

**ORDINANCE NO. XXX**

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF MASON COUNTY, WASHINGTON ADOPTING A SEPA PLANNED ACTION RELATED TO THE BELFAIR SUBAREA AND AMENDING CHAPTER 8.16 OF THE MASON COUNTY CODE REFERENCING STATE ENVIRONMENTAL POLICY ACT RULES.

**I. RECITALS**

WHEREAS, the State Environmental Policy Act (SEPA) and its implementing regulations provide for the integration of environmental review with land use planning and project review through the designation of planned actions by jurisdictions planning under the Growth Management Act (GMA), such as Mason County (“County”); and

WHEREAS, Section 43.21C.440 of the Revised Code of Washington (RCW), Sections 197-11-164 through 172 of the Washington Administrative Code (WAC) allow for and govern the adoption and application of a planned action designation under SEPA; and

WHEREAS, the designation of a planned action expedites the permitting process for projects of which the impacts have been previously addressed in an environmental impact statement (EIS); and

WHEREAS, a subarea of the County consisting of the Belfair Urban Growth Area (UGA) as depicted on the map attached hereto as **Exhibit A** and incorporated herein by this reference, has been identified as a planned action area for future redevelopment to a mixed-use center (“Planned Action Area”); and

WHEREAS, the County has adopted and updated a subarea plan for the Belfair UGA complying with the GMA (RCW 36.70A), dated **XXX**, to guide the development of the Planned Action Area (“Belfair UGA Plan”); and

WHEREAS, after public participation and coordination with all affected parties, the County, as lead SEPA agency, issued the Mason County Belfair Urban Growth Area Final Environmental Impact

Statement (“Final EIS”) dated **XXX**, which identifies the impacts and mitigation measures associated with planned development in the Planned Action Area as identified in the Belfair UGA Plan; and

WHEREAS, the Final EIS includes by incorporation the Mason County Belfair Urban Growth Area -Draft Environmental Impact Statement issued on April 29, 2021**XXX** and the Draft Supplemental Draft Environmental Impact Statement on October 28, 2021 (collectively referred to herein as the “Planned Action EIS”); and

WHEREAS, the County desires to designate a planned action under SEPA for the Belfair UGA (“Planned Action”); and

WHEREAS, adopting a Planned Action for the Belfair UGA with appropriate standards and procedures will help achieve efficient permit processing and promote environmental quality protection; and

WHEREAS, the County is amending the Mason County Comprehensive Plan for consistency with the Belfair UGA Plan as amended and supporting infrastructure plans; and

WHEREAS, the County is adopting zoning regulations concurrent with the Belfair UGA Plan to implement said Plan; and

WHEREAS, the Board of County Commissioners finds that adopting this Ordinance and its Exhibits is in the public interest and will advance the public health, safety, and welfare.

## **II. FINDINGS**

The procedural and substantive requirements of the State Environmental Policy Act (RCW 43.21C) have been complied with.

The procedural requirements of the Growth Management Act (RCW 36.70A) have been complied with.

The proposed action is consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.

The proposed action is consistent with Mason County Comprehensive Plan as amended.

The proposed amendments have been reviewed and processed in accordance with the requirements of Title 8 Environmental Policy and Title 15 Development Code.

All of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State law and the County's municipal code.

The Mason County Board of County Commissioners finds and determines that the regulation of development and land use within the Belfair UGA is within the County's regulatory authority.

The Mason County Board of County Commissioners finds and determines that approval of such amendments to the Comprehensive Plan and Zoning Code is in the best interests of the residents of Mason County, and will promote the general health, safety and welfare.

The Mason County Board of County Commissioners finds and determines that regulation of land use and development is subject to the authority and general police power of the County, and the County reserves its powers and authority to appropriately amend, modify and revise such land use controls in accordance with applicable law.

The Planned Action Environmental Impact Statement (EIS) adequately identifies and addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action Area.

The mitigation measures identified in the Planned Action EIS, attached to this Ordinance as **Exhibit B** and incorporated herein by reference, together with adopted County development regulations are adequate to mitigate significant adverse impacts from development within the Planned Action Area.

The Belfair UGA Plan and Planned Action EIS identify the location, type, and amount of development that is contemplated by the Planned Action.

Future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public, and enhance economic development.

The County provided several opportunities for meaningful public involvement and review in the Belfair UGA Plan and Planned Action EIS processes, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments.

Essential public facilities as defined in RCW 36.70A.200 are excluded from the Planned Action as designated herein and are not eligible for review or permitting as Planned Action Projects unless they are accessory to or part of a project that otherwise qualifies as a Planned Action Project.

The designated Planned Action Area is located entirely within an Urban Growth Area.

Implementation of the mitigation measures identified in the Planned Action EIS will provide for adequate public services and facilities to serve the proposed Planned Action Area.

The documents and other materials that constitute the record of the proceedings upon which the Planning Advisory Commission's recommendations are based, including, but not limited to, the staff reports for the Project and all of the materials that support the staff reports for the Project, are located in the Planning division of the Mason County Department of Community Development.

**NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF MASON COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Adoption of Board of County Commissioners Findings.** The Findings of the Board of County Commissioners are adopted as part of this Ordinance.

**Section 2. Purpose.** The purpose of this Ordinance is to:

**A.** Combine environmental analysis, land use plans, development regulations, and County codes and ordinances together with the mitigation measures in the Planned Action EIS to mitigate environmental impacts and process Planned Action development applications in the Planned Action Area;

**B.** Designate the Belfair UGA shown in Exhibit A as a Planned Action Area for purposes of environmental review and permitting of designated Planned Action Projects pursuant RCW 43.21C.440;

C. Determine that the Planned Action EIS meets the requirements of a planned action EIS pursuant to the State Environmental Policy Act (SEPA);

D. Establish criteria and procedures for the designation of certain projects within the Planned Action Area as “Planned Action Projects” consistent with RCW 43.21C.440;

E. Provide clear definition as to what constitutes a Planned Action Project within the Planned Action Area, the criteria for Planned Action Project approval, and how development project applications that qualify as Planned Action Projects will be processed by the County;

F. Streamline and expedite the land use permit review process by relying on the Planned Action EIS; and

G. Apply applicable regulations within the County’s development regulations and the mitigation framework contained in this Resolution for the processing of Planned Action Project applications and to incorporate the applicable mitigation measures into the underlying project permit conditions in order to address the impacts of future development contemplated by this Ordinance.

