

ORDINANCE NUMBER 82-96
MASON COUNTY ORDINANCE

AN ORDINANCE establishing Development Regulations for Mason County and amending Mason County Title 16, Plats and Subdivisions, under the authority of Chapters 36.70 and 36.70A RCW.

WHEREAS, the Board of County Commissioners held a public hearing on June 11, 1996, to consider the recommendations of the Mason County Planning Commission, citizens, and Department of Community Development on Development Regulations necessary to implement the Mason County Comprehensive Plan, changes to existing county ordinances necessary to bring them into consistency with the Comprehensive Plan.

WHEREAS, the Mason County Planning Commission formulated its recommendations after a public hearing on May 20, continued on May 29, 1996.

WHEREAS, these hearings were duly advertised public hearings.

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Board of County Commissioners of Mason County hereby ADOPTS the development regulations and amendments to Title 16 as attached.

DATED this 25th day of June, 1996.

Board of County Commissioners
Mason County, Washington

Mary Jo Cady
Mary Jo Cady, Chair

M. h. Faughender
Marv Faughender, Commissioner

William O. Hunter
William O. Hunter, Commissioner

ATTEST:

Deanne L. Zorn for
Clerk of the Board
Rebecca S. Rogers

APPROVED AS TO FORM:

Shelley, Deputy
Prosecuting Attorney

Development Regulations

for

**Mason County
Washington**

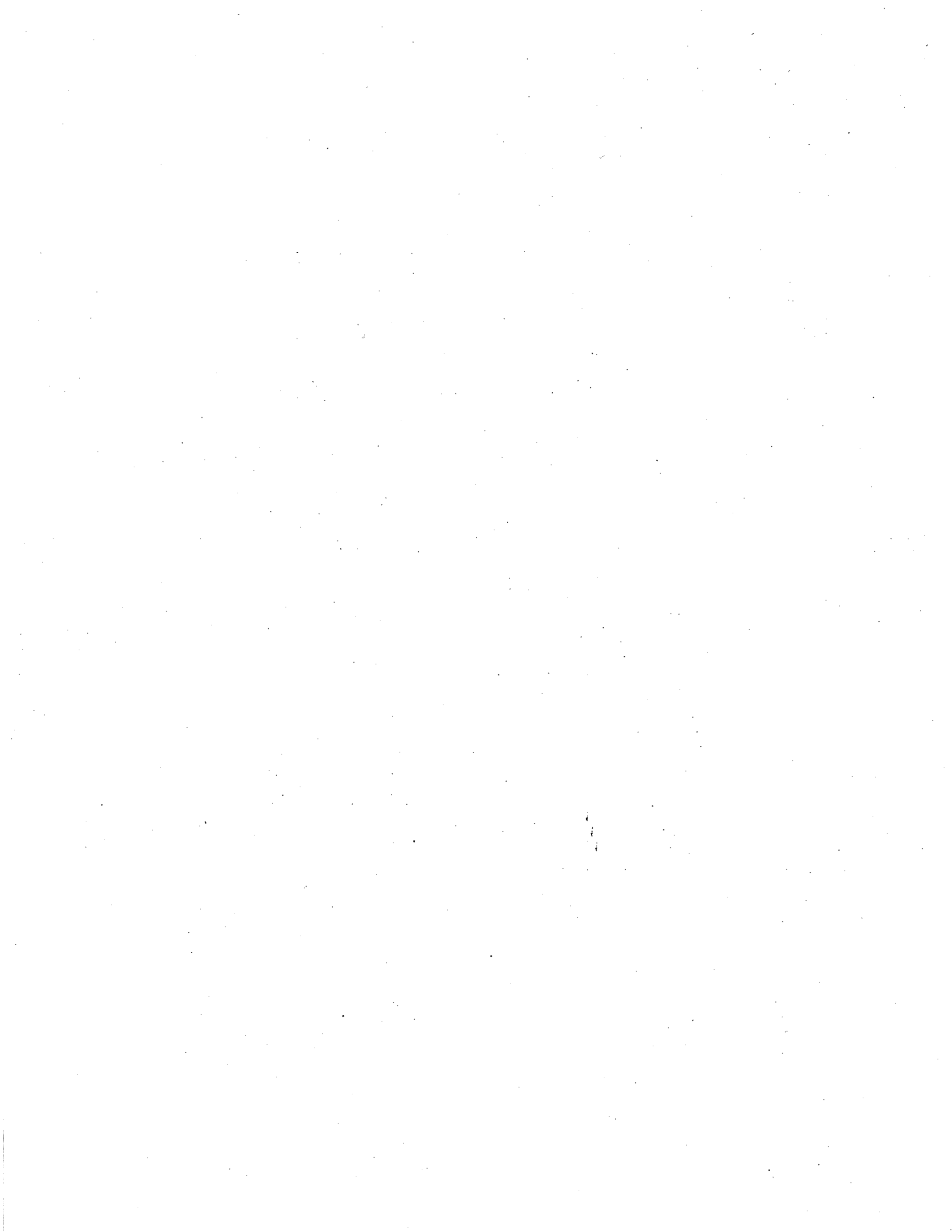
Ordinance No. 82-96

Adopted by

**Mason County
Board of County Commissioners
June 17, 1996**

Prepared by

**Mason County Department of Community Development
AHBL, Tacoma, Washington**



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**MASON COUNTY
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1.01
General Provisions

1.01.010 Purpose

The purpose of this Chapter is to provide a framework for the development of land in Mason County; and to assure that such development occurs in such a way that it protects private property rights and existing land uses while also protecting natural resources, promoting economic growth and assuring the compatibility of proposed land uses with existing ones.

1.01.020 Short Title

This title shall be known as the Mason County Development Regulations.

1.02
Development Areas Defined

1.02.010 General

For the purpose of regulating development activity within Mason County, the County is divided into three general types of development areas. These areas contain characteristics which have been identified in the Mason County Comprehensive Plan as worthy of preservation and/or enhancement, and their designation herein is intended to promote orderly development in a manner which is consistent with that Plan. The three area types, and their sub-types, are as follows:

1.02.020 Urban Growth Areas

