8)The MDP shall identify resource lands in the vicinity of the community that may be affected by the community and identify mechanisms by which such resource lands, and the activities thereon, are to be protected so as not to diminish the productivity of the resource land, nor render more difficult or expensive the resource activity, including planting, maintaining, harvesting, extraction processing, and transportation, as appropriate on designated resource lands.

(9)Development in proposed fully planned communities shall be limited to uses permitted in remote rural lands until the MDP is approved as provided in this section.

(d)For MDP Amendments Only. In a case of an MDP amendment, the following additional finding shall be made before its approval: The proposed amendment to the MDP is consistent with the purpose and intent of the MDP it is amending.

(e)Approval. In making a decision to approve an MDP, the board of county commissioners, or the hearing examiner in the case of the Belfair UGA, may add conditions of approval as may be necessary to assure that the proposal will comply with the criteria for approval. Upon approval, the MDP as conditioned must be recorded, and all future development must show consistency with or be found to exceed those in the approved MDP.

(f)Denial. If the board of county commissioners, or the hearing examiner in the case of the Belfair UGA, finds that the proposed MDP does not substantially comply with the criteria for approval, it

may deny the proposal.

(Ord. 01-08 (part), 2008: Ord. 112-06 (part), 2006).

17.70.022 Amendments/modifications to the MDP and schedule.

Once the board of county commissioners, or the hearing examiner in the case of the Belfair UGA, has approved an MDP, it shall not be altered except by approved amendments. Amendments or modifications to the approved MDP must be processed under the applicable procedures described below:

- (1) **Minor Departures.** Modifications that do not affect the basic underlying assumptions of the adopted MDP and which are not determined to be similar to subsection (2) or (3) below shall be processed as ministerial decisions (Type I) decisions by the director. This determination is made after consulting with the appropriate staff from the community development and public works to confirm that the proposed modification is not substantial enough to constitute a change to the purpose and intent of the MDP.
- (2) **Minor Modifications.** Modifications that are significant but do not affect the basic underlying assumptions of the approved MDP shall be processed under a Type II-with notice procedure. Changes may include the following:
 - (A) Request by applicant for a change of density allocation within the density range allowed within the approved MDP or consistent with subsequently adopted land use decisions or rezones that have undergone State Environmental Policy Act review;
 - (B) Request by the applicant for a change to the alignment or design features of local street right-of-way;
 - (C) Request by the applicant, county, or other public agency to the sizes or location of public facilities;
 - (D) Request by the applicant for change of scheduled phasing beyond the approved time limit for the phased development when the proposed change affects the construction of scheduled public improvements;
 - (E) Requests for MDP amendments initiated by the county based on the requirement to implement newly adopted state or federal regulations;
 - (F) Other changes to the final approved MDP as requested by the applicant that the director determines to be similar to the modifications set forth in this subsection.
- (3) **Major Modifications.** Modifications which affect the underlying basic assumptions of the approved MDP or that prohibit, restrict or significantly affect its implementation shall be processed as a Type III and include:
 - (A) Requests for realignment or redesignation of arterial or collector streets initiated by the applicant;
 - (B) Inability of the county or the applicant to provide essential public infrastructure, upon which approval of the MDP was granted;
 - (C) Requests for MDP amendments initiated by the county, based on the requirement to implement new adopted state or federal regulations, or if determined necessary by the county for protection of public health and safety;
 - (D) A request by the applicant to alter critical areas, natural features, open space areas, and cultural resources beyond the scope of the approved MDP and handbook in a manner that would adversely impact critical area functions and values.
 - (E) A request by the applicant for the extension of the time limit of the MDP beyond the

approved time limit specified in Section 17.70.023, but in no case shall the extension exceed thirty years from the original MDP approval date.

- (F) Other changes to the final approved MDP as requested by the applicant that the director determines to be similar to the modifications set forth in this subsection.