**Section 3. Procedures and Criteria for Evaluating and Determining Planned Action Projects within the Planned Action Area.**

**A. Planned Action Area.** This “Planned Action” designation shall apply to the area shown in Exhibit A of this Ordinance.

**B. Environmental Document.** A Planned Action Project determination for a site-specific project application within the Planned Action Area shall be based on the environmental analysis contained in the Planned Action EIS. The mitigation measures contained in Exhibit B of this Ordinance are based upon the findings of the Planned Action EIS and shall, along with adopted County regulations, provide the framework the County will use to apply appropriate conditions on qualifying Planned Action Projects within the Planned Action Area.

**C. Planned Action Project Designated.** Land uses and activities described in the Planned Action EIS, subject to the thresholds described in Subsection 3.D of this Ordinance and the mitigation

measures contained in Exhibit B of this Ordinance, are designated “Planned Action Projects” pursuant to RCW 43.21C.440. A development application for a site-specific project located within the Planned Action Area shall be designated a Planned Action Project if it meets the criteria set forth in Subsection 3.D of this Ordinance and all other applicable laws, codes, development regulations, and standards of the County, including this Ordinance, are met.

**D. Planned Action Qualifications.** The following thresholds shall be used to determine if a site-specific development proposed within the Planned Action Area was contemplated as a Planned Action Project and has had its environmental impacts evaluated in the Planned Action EIS:

(1) Qualifying Land Uses.

(a) Planned Action Categories: The following general categories/types of land uses are defined in the Belfair UGA Plan and can qualify as Planned Actions:

- i. Single-Family
- ii. Townhome/Multiplex
- iii. Multifamily
- iv. Industrial
- v. Office
- vi. Retail
- viii. Mixed uses
- ix. Open Space, Parks, Trails, Recreation, Gathering Spaces
- x. County road and non-motorized circulation improvements consistent with the  
Transportation evaluation in the Planned Action EIS
- xi. Civic, Cultural, Governmental and Utility Facilities as identified in the Belfair UGA Plan  
and allowed in Title 15
- xii. Other uses allowed in the Zoning regulations applicable to the Belfair UGA in Title 15

(b) Planned Action Project Land Uses: A primary land use can qualify as a Planned Action

Project land use when:

- i. it is within the Planned Action Area as shown in Exhibit A of this Ordinance;
- ii. it is within one or more of the land use categories described in Subsection 3.D(1)(a) above; and
- iii. it is listed in development regulations applicable to the zoning classifications applied to properties within the Planned Action Area.

A Planned Action Project may be a single Planned Action land use or a combination of Planned Action land uses together in a mixed-use development. Planned Action land uses may include accessory uses.

(c) Public Services: The following public services, infrastructure, and utilities can also qualify as Planned Actions: county roads and non-motorized improvements, utilities, parks, trails, civic, cultural, governmental, and similar facilities developed consistent with the Planned Action EIS mitigation measures, County design standards, critical area regulations, and the Mason County Code.

(2) Development Thresholds:

(a) Land Use: The following thresholds of new land uses are contemplated by the Planned Action:

NET DEVELOPMENT 2020-2035+ [2040]	NO ACTION	ALTERNATIVE 2	ALTERNATIVE 3 HYBRID	ALTERNATIVE 3
Housing Units	478	1,834	2,274	2,340
Commercial Space (sq ft)	54,342	1,185,834	1,328,708	1,438,852

Alternative XXX is the Preferred Alternative.

(b) Shifting development amounts between land uses in identified in Subsection 3.D(2)(a) may be permitted when the total build-out is less than the aggregate amount of development

reviewed in the Planned Action EIS; the traffic trips for the preferred alternative are not exceeded; and, the development impacts identified in the Planned Action EIS are mitigated consistent with Exhibit B of this Ordinance.

(c) Further environmental review may be required pursuant to WAC 197-11-172, if any individual Planned Action Project or combination of Planned Action Projects exceeds the development thresholds specified in this Ordinance and/or alter the assumptions and analysis in the Planned Action EIS.

(3) Transportation Thresholds:

(a) Trip Ranges & Thresholds. The number of new PM peak hour trips anticipated in the Planned Action Area and reviewed in the Planned Action EIS as follows:

**New Weekday PM Peak Hour Trips 2040**

Alternative	In	Out	Total <sup>1</sup>
Alternative 1: No Action	232	187	419
Alternative 2	2,061	2,040	4,101
<u>Alternative 3 Hybrid</u>	<u>1,524</u>	<u>1,511</u>	<u>3,035</u>
Alternative 3	1,909	1,862	3,771

i. In no case shall trips exceed the Preferred Alternative [XXX]. Monitoring shall be conducted by the County to ensure planned improvements are implemented concurrent with development before the final level of trips in the Preferred Alternative [XXX] is authorized for development.

ii. Growth in trips over current conditions are supported by the County’s Transportation Improvement Program (TIP) and SR 3 Freight Corridor. All Alternatives require additional transportation improvements tested in the Planned Action EIS and listed in **Exhibit B**.

(b) Concurrency. All Planned Action Projects shall meet the transportation concurrency requirements and the Level of Service (LOS) thresholds established in the Mason County Comprehensive Plan and Mason County Code.

(c) Traffic Impact Mitigation. Transportation mitigation shall be provided consistent with mitigation measures in **Exhibit B** of this Ordinance, attached hereto and incorporated by this reference.

(d) The responsible County official shall require documentation by Planned Action Project applicants demonstrating that the total trips identified in Subsection 3.D(3)(a) are not exceeded, that the project meets the concurrency and intersection standards of Subsection 3.D(3)(b), and that the project has mitigated impacts consistent with Subsection 3.D (3)(c).

(e) Discretion.

i. The responsible County official shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual accepted by the County's Public Works Director at his or her sole discretion, for each project permit application proposed under this Planned Action, provided that the method is compatible with Exhibit D.1.b.

ii. The responsible County official shall have discretion to condition Planned Action Project applications to meet the provisions of this Planned Action Ordinance and the Mason County Code.

iii. Planned Action Project applicants shall pay a proportionate share of the costs of the projects identified in Exhibit B. The responsible County official shall have the discretion to adjust the allocation of responsibility for required improvements between individual Planned Action Projects based upon their identified impacts.

- (4) Elements of the Environment and Degree of Impacts. A proposed project that would result in a significant change in the type or degree of adverse impacts to any element(s) of the environment analyzed in the Planned Action EIS would not qualify as a Planned Action Project.
- (5) Changed Conditions. Should environmental conditions change significantly from those analyzed in the Planned Action EIS, the County's SEPA Responsible Official may determine that the Planned Action Project designation is no longer applicable until supplemental environmental review is conducted.