Urban Growth Areas (UGA) are land areas identified as such in the Comprehensive Plan. These areas have urban characteristics, but they currently lie outside of incorporated cities. In recognition of the availability of urban services and the proximity to urban areas, these areas are designated to accommodate the majority of the growth which is expected to occur within the County in the foreseeable future. The widest variety of uses and the highest densities will be allowed in Urban Growth Areas. Two UGA's exist within the County: Shelton UGA and Belfair UGA.

1.02.022 Shelton UGA

The Shelton UGA has separate development regulations to assure compatibility with the City of Shelton as these properties are annexed into the city. With regard to the Shelton UGA only, these Development Regulations are intended to serve as interim regulations until such time as mutual agreement is reached between the City of Shelton and Mason County concerning the adoption of more permanent regulations.

1.02.024 Belfair UGA

The Belfair UGA is a "stand-alone" area not affiliated with any incorporated city. Development regulations for this area are intended to accommodate existing land use patterns and densities, while planning for future growth.

1.02.030 Resource Lands

The term "resource land" is used to cover a variety of land use types in areas which have value due to their soil types, ground cover, or capacity for mineral extraction. Lands with intrinsic value due to aesthetic considerations are also included in this category. Examples of Resource areas are as follows:

1.02.032 National Parks

Lands set aside as National Parks are identified due to their natural or cultural value.

1.02.034 National Forests

National Forests are lands owned and managed by the federal government. These lands serve important functions as a resource for the supply of forestry products. In addition, these lands are recognized for their ecological value as wildlife habitat and other uses. As with National Parks, these lands are unavailable for development.

1.02.036 Long-Term Commercial Forests; Mineral Resource Lands

These land designations are intended to recognize and protect unique resources that, due to the nature of their operations, are sensitive to abutting land uses. This Ordinance sets forth regulations intended to minimize the impact of intrusion of less compatible land uses upon these land use types.

1.02.040 Rural Lands

Rural lands are divided into five general types, as follows:

1.02.042 Rural Areas

These areas are intended to allow for a limited range of land uses which will maintain a "rural character." It is expected that the predominant development pattern will be residential, and will allow for a range of housing types. Residential subdivisions will be encouraged to develop in a cluster type of development, in order to maximize the preservation of open space. New industrial uses will be "resource-based." Existing industrial and commercial uses will experience limited expansion opportunities.