**E. Planned Action Project Review Criteria.**

- (1) The County's SEPA Responsible Official, or authorized representative, may designate as a Planned Action Project, pursuant to RCW 43.21C.440, a project application that meets all of the following conditions:
- (a) the project is located within the Planned Action Area identified in Exhibit A of this Ordinance;
  - (b) the proposed uses and activities are consistent with those described in the Planned Action EIS and Subsection 3.D of this Ordinance;
  - (c) the project is within the Planned Action thresholds and other criteria of Subsection 3.D of this Ordinance;
  - (d) the project is consistent with the Mason County Comprehensive Plan including the policies of the Belfair UGA Plan incorporated into the Comprehensive Plan and the regulations of the Belfair UGA Plan integrated into the Mason County Code;
  - (e) the project's significant adverse environmental impacts have been identified in the Planned Action EIS;
  - (f) the project's significant impacts have been mitigated by application of the measures identified in **Exhibit B** of this Ordinance and other applicable County regulations, together with any conditions, modifications, variances, or special permits that may be required;

- (g) the project complies with all applicable local, state and/or federal laws and regulations and the SEPA Responsible Official determines that these constitute adequate mitigation; and
- (h) the project is not an essential public facility as defined by RCW 36.70A.200, unless the essential public facility is accessory to or part of a development that is designated as a Planned Action Project under this Ordinance.

- (2) The County shall base its decision to qualify a project as a Planned Action Project on review of the SEPA Checklist form in WAC 197-11 and review of the Planned Action Project submittal and supporting documentation, provided on County required forms. [the County may develop its own SEPA checklist for the planned action area; however, the standard form is assumed here]

**F. Effect of Planned Action Designation.**

- (1) Designation as a Planned Action Project by the County’s SEPA Responsible Official means that a qualifying project application has been reviewed in accordance with this Ordinance and found to be consistent with the development parameters and thresholds established herein and with the environmental analysis contained in the Planned Action EIS.
- (2) Upon determination by the County’s SEPA Responsible Official that the project application meets the criteria of Subsection 3.D and qualifies as a Planned Action Project, the project shall not require a SEPA threshold determination, preparation of an EIS, or be subject to further review pursuant to SEPA. Planned Action Projects will still be subject to all other applicable County, state, and federal regulatory requirements. The Planned Action Project designation shall not excuse a project from meeting the County’s code and ordinance requirements apart from the SEPA process.

**G. Planned Action Project Permit Process.** Applications submitted for qualification as a Planned Action Project shall be reviewed pursuant to the following process:

- (1) Development applications shall meet all applicable requirements of the Mason County Code and this Ordinance in place at the time of the Planned Action Project application. Planned Action Projects shall not vest to regulations required to protect public health and safety.

- (2) Applications for Planned Action Projects shall:
- (a) be made on forms provided by the County;
  - (b) include the SEPA checklist in WAC 197-11;
  - (c) meet all applicable requirements of the Mason County Code and this Ordinance.
- (3) The County's SEPA Responsible Official shall determine whether the application is complete and shall review the application to determine if it is consistent with and meets all of the criteria for qualification as a Planned Action Project as set forth in this Ordinance.
- (4) (a) If the County's SEPA Responsible Official determines that a proposed project qualifies as a Planned Action Project, they shall issue a "Determination of Consistency" and shall mail or otherwise verifiably deliver said Determination to the applicant; the owner of the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to RCW 43.21C.440(3)(b).
- (b) Upon issuance of the Determination of Consistency, the review of the underlying project permit(s) shall proceed in accordance with the applicable permit review procedures specified in Title 15, except that no SEPA threshold determination, EIS, or additional SEPA review shall be required.
- (c) The Determination of Consistency shall remain valid and in effect as long as the underlying project application approval is also in effect.
- (d) Public notice and review for qualified Planned Action Projects shall be tied to the underlying project permit(s). If notice is otherwise required for the underlying permit(s), the notice shall state that the project qualifies as a Planned Action Project. If notice is not otherwise required for the underlying project permit(s), no special notice is required by this Ordinance.
- (5) (a) If the County's SEPA Responsible Official determines that a proposed project does not qualify as a Planned Action Project, they shall issue a "Determination of Inconsistency" and shall mail or otherwise verifiably deliver said Determination to the applicant; the owner of the property

as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to Chapter 1, Laws of 2012 (Engrossed Substitute Senate Bill (ESSB) 6406).

(b) The Determination of Inconsistency shall describe the elements of the Planned Action Project application that result in failure to qualify as a Planned Action Project.

(c) Upon issuance of the Determination of Inconsistency, the County's SEPA Responsible Official shall prescribe a SEPA review procedure for the non-qualifying project that is consistent with the County's SEPA regulations and the requirements of state law.

(d) A project that fails to qualify as a Planned Action Project may incorporate or otherwise use relevant elements of the Planned Action EIS, as well as other relevant SEPA documents, to meet the non-qualifying project's SEPA requirements. The County's SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action EIS.

(6) To provide additional certainty about applicable requirements, the County or applicant may request consideration and execution of a development agreement for a Planned Action Project, consistent with RCW 36.70B.170 et seq.

(7) A Determination of Consistency or Inconsistency is a Type I land use decision and may be appealed pursuant to the procedures established in Title 15 of the Mason County Code. An appeal of a Determination of Consistency shall be consolidation with any pre-decision or appeal hearing on the underlying project application.

#### **Section 4. Monitoring and Review.**

A. The County should monitor the progress of development in the designated Planned Action area in association with the County periodic review of its Comprehensive Plan to ensure that it is consistent with the assumptions of this Ordinance and the Planned Action EIS regarding the type and

amount of development and associated impacts and with the mitigation measures and improvements planned for the Planned Action Area.

**B.** This Planned Action Ordinance shall be reviewed by the SEPA Responsible Official every two (2) years from its effective date in conjunction with the County’s regular Comprehensive Plan review or docket cycle, as applicable. The review shall determine the continuing relevance of the Planned Action assumptions and findings with respect to environmental conditions in the Planned Action Area, the impacts of development, and required mitigation measures (**Exhibit B**). Based upon this review, the County may propose amendments to this Ordinance or may supplement or revise the Planned Action EIS.

**Section 5. SEPA Rules.** Mason County Code Chapter 8.16 Categorical Exemptions and Threshold Determinations, Section 8.16.010 is amended as follows:

- **8.16.010 - Purpose—Adoption by reference.**

This chapter contains the rules for deciding whether a proposal has a "probably significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The county adopts the following sections by reference, as supplemental in this chapter:

WAC

197-11-164      Planned actions—Definition and criteria.

197-11-168      Ordinances or resolutions designating planned actions—Procedures for adoption.

197-11-172      Planned actions—Project review.

197-11-300      Purpose of this part.

WAC

- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of Nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-355 Optional DNS process.
- 197-11-360 Determination of Significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.

**Section 6. Severability.** If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

**Section 7. Effective Date.** That this Ordinance shall be in full force and effect thirty (30) days after publication of the Ordinance Summary.

ADOPTED by the Board of County Commissioners this \_\_\_\_ of XXX 2021

MASON COUNTY BOARD OF COUNTY  
COMMISSIONERS

\_\_\_\_\_  
Randy Netherlin, Chair

\_\_\_\_\_  
Sharon Trask, Commissioner

\_\_\_\_\_  
Kevin Shutty, Commissioner

Attest:

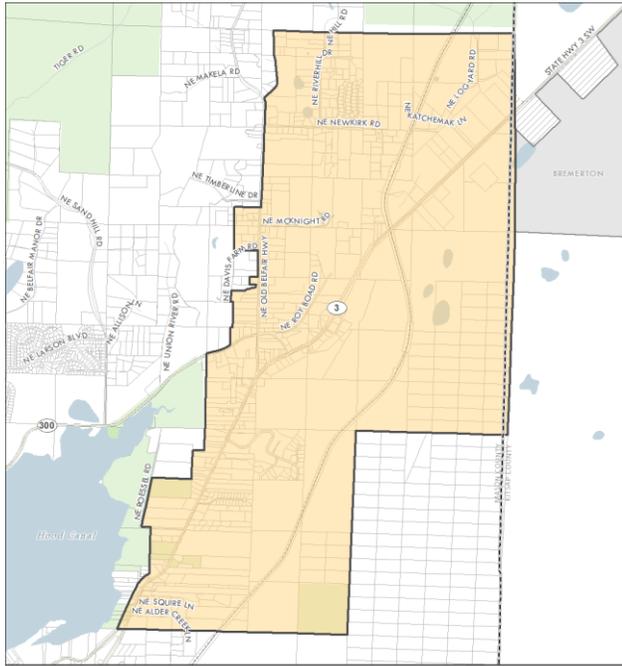
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McKenzie Smith, Clerk of the Board

Approved as to Form:

\_\_\_\_\_  
Tim Whitehead, Chief DPA

# EXHIBIT A. Planned Action Area

## Option 1



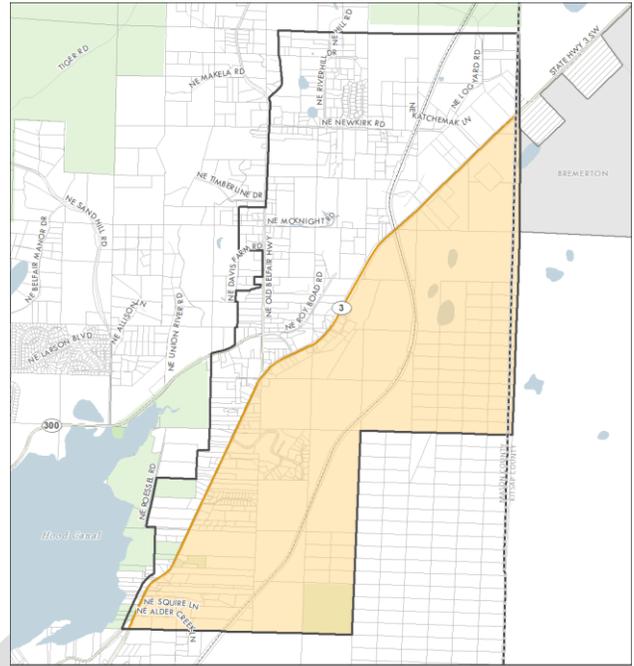
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Map Date: March 2021

- Belfair UGA Boundary
- Planned Action Area
- UGAs
- Water Bodies
- Streams
- Public Land

## Option 2

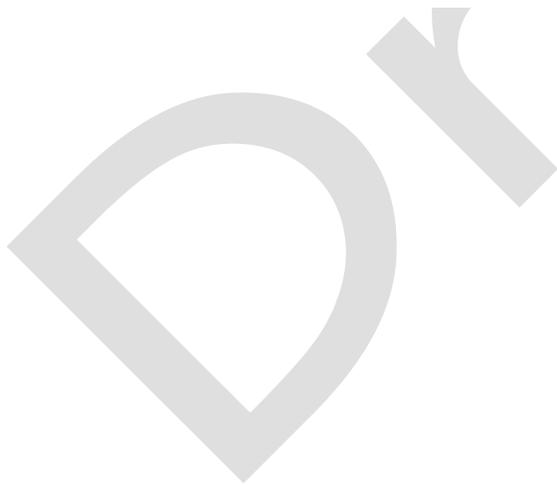


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Map Date: March 2021

- Belfair UGA Boundary
- Planned Action Area
- UGAs
- Water Bodies
- Streams
- Public Land



## **EXHIBIT B. Mitigation Document**

The Planned Action EIS has identified significant beneficial and adverse impacts that are anticipated to occur with the future development of the Planned Action Area, together with a number of possible measures to mitigate those significant adverse impacts. Please see Final EIS Chapter 1 Summary for a description of impacts, mitigation measures, and significant unavoidable adverse impacts.

A Mitigation Document is provided in this Exhibit B-1 to establish specific mitigation measures based upon significant adverse impacts identified in the Planned Action EIS. The mitigation measures in this Exhibit B-1 shall apply to Planned Action Project applications that are consistent with the Preferred Alternative range reviewed in the Planned Action EIS and which are located within the Planned Action Area (see Exhibit A).

Where a mitigation measure includes the words “shall” or “will,” inclusion of that measure in Planned Action Project application plans is mandatory in order to qualify as a Planned Action Project. Where “should” or “would” appear, the mitigation measure may be considered by the project applicant as a source of additional mitigation, as feasible or necessary, to ensure that a project qualifies as a Planned Action Project. Unless stated specifically otherwise, the mitigation measures that require preparation of plans, conduct of studies, construction of improvements, conduct of maintenance activities, etc., are the responsibility of the applicant or designee to fund and/or perform to the satisfaction of the County’s SEPA Responsible Official or authorized designee.