1.02.044 Rural Activity Centers

These areas are designated where existing communities with established settlement patterns exist. These areas are smaller in both size and scale than urban areas. The areas are characterized by small-scale concentrations of commercial, service, industrial and civic uses, as well as a mix of residential uses on small lots. Further development in these areas shall not allow for extension of urban services or facilities.

1.02.046 Rural Community Centers

These areas provide a geographically small focal point and community identity for surrounding rural areas. Such a focal point may revolve around a church, a post office, a community center, or even an automobile service station. These areas are not intended to accommodate urban-scale development, and they shall not promote residential development except at densities consistent with General Rural Areas.

1.02.047 Resource Conservation Master Plan (RCMP)

Resource Conservation Master Plan RCMP areas provide the opportunity for well planned development, consistent with rural character, within Rural Lands. They may be developed through a Planned Unit Development (PUD) or a mixed Use development. RCMPs would require a 20-acre minimum parcel size, clustering, open space and a portion of the site to remain in a resource use such as forestry, mineral extraction, horticulture, agriculture, or aquaculture. Development of an area using this option will require comprehensive plan and development regulation amendments.

1.02.048 Working Rural Areas

These areas are used for long-term resource-related activities such as forestry, agriculture and mineral extraction. This designation is intended to protect these uses from encroachment by incompatible land uses. The Comprehensive Plan anticipates that some of these lands may be converted to other, more intensive land uses over time. Such conversion will require an amendment to the Comprehensive Plan, and to the Development Areas Map found at Section 1.02.050.

1.02.049 Inholding Lands

Inholding lands are lands surrounded by long-term commercial forests, but which are not suitable due to parcel size or other constraint for that purpose. Inholding lands may be developed, but only in a manner which assures the viability of the abutting forest land.

1.02.060 Development Areas Map

The Development Areas Map attached hereto is adopted as the Official Map of Mason County. The boundaries and locations of all Development Areas within the County shall be as shown on this map. Wherever possible, boundaries shown on the map are drawn along property lines, or along generally-recognized physical features. The Administrator shall have sole authority to settle any dispute as to the actual location of a Development Area boundary shown on the map, using the best information available.

1.02.062 Uncertainty of boundaries.

When uncertainty exists as to the boundaries of areas as indicated on the Development Areas map, the following rules shall apply:

- A. Boundaries shown as approximately following streets, alleys or highways shall be construed as following the centerline of such feature.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Distances not specifically indicated on the map shall be determined by applying the scale of the map.
- D. Where a boundary line divides a lot of single ownership, the less restrictive development requirements shall apply; provided, however, that the lot has street frontage in the less restrictive Development Area. If the lot has no frontage in the less restrictive development area, then the regulations for that portion of the property where street frontage exists shall govern the entire parcel.

1.02.064 Changes in Boundaries

- A. Any change in any boundary shown on the Development Areas Map shall be made by adopting an amended Development Areas Map. The procedure for such an amendment is found in Section 1.05.079.
- B. No change in the boundary of any Development Area shall be approved unless such change is found to be in compliance with the Comprehensive Plan.

INSERT MAP HERE

(Note: the Development Areas Map is derived from the Future Land Use map found at Section IV-1.3 of the Mason County Comprehensive Plan. Rural Community Centers will be shown on this map as they become identified "on the ground.")

1.03 Development Requirements

1.03.010 Permitted Uses, Generally

It is the intent of this Chapter to provide for the maximum amount of flexibility in the siting of differing types of land uses. For this reason, the performance standards and buffer yard requirements found at Section 1.03.036 have been developed. However, both the Comprehensive Plan and this Chapter recognize that some uses and densities will create inherent conflicts with surrounding land uses, and with the intent of the Comprehensive Plan. Thus, some uses are prohibited in some areas, and the intensity of some uses (such as residential, expressed in dwelling units per acre, and industrial, expressed in floor area ratio) are restricted in others.