Any and all references to decisions to be made or actions to be taken by the County’s SEPA Responsible Official may also be performed by the County’s SEPA Responsible Official’s authorized designee.

## Section B-1. Mitigation Required for Development Applications

### *Earth, Water Resources, and Plants and Animals*

1. Mason County shall condition development to implement street frontage improvements with green infrastructure to provide stormwater infrastructure connections to improve stormwater management consistent with County stormwater regulations and standards.
2. Mason County may condition development to implement a maximum impervious area that together with stormwater standards encourage pervious pavement, biofiltration, full mature growth of native trees and shrubs, or other methods to address water quality, groundwater recharge, and ecological function.

### *Land Use Patterns and Aesthetics*

3. Planned Actions shall be consistent with the Belfair Plan policies and Belfair Zoning standards as amended together with the Planned Action Ordinance. **[Draft EIS / Supplemental Draft EIS identifies Plan/Code amendments that would occur in coordination with the Planned Action.]**

### *Historic and Cultural Resources*

4. Mason County shall require standard inadvertent discovery language (SIDL) on all related permits (compliance with RCW 27.53, 27.44).
5. Decision Tree: A “decision tree” for both above-ground and below-ground resources is applied to determine the appropriate level of investigation and, if necessary, mitigation. See Table 1. Mason County will lead any necessary pre-project cultural resource review and will consult with DAHP and affected Tribes at specific points in the process. Collaboration among responsible parties will be necessary, including on the determination of whether on-the-ground surveys are necessary, which when required will be the responsibility of the project applicant. The Decision Tree shall be applied to each proposed action in the UGA as a more comprehensive supplement to other review tools, including the more generalized Statewide Predictive Model. In all cases, permits should be conditioned at a minimum with standard inadvertent discovery language (SIDL) in order to ensure compliance with all applicable cultural resource regulations.

**Table 1. Decision Tree for Above and Below Ground Cultural Resources**

For Above-Ground Cultural Resources (e.g. historic buildings):	For Below-Ground Cultural Resources (e.g. archaeological sites):
I. Consult public version of <b>WISAARD</b> <sup>1</sup>	1. Consult secure version of <b>WISAARD</b> including the <b>Statewide Predictive Model</b> (access obtained from

<sup>1</sup> **WISAARD** – Washington Information System for Architectural and Archaeological Records Data; DAHP’s online GIS map tool and searchable database for cultural resources accessed at <https://wisaard.dahp.wa.gov>

**For Above-Ground Cultural Resources (e.g. historic buildings):**

**For Below-Ground Cultural Resources (e.g. archaeological sites):**

- II. Determine appropriate action as follows:
- a. Project exempt if *both* are met:
    1. Resource is less than 45 years old *and*
    2. Resource ineligible for/not listed in any historic register or database

**Note:** If property information on WISAARD does not indicate eligibility, contact DAHP for confirmation.
  - b. If project is **not exempt** (i.e. does not meet *both* criteria in 2.a above) and resource is identified in database, then
    1. DAHP determines significance;
    2. If **significant**, Avoid resource or determine Mitigation strategy; and
    3. Condition permit with decision.

DAHP via data-sharing agreement or user agreement for qualified individuals)

2. Determine appropriate action as follows:
  - a. Project **exempt** if *any* are met:
    1. Prior negative archaeological survey on file, *or*
    2. No ground disturbance will occur, *or*
    3. Project in 100% culturally-sterile fill.
  - b. If **no known** cultural resources are present, apply the DAHP Predictive Model and follow the survey recommendations according to the associated risk identified:
    1. Low Risk-Survey Contingent Upon Project Parameters
    2. Moderately Low Risk-Survey Contingent Upon Project Parameters
    3. Moderate Risk-Survey Recommended
    4. High Risk-Survey Highly Advised
    5. Very High Risk-Survey Highly Advised

**See Table below for minimum evaluation.**

*Table: Above Ground Cultural Resources DAHP Predictive Model and Summary Survey Recommendations*

Risk Category	Minimum Evaluation
Low	SIDL
Moderately Low and Moderate	Desktop Review and SIDL
High and Very High	Survey and SIDL

**Note:** In *all* cases, *regardless* of risk, condition permit with SIDL

- c. If cultural resources **are** present and ground-disturbance is proposed, then:
  1. Notify and consult with DAHP and Tribes (e.g. via Notice of Application);
  2. Avoid resource or determine Mitigation strategy; and
  3. Condition permit with decision.
3. For **all** ground-disturbing projects