1.03.020 Matrix of Permitted Uses

The intent of this section is to assist proponents and staff in determining whether a proposed land use is consistent with the appropriate policies of the Comprehensive Plan. Those policies were formed with the intention to allow property owners and project proponents as much flexibility as possible in the use of their property, within the constraints of the Growth Management Act. Therefore, the following matrix is intended to identify, for the sake of simplicity of usage, whether a particular land use fits the urban or rural character of the area where it is proposed. However, it is recognized that such an approach is limited in its ability to deal fairly with each unique project proposed. If a proponent can demonstrate, through studies of such measures as trip generation, type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele characteristics of the use, that the land use of the project as proposed is appropriate for the location proposed, such demonstration shall be considered by the Administrator in addition to the information in the matrix.

1.03.021 Home-based Occupations; Cottage Industries

Unless noted by an asterisk (*) any use shown in FIGURE 1.03.020, or any use permitted pursuant to Sections 1.03.022 or 1.03.024, is permitted in any development area as a home-based occupation, or as a cottage industry.

**MASON COUNTY
MATRIX OF PERMITTED USES
FIGURE 1.03.020**

Description of Use	Land Use Classification	Urban Growth Areas	Resource Area	Working Rural Area	Rural Area	Rural Activity Center	Rural Community Center
Accessory apartment or use	I	X	X	X	X	X	X
Adult retirement community	III	X					
Adult-day care facility	II	X				X	
Agricultural buildings	I		X	X	X	X	
Agricultural crops; orchards	I		X	X	X	X	
Airport	VI	X					
Ambulance service	V	X				X	
Animal Hospital	V	X			X	X	
Aquaculture	IV	X	X	X	X	X	X
Assisted living facility	III	X				X	
Auction house/barn (no vehicle or livestock)	V	X		X	X	X	
Automobile service station	V	X				X	X
Automobile wash	V	X				X	
Automobile, repair	V	X				X	
Automobile, sales	V	X					
Bakery	IV	X				X	X
Banks, savings & loan assoc.	IV	X				X	
Bed & breakfast	IV	X		X		X	
Bicycle paths, walking trails	II, I	X	X	X	X	X	X
Billiard hall & pool hall	V	X					
Blueprinting & photostating	V	X					
Boat yards	V	X				X	
Bowling Alley	II	X				X	X
Buy-back recycling center	V	X					

USE NOT PERMITTED AS HOME-BASED OCCUPATION OR COTTAGE INDUSTRY

**MASON COUNTY
MATRIX OF PERMITTED USES
FIGURE 1.03.020**

Description of Use	Land Use Classification	Urban Growth Areas	Resource Area	Working Rural Area	Rural Area	Rural Activity Center	Rural Community Center
Cabinet shops (see Industry, light)	V	X				X	
Carpenter shops (see Industry, light)	V	X					
Carport (accessory use)	I	X	X	X	X	X	X
Cemeteries	I	X		X	X	X	X
Child day care, commercial	II	X				X	X
Child day care, family	I	X	X	X	X	X	X
Church	II	X			X	X	X
Club or lodge, private	IV	X				X	X
Commercial outdoor rec.	II	X	X	X	X	X	X
Confectionery stores (see Retail sales)	IV	X				X	
Contractor yards	V	X		X		X	
Convenience store, 3,000 sf or less	V	X			X	X	X
Cottage Industries	IV	X	X	X	X	X	X
Department stores (see Retail sales)	V	X					
Distributing facilities (see Industry, light)	V	X				X	
Drug stores (see Personal services)	V	X				X	
Dry cleaners (see Personal services)	V	X				X	
Dwelling, multi-family (4 family or less)	II	X				X	X