**For Above-Ground Cultural Resources (e.g. historic buildings):**

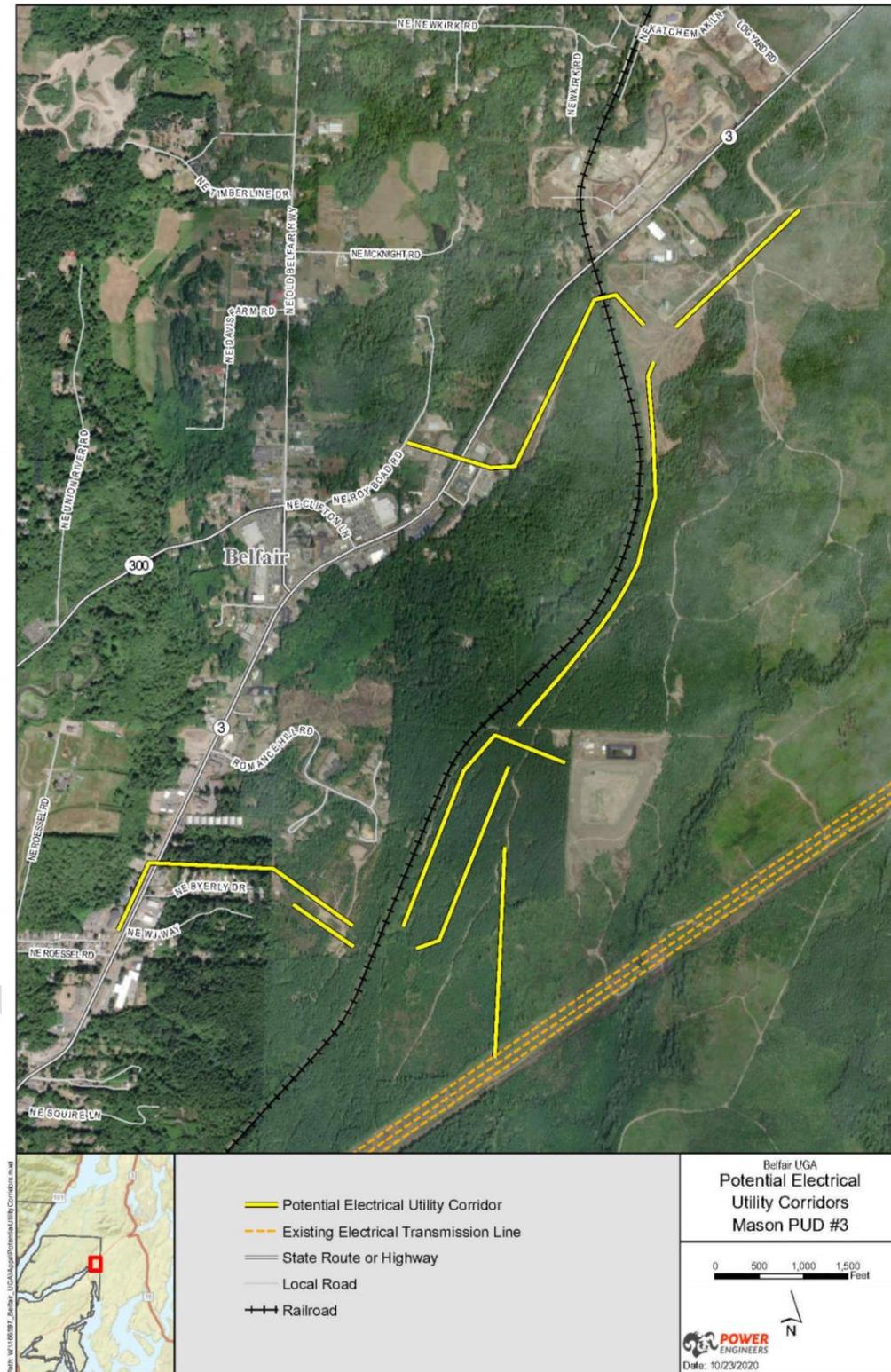
**For Below-Ground Cultural Resources (e.g. archaeological sites):**

- a. Include SIDL language consistent with RCW 27.53 and 27.44 protecting sites, graves, and Indian burials on public and private lands.
- b. Provide Tribal notification (e.g. via Notice of Application) and adjust per Tribe's instruction

### *Public Services*

- The County shall require planned actions to demonstrate adequate access, fire flow, and consistency with the County fire code. Each planned action application shall demonstrate consultation with North Mason Regional Fire to ensure adequate and timely access for emergency vehicles.
- Planned actions shall provide permit application materials that demonstrate substantial consistency with Subarea Plan parks, recreation, and open space conceptual plans. The County may allow through a voluntary agreement per RCW 82.02.020 a fee in lieu of onsite recreation to fund the acquisition and development of park and recreation facilities in the Belfair vicinity to meet growth-related demand under the Action Alternatives.
- Planned actions shall demonstrate consultation with the School District and ensure adequate school capacity. If there is a lack of facilities to serve the development, the County could condition planned actions to pay their fair share of new school capacity to help fund future capital needs of the North Mason School District associated with future growth in the Belfair UGA. Fair share shall be determined based on student generation and School District levels of service (e.g. student/teacher ratio).
- Mason County shall condition planned actions to coordinate joint trenching with other utilities consistent with Dig Once principles and efficient construction practices. Mason County shall provide advanced notification for planned action projects as part of notices of application as required by Mason County Code.
- Mason County shall condition Planned Actions to demonstrate adequate power infrastructure and supply in coordination with PUD 3. Additional PUD 3 infrastructure will be needed to provide adequate service to this area: 115 kV, high voltage transmission lines (overhead), 15 kV distribution feeders (overhead and underground), and 15 kV distribution line extensions (primarily underground) should be expected and planned throughout the area. See Figure 1.

Figure 1. PUD 3 Potential Electric Utility Corridors



Source: PUD 3, October 2020.

## Utilities

### 4. Mason County shall require connection to a public water system as a condition of planned action approval.

~~4.5.~~ Mason County shall approve planned action development with water availability certificates from the Belfair Water District and implementing necessary water supply infrastructure and pays necessary system development charges in accordance with District standards. Mason County may defer planned action project approval based on the provision of infrastructure and adequate water above 0.33 MGD until such time as the Belfair Water District provides infrastructure plans to serve development above that level.

~~5.6.~~ Mason County shall approve planned action development with sewer availability certificates from Mason County and implementing necessary conveyance infrastructure, and pays necessary system development charges in accordance with County standards. Mason County defer planned action project approval where such development exceeds spray field capacity of 0.237 MGD, and adequate wastewater treatment capacity above ~~0.4~~5 MGD until such time as Mason County provides infrastructure plans to serve development above that level.

~~6.7.~~ Mason County shall require developers in the subarea to evaluate system capacity downstream of their developments and either construct or pay a fee-in-lieu to improve downstream conveyance when existing conveyance is inadequate, or apply MCC 13.32 Late Comer Agreements for Utility Facilities to ensure the necessary conveyance systems are planned, designed, constructed, and funded by development.

~~7.8.~~ To account for increased stormwater conveyance needs due to increased impervious areas, the County shall require planned action applicants to pay their fair share of regional facilities that have been implemented in accordance with the Belfair UGA 2018 Basin Plan.

~~8.9.~~ Mason County may condition planned action applicants to pay adopted capital facilities charges for stormwater.

## Transportation

9.10. Non-motorized: Mason County shall require planned actions to implement frontage improvements to implement the Belfair Mobility Plan. Frontage improvements should consider the appropriate pedestrian and bicycle facilities based on the land use context as well as roadway speeds and volumes. The County should consider guidance for multimodal networks in FHWA *Small Town and rural Multimodal Networks*, December 2016. Specific non-motorized improvements should consider:

- Expansion of the non-motorized network including the trail system in the northern portion of the Belfair UGA to increase connectivity between land uses in this area and to/from the south and east of the existing SR 3.
- Connect the Romance Hill Loop Trail to land uses north of Romance Hill Road to facilitate north-south non-motorized activity in the Belfair UGA.

- Sidewalks along SR 3 north of the downtown and in the northeast commercial area as well as pedestrian crossings at key locations to improve connectivity east and west of SR 3 and help to reduce reliance on auto travel.
- Provide non-motorized connections parallel to the SR 3 Freight Corridor consistent with the Belfair Mobility Plan.

10.11. Concurrency: Transportation improvements or strategies shall be constructed to ensure that an adequate transportation system is in place to serve increased travel demands. Concurrency is defined as having a financial commitment in place to resolve the deficiency within six years. The County will not approve new developments unless the LOS standards are met. Transportation improvements identified in the Comprehensive Plan, County Transportation Improvement Program, and the Belfair Planned Action EIS are needed to meet LOS standards. Planned action applicants shall pay their proportionate share of improvements based on new PM Peak hour trips. A calculation of SEPA mitigation Fess is included in Section B-3.

11.12. Commute Trip Reduction (CTR): Planned actions that provide facilities for large employers shall prepare a commute trip reduction plan consistent with RCW 70A.15, Mason County Comprehensive Plan, and Mason County Code. The commute trip reduction plan shall be developed in consultation with Mason County Transit.

12.13. Transit: Planned Actions shall be reviewed by Mason Transit and provide transit facilities (e.g. shelters) as part of frontage improvements consistent with Mason County public works design standards and Mason Transit design standards.

## Section B-2. Advisory Notes to Applicants: Applicable Regulations and Commitments

The Planned Action EIS identifies specific regulations that act as mitigation measures. These are summarized in this section by EIS topic. All applicable federal, state, and local regulations shall apply to Planned Action Projects. Planned Action Project applicants shall comply with all adopted regulations where applicable including those listed in the Planned Action EIS and those not included in the Planned Action EIS.

### Earth

- 13.14.** Erosion control plans are required per MCC 8.52 and MCC 14.48. Clearing for roads and utilities shall be limited to the minimum necessary to accomplish the engineering design.
- 14.15.** Mason County’s Critical Areas regulations (MCC 8.52.140) are applicable for development within geologically hazardous areas.
- 15.16.** Development proposals on sites containing geologically hazardous areas or within a buffer must meet requirements set forth in MCC 8.52.140.D and E including preparation of either a geological assessment or a geotechnical report, or both.
- 16.17.** The County Stormwater Management code (MCC 14.48.050) requires new development to meet the minimum requirements of the 2005 Edition of Ecology’s Stormwater Management Manual for Western Washington. The County requires all large developments that propose stormwater infiltration upslope of landslide hazard areas to complete a hydrogeologic analysis to confirm that the proposed design would not increase the risk of landslide hazards. Stormwater facilities must be designed in accordance with the 2012 Stormwater Management Manual for Western Washington, as amended in 2014, consistent with the Mason County Shoreline Master Program (MCC 8.52).

### Water Resources

During final design and permitting of projects under all alternatives, project proponents will first be required to avoid and minimize impacts to wetlands and streams through design measures and best management practices. Where impacts are unavoidable, project proponents will mitigate them in accordance with applicable federal regulations, local critical areas ordinances, and permit requirements. See Table 2.

**Table 2. Regulatory Permit Matrix for Water Resources.**

Jurisdictional Agency	Regulations/Authorizations
Mason County	Pre-application submittal conference SEPA Determination (No Action Alternative) Planned Action Consistency Determination (Action Alternative) Critical Areas review Mason County Stormwater Code Compliance
Washington State Department of Ecology	CWA Section 401 Water Quality Certification NPDES Construction Stormwater General Permit

Jurisdictional Agency	Regulations/Authorizations
	Water Resources Development Act Minimum Water Flows and Levels Act
U.S. Army Corps of Engineers	CWA Section 404 Clean Water Act CWA Section 10 Rivers and Harbors Act

### Plants and Animals

Development and redevelopment projects within the study area that have the potential to impact plants and animals will require compliance with federal, state, and local regulations. Mitigation sequencing to avoid, minimize, and mitigate environmental impacts is typically required for all applicable permitting review and authorizations. Table 3 provides a regulatory permit matrix for action requiring local, state, and federal authorizations that impact fish and wildlife and their associated habitat.

**Table 3. Regulatory Permit Matrix for Plants and Animals**

Jurisdictional Agency	Regulations/Authorizations
Mason County	Pre-application submittal conference SEPA Determination (No Action Alternative) Planned Action Consistency Determination (Action Alternative) Critical Areas review
Washington State Department of Ecology	CWA Section 401 Water Quality Certification Coastal Zone Management Act Consistency Certification Minimum Water Flows and Levels Act
Washington Department of Fish and Wildlife	Hydraulic Project Approval (HPA)
U.S. Army Corps of Engineers	CWA Section 404 Clean Water Act CWA Section 10 Rivers and Harbors Act Requires Compliance with: Section 7 of the Endangered Species Act Magnuson-Stevens Act

### *Land Use Patterns and Aesthetics*

17.18. Future development in the Belfair UGA would be required to comply with established Mason County permitting processes and development regulations for the Belfair UGA (Mason County Code Title 17, Chapters 17.20 – 17.35).

### *Historic and Cultural Resources*

Per State law, the following apply to *all* actions at *all* times:

18.19. Washington State law (RCW 27.53 and 27.44) protects archaeological resources (RCW 27.53) and Indian burial grounds and historic graves (RCW 27.44) located on both the public and private lands of the State.

19.20. An archaeological excavation permit issued by the Washington State Department of Archaeology and Historic Preservation (DAHP) is required in order to disturb an archaeological site.

20.21. Knowing disturbance of burials/graves and failure to report the location of human remains are prohibited at all times (RCW 27.44 and 68.60).

### *Public Services*

21.22. Mason County has adopted the International Fire Code (IFC) which addresses building standards, access, and fire flow.

22.23. Multifamily residential development in the Belfair UGA is required to provide private, on-site open space for residents, in addition to other standard landscaping requirements (MCC 17.26.020). While private open space does not count toward meeting the City's LOS standard for parks, the provision of on-site recreational opportunities could reduce demand for public facilities.

23.24. The County has adopted the 2018 Edition of the International Energy Conservation Code in MCC 14.04.010.

24.25. Customers interested in securing power capacity should notify PUD 3 as soon as possible; provide all required information in order to process new service applications; and pay appropriate line extension and system capacity fee payments promptly. All new and altered service applications are subject to Mason PUD 3's Electric Service Rules & Regulations ([www.pud3.org/rulesandregs](http://www.pud3.org/rulesandregs)).

25.26. PUD 3 requires all 115 kV Transmission facilities and most 15 kV Main Distribution Feeders to be installed overhead. High density residential distribution facilities are primarily installed underground. Relocation of existing utilities, where feasible, should come at the expense of the requesting entity. In most cases, trenching, restoration, and/or directional drilling is also to be provided by the requesting entity.