*USE NOT PERMITTED AS HOME-BASED OCCUPATION OR COTTAGE INDUSTRY

**MASON COUNTY
MATRIX OF PERMITTED USES
FIGURE 1.03.020**

Description of Use	Land Use Classification	Urban Growth Areas	Resource Area	Working Rural Area	Rural Area	Rural Activity Center	Rural Community Center
Dwelling, multi-family (5 family or greater)	III	X					
Dwelling, single-family	(See Figure 1.03.034)	X	X	X	X	X	X
Electric/neon sign assembly, servicing repair	V	X					
Espresso Stands	IV	X				X	X
Fire Stations	IV	X	X	X	X	X	X
Flea market	V	X				X	X
Food markets & grocery stores	V	X				X	X
Forestry	VI		X	X	X		
Freight terminal, truck	V	X					
Fuel storage tanks (underground, >500 gal.)	I	X	X	X	X	X	X
Fuel storage tanks (underground, 500 gal. or less)	I	X	X	X	X	X	X
Fuel storage tanks, above ground	I	X	X	X	X	X	X
Furniture repair (see Industry, light)	V	X				X	
Garage, private	I	X	X	X	X	X	X
Garage, public parking	V	X					
Gravel Extraction	VI		X	X	X		
Greenhouses, private & non-commercial	I	X	X	X	X	X	X
Group homes	III	X				X	X

*USE NOT PERMITTED AS HOME-BASED OCCUPATION OR COTTAGE INDUSTRY

**MASON COUNTY
MATRIX OF PERMITTED USES
FIGURE 1.03.020**

Description of Use	Land Use Classification	Urban Growth Areas	Resource Area	Working Rural Area	Rural Area	Rural Activity Center	Rural Community Center
Hardware stores 10,000 sf or less	IV	X				X	X
Hardware stores more than 10,000 sf	V	X					
Health club	V	X				X	
Heavy Industry	VI	X					
Home occupation	I	X	X	X	X	X	X
Horticultural nursery, wholesale and retail	IV	X	X	X	X	X	X
Hospitals	V	X					
Hotel	IV	X				X	
Industry, light	V	X				X	
Inn	IV	X				X	X
Kennels	IV	X		X	X	X	X
Libraries	II	X				X	X
Liquor stores	V	X				X	X
Livestock	IV	X	X	X	X	X	X
Locksmiths	IV	X				X	
Logging	VI		X	X	X		
Lumber yards	V	X		X		X	X
Machine shops, punch press up to 5 tons (see Industry, light)	V	X				X	
Marina	V	X		X	X	X	X
Medical-dental clinic	IV	X				X	X
Mining	VI		X	X	X		

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**MASON COUNTY
MATRIX OF PERMITTED USES
FIGURE 1.03.020**

Description of Use	Land Use Classification	Urban Growth Areas	Resource Area	Working Rural Area	Rural Area	Rural Activity Center	Rural Community Center
Mobile home park	III	X				X	X
Mobile Home Sales	V	X				X	
Mortuaries	IV	X				X	
Motel	IV	X				X	
Motor vehicle impound yard in enclosed bldg. (see Industry, light)	V	X				X	
Non-automotive, motor vehicle and related equipment sales, rental, repair and service	V	X				X	
Paint shop (see Industry, light)	V	X				X	
Parcel service delivery (see Industry, light)	V	X				X	
Parking area, private	I	X	X	X	X	X	X
Parking area, public	IV	X				X	X
Pasture	I	X	X	X	X	X	X
Pesticide application service (see Industry, light)	V	X				X	
Pet shop	IV	X				X	
Plumbing shop (see Industry, light)	V	X				X	
Plumbing supply yards (see Industry, light)	V	X				X	
Post Office, branch or contract station	II	X				X	X

*USE NOT PERMITTED AS HOME-BASED OCCUPATION OR COTTAGE INDUSTRY

**MASON COUNTY
MATRIX OF PERMITTED USES
FIGURE 1.03.020**

Description of Use	Land Use Classification	Urban Growth Areas	Resource Area	Working Rural Area	Rural Area	Rural Activity Center	Rural Community Center
Post Office, distribution center or terminal	V	X					
Printing establishments	V	X					
Professional offices	IV	X	X			X	
Public parks	II	X	X	X	X	X	X
Public utility facilities (services)	I	X					
Public utility service yard	V	X					
Radio & TV repair shops	IV	X				X	
Radio & TV transmission towers (incl. cellular phone towers)	IV	X	X	X	X	X	X
Recreational Vehicle Park	II	X		X	X		
Resource Based Industry	VI	X	X	X	X	X	X
Restaurant	V	X				X	X
Restaurants, drive-through	V	X					
Rifle Range *	VI		X	X	X		
Sawmills	VI	X	X	X	X	X	X
Schools, private, elementary or secondary	II	X			X	X	X
Secondhand store	V	X				X	
Self-service storage facility	V	X			X	X	X
Shoe stores or repair shop	IV	X				X	
Special Needs Housing	III	X				X	X
Stable, private	IV	X	X	X	X	X	X
Stationary store (see Retail sales)	IV	X				X	

*USE NOT PERMITTED AS HOME-BASED OCCUPATION OR COTTAGE INDUSTRY

**MASON COUNTY
MATRIX OF PERMITTED USES
FIGURE 1.03.020**

Description of Use	Land Use Classification	Urban Growth Areas	Resource Area	Working Rural Area	Rural Area	Rural Activity Center	Rural Community Center
Studios (i.e. recording, artist, dancing, etc.)	IV	X			X	X	X
Taverns	V	X				X	
Theaters, enclosed	V	X				X	
Tool sales & rental	V	X				X	X
Trailer-mix concrete plant	VI		X	X	X		
Upholstering	V	X				X	
Video store (rental, not adult) >5,000 sf	V	X					
Video store (rental, not adult) 5,000 s.f. or less	IV	X				X	X
Vocational school	II	X				X	
Warehousing	V	X					
Welding shops & sheets metal shops	V	X					
Wholesale	V	X					
Wrecking/Junk yards*	VI	X					

*USE NOT PERMITTED AS HOME-BASED OCCUPATION OR COTTAGE INDUSTRY

1.03.022 Uses Otherwise Permitted

The list of uses set forth in FIGURE 1.03.020 is not intended to be all-inclusive. If an applicant proposes a use which is not listed, the Administrator shall first determine whether the use is similar to a permitted use, utilizing the procedure set forth in Section 1.03.024. If the Administrator can not make an affirmative determination, then the applicant and the Administrator shall look to the Comprehensive Plan to determine whether such use was contemplated within the development area. The Administrator shall maintain a list of all such determinations and interpretations for use by future applicants, which list shall be submitted to the Board for review not less than once each year.

1.03.024 Similar Uses

The Administrator may authorize uses for all Development Areas that have similar characteristics to uses specifically cited in Chapter 1.03.020. In making an affirmative determination that a use is similar to one specifically cited in Chapter 1.03.020, the Administrator shall find that the land use characteristics fit the urban or rural character of the surrounding area by using measures such as trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele characteristics of the use. In making an affirmative determination, the Administrator should find that the use characteristics differ by less than 10 percent from the characteristics of the use specifically cited in Chapter 1.03.020.

1.03.026 Residential Uses as Special Uses

On any lot abutting a railroad track or airport, a Special Use Permit shall be required for a residential use of that property. A residential dwelling located more than one hundred fifty (150) feet from such a facility shall be exempt from this requirement, if the lot upon which the dwelling is to be placed is located within an Urban Growth Area.

1.03.028 Essential Public Facilities

Essential Public Facilities shall require a Special Use Permit in any development area, except that such facilities shall not be permitted in a Resource Area.

1.03.030 Development Requirements and Performance Standards

- A. The following development requirements and performance standards apply to all property proposed for development which is within the jurisdiction of Mason

County. No development approval shall be given, and no building permit shall be issued, unless the proposed development is in compliance with the provisions of this Chapter.

B. Nothing in this Ordinance shall be construed as prohibiting the placement of an on-site septic system in an Urban Growth Area, unless the property is located within three hundred (300) feet of an existing sewer line which has capacity to accommodate the proposed development. Such on-site septic system shall be professionally sited, designed, installed, monitored and maintained. System considerations shall include the following:

1. Meeting the regulations of the Mason County Health Department, Washington State Department of Health, or Washington State Department of Ecology, as appropriate.
2. Consider advanced forms of pretreatment prior to discharge into the soil.
3. Consider proprietary pretreatment devices to refine high strength commercial wastes prior to soil treatment and disposal.
4. Disinfection prior to disposal into the more sensitive environments.
5. System maintenance and monitoring by certified professionals under a program managed by the Mason County Health Department.

C. If a septic system is proposed for placement in an area identified for sewer line extension in the County's Capital Facilities Plan, then the County may approve the septic system with a condition that it be removed and the property connected to the sewer system within one year of sewer extension.

1.03.032 Minimum Lot Sizes, Development Densities and Dimensional Requirements

A. **Minimum Lot Size.** In general, there are no minimum lot sizes established in any development area. However, issues to be considered in establishing a minimum size for any particular lot shall include adequate provisions for buffer yards, as set forth in Section 1.03.036. In addition, in all areas not served by a public sewer system, determination of minimum lot sizes shall consider the requirements of the Mason County Board of Health in accordance with regulations regarding the placement of septic systems. Nothing in this Ordinance shall be construed as limiting the authority of the

County Board of Health in the regulation of on-site septic systems. Minimum lot size determines the smallest size lot upon which a structure may be placed. This measurement is NOT to be confused with minimum density, which determines the number of building lots which may be created from a larger parcel of land.

- B. **Maximum Development Densities.** Development densities for residential development are calculated as the allowed number of dwelling units per acre (DU/ac). For non-residential development, development densities are calculated as the amount of building floor area allowed per gross acre of land, the "floor area ratio" (FAR). For all Development Areas within the County, these development densities are shown in FIGURE 1.03.032.
- C. **Dimensional Requirements.** Dimensional requirements include setbacks, building height restrictions, and maximum allowed lot coverage. These requirements for each Development Area are set forth in FIGURE 1.03.032. Maximum height restrictions shall not apply to storage silos, antennas, transmission towers or water tanks.

**Figure 1.03.032
Development Densities;
Dimensional Requirements**

Description of Use	Standard Residential Density	Maximum Residential Density	Standard Non-Residential Density*** (Floor Area Ratio)	Maximum Building Size	Maximum Building Height	Setback Requirements
Shelton Urban Growth Area	4 du/ac	8 du/ac	1:1.5	n/a	35'	**
Belfair Urban Growth Area	4 du/ac	6 du/ac	1:1.5	n/a	35'	**
Mineral Resource Areas (x)	1 du/40 ac	1 du/40 ac	n/a	n/a	35'*	**
In-Holding Lands	1 du/5 ac	1 du/2.5 ac	1:20	10,000 sf	35'*	75' **
Working Rural Area (x)	1 du/5 ac	1 du/5 ac	1:10	10,000 sf	35'*	**
Rural Area	1 du/5 ac	1 du/2.5 ac	1:20	n/a	35'*	**
Rural Activity Center	2 du/ac	8 du/ac	1:1.5	10,000 sf	35'	**
Rural Community Center	1 du/5ac	1 du/2.5 ac	1.5	10,000 sf	35'	**

- * resource-based activities are exempt from this requirement
- ** see buffer yard standards
- *** fire stations exempt from this requirement
- (x) clustering of residential development is required

1.03.033 Performance-Based Density Bonuses

The "Maximum Residential Densities" shown in FIGURE 1.03.032 may be achieved only through the use of the performance standards set forth herein and in Title 16. These standards are designed and intended to encourage the preservation of the character of the land surrounding the proposed land use. The achievement of these bonuses will, in most cases, require an analysis of the land to document existing conditions, opportunities and constraints. Use of this information will assist in determining the most appropriate development pattern for each individual site.

1.03.034 Classification of Land Uses Established

In order to determine the compatibility of differing land uses, and to minimize the impacts that development may have on abutting property, all land uses permitted in Mason County are classified into six categories. Those categories are illustrated in FIGURE 1.03.034.

1.03.035 Cluster Development Required

Cluster development is required for all residential subdivisions located in the following development areas: Long-term Commercial Forests, Mineral Resource Areas, and Working Rural Areas.