### *Utilities*

26.27. Mason County Code Chapter 13.31 details requirements and regulations related to the wastewater system within the Belfair UGA. New development and existing structures and buildings within five hundred feet of alignment of the Belfair Wastewater and Reclamation Facility's pipeline shall be connected to public sewer facilities. Existing structures and buildings are subject to an initial

connection period. In some cases, the County is responsible for installing and maintaining grinder pumps in designated low-pressure sewer areas for existing and new single-family development.

~~27-28.~~ Mason County Code Chapter 3.156 establishes the Belfair Wastewater and Water Reclamation utility fund for the design, development, construction, and operation of the new Belfair wastewater and water reclamation utility facility. The utility is funded through connection charges and monthly sewer service charges.

~~28-29.~~ Mason County Code includes a one-time capital facilities charge (CFC) per ERU for development and redevelopment projects for connection to the Belfair Sewer System to support the cost of new infrastructure as the system expands to accommodate development and redevelopment (Mason County Code 13.31.060). The CFC is reduced for multi-family units. With the application of these regulations and fees, no additional mitigation is required.

~~29-30.~~ MCC Chapter 14.46 includes the purpose, description, and regulations associated with the County's storm and surface water utility. The utility is responsible for flooding management, water quality improvement, and protecting aquatic habitat. Currently, there are no annual stormwater fees associated with the utility. Assessments for fees may become necessary to support the utility and its functions, and a priority list of projects will be developed before any fee or assessment is required (MCC 14.46.040).

~~30-31.~~ MCC Chapter 14.48 describes the stormwater requirements of development and redevelopment within the utility. The County has adopted the 2005 Department of Ecology Stormwater Manual for Western Washington (SWMMWW), which applies within the Belfair UGA. New development and redevelopment within the study area will need to meet the requirements of the SWMMWW when they exceed certain size thresholds. These requirements include the approval by Mason County Public Works of a stormwater site plan. Projects must manage stormwater runoff on-site to the extent practicable by maximizing infiltration, including using low-impact development (LID) techniques as defined by the most current version of the SWMMWW or local planning documents. Due to high groundwater conditions and other site constraints, on-site management may not always be feasible.

~~31-32.~~ The State Reclaimed Water Permit for the Belfair Wastewater and Water Reclamation Facility (plant) establishes effluent limits for the following parameters: Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), Total Nitrogen as N, and Total Coliform. The permit requires to County to monitor groundwater and surface water quality in the West Fork Coulter Creek that may be receiving waters for the reclaimed water discharged from the facility. These effluent limits to receiving waters protect human and environmental health.

~~32-33.~~ The Washington Department of Ecology requires an engineering report related to wastewater treatment capacity expansion when the wastewater influent flows reach 85% of the design flows or loads for three consecutive months. This threshold applies to the spray field capacity and the water reclamation facility.

### *Transportation*

~~33-34.~~ See Mason County Code: Title 10 Vehicles and Traffic, and Title 12 Bridges and Roads.

### Exhibit B-3. Transportation Mitigation Detail

1. Improvements and Fair Share: The Planned Action EIS describes potential improvements to the network and impacted study intersections in addition to the County’s Transportation Improvement Program. Implementation of improvements identified in Table 4 below shall occur through a SEPA fair share fee program such that new development contributes its share of the cost for these projects.
  - a. Based on the share of trips in Section (3)(a) and mitigation in the EIS the cost and fee per trip has been calculated. Unless amended, or replaced with a transportation impact fee, mitigation fees consistent with the proportionate share of costs shall be applied to planned action applications. The proportionate share of costs of the Planned Actions shall be determined based on their proportionate share of trips identified in Section 3.D(3) of this ordinance and this section.

**Table 4. Transportation Improvements in addition to Six-Year Transportation Improvement Program – Preferred Alternative**

	Total Weekday PM Peak Hour Trips	Total Mitigation Cost (Million \$)*	Fee Per Trip
Alternative 1 – No Action	419	\$10.5	\$25,026
Alternative 2	4,101	\$16.5	\$4,014
<b>Alternative 3 Hybrid</b>	<b>3,454</b>	<b>\$17.0</b>	<b>\$4,915</b>
Alternative 3	3,771	\$16.2	\$4,293

\*See DEIS Appendix H

[once Preferred Alternative addressed, attach Appendix to Planned Action Ordinance as Exhibit B-3A]

3. Expenditure of Funds – Account: Mason County shall earmark mitigation fee receipts and retain them in an interest-bearing account, expending them on projects identified in the EIS. [once Preferred Alternative addressed, attach Appendix to Planned Action Ordinance as Exhibit B-3A]
4. Mitigation Fee Payable at Permit Issuance: The mitigation fee shall be payable at the time of building permit issuance. For projects that require longer-term construction periods prior to occupancy and impacts to the transportation system, Mason County may allow for the mitigation fee to be paid prior to the issuance of occupancy permits subject to a construction schedule and supporting information provided to the satisfaction of the County.
5. Credit: Mason County shall provide a credit for the value of dedication or improvement to or new construction of any system improvements provided by the developer per subsection 1 above. The applicant shall be entitled to a credit for the value of the land or actual costs of capital facility construction against the fee that would be chargeable under the formula in subsection 1 above.

- a. The dedication, improvement, or construction shall be conducted at suitable sites and constructed at acceptable quality as determined by Mason County. Such improvement or construction shall be completed, dedicated, or otherwise transferred to Mason County prior to the determination and award of a credit.
  - b. The value of a credit for right of way and easements shall be established on a case-by-case basis by an appraiser selected by, or acceptable to Mason County. The appraiser must be licensed in good standing by the State of Washington for the category of the property appraised. The appraisal shall be in accord with the most recent version of the Uniform Standards of Professional Appraisal Practice and shall be subject to review and acceptance by Mason County. The appraisal and review shall be at the expense of the applicant.
6. Period of Expenditure: The current owner of property on which traffic mitigation fees have been paid may receive a refund of such fees if the mitigation fees have not been expended or encumbered within [10, 15, 20] years of receipt of mitigation fees, unless Mason County has made a written finding that extraordinary or compelling reasons exist to extend the time for expending or encumbering the mitigation fees. [SEPA does not limit years of collection; the County may do so voluntarily.]
7. The Planned Action Share Transportation Fees will be incorporated into Mason County's master fee schedule. Fees shall be subject to biennial review to affirm the cost basis. Mason County may amend the fee based on cost indices to address inflation.