FIGURE 1.03.034
Classification of Land Uses

Category I

Open Space

- Passive recreation areas
- Walking or hiking trails
- Cemeteries

Residential, Type I

- Detached, single-family dwelling; 1du/20 ac. or greater
- Accessory apartment
- Home occupation
- Child day care, family

Agriculture, Type I

- Crops
- Orchards
- Vineyards
- Pasture
- Farm stands
- Greenhouses, no sales to the public

Category II

Residential, Type II

- Detached, single-family dwelling; 1du/ac. to 1du/20 ac.
- Two to four-family dwelling; 1du/ac. or greater

Public Institutional

- Schools
- Churches
- Libraries
- Post Offices

Recreation

- Parks
- Active recreation areas
- Bicycle/equestrian trails

Group Care Facilities, Type I

- Adult-day care facility
- Child day care, commercial

- Group homes

Lodging, Type I

- Campgrounds
- RV parks
- Bed and Breakfast, 12 or fewer guest rooms
- Vacant land

Category III

Residential, Type III

- Attached or detached single-family dwellings, more than 1 du/ac
- Multi-family dwellings
- Mobile home parks

Group Care Facilities, Type II

- Adult retirement communities
- Assisted living facilities

Category IV

Lodging, Type II

- Bed and Breakfast
- Motel
- Boarding House
- Hotel

Commercial, Type I

- (hours of operation limited to 7:00a.m. to 8:00p.m.)
- Professional offices
 - Retail, less than 10,000 s.f.
 - Medical clinics
 - Banks

Agriculture, Type II

- Greenhouses
- Nursery yards
- Livestock
- Kennels
- Parking Areas, Lots

- Cottage Industries

Category V

Commercial, Type II

- Retail, general
- Hospitals
- Animal clinics
- Automobile service station
- Vehicle sales
- Vehicle repairs
- Auction house
- Contractor yards
- Home and garden centers
- Health clubs
- Wholesale
- Boat yards/marinas
- Mobile home sales

Industrial, Type I

- Warehouse, distribution
- Light Industry
- Wholesale

Category VI

Industrial, Type II

- Heavy industry
- Mining, extraction
- Airport

Agriculture, Type III

- Forestry
- Logging

Rifle range

Wrecking/junk yard

1.03.036 Buffer and Landscape Requirements

As a method for allowing the placement of differing land uses adjacent to one another, buffer yards shall be required. The location, size and type of buffer yard shall be determined by comparing the category of the proposed land use with the categories of all abutting land uses, in accordance with FIGURE 1.03.036. Buffer yard requirements are stated in terms of the number of plant units required per one hundred (100) linear feet of buffer yard. Any land set aside as a buffer yard may be used in calculating the development density of a parcel of land.

- A. It is the intent of this section that the establishment of any buffer yard pursuant to the criteria set forth herein will result in full compliance with the standards for maximum environmental noise levels as set forth in WAC 173-60. Buffer yards exceeding the minimum requirements of this Section may be required in the event that maximum environmental noise level requirements are not met. It shall be the sole responsibility of the owner of the property upon which the buffer yard is established to assure compliance with these state-established noise levels.

- B. **Determination of Buffer Yard Requirements.** To determine the type of buffer yard required between two adjacent parcels, or between a parcel and a street, the following procedure shall be followed:
 - 1. Identify the land use category of the proposed use by referring to FIGURE 1.03.034.
 - 2. Identify the uses of all adjacent properties by on-site survey.
 - 3. Identify the land use categories of all adjacent parcels by referring to FIGURE 1.03.034.
 - 4. Determine the buffer yard required on each boundary (or boundary segment) by referring to FIGURE 1.03.036.

- C. **Responsibility for buffer yard.**
 - 1. When a use is the first use to develop on one of two adjacent, vacant parcels, the first use shall provide the buffer which FIGURE 1.03.034 requires next to vacant land. The second use to develop shall, at the time of its development, provide all additional plant material and/or land necessary to provide the total buffer yard required between those two uses.

2. When an existing use changes to a higher intensity use as determined by FIGURE 1.03.034, all of the buffer yard requirements of this Chapter shall be met.
 3. When an existing use expands, the Administrator shall determine whether the extent and location of the expansion shall require conformity with this Chapter. In making such determination, the Administrator may consider the size, location and purpose of the expansion, the relationship of any existing structures to the expansion, and the nature of surrounding land uses.
- D. Exemption from Buffer Yard Requirements. When a land use requires direct and unobstructed access to an adjacent transportation facility such as a railroad or airport, the requirements of this Chapter shall be waived to the extent necessary to allow for such access.
- E. Use of Existing Materials.
1. Existing, healthy plant materials on a parcel may be used to meet the requirements of this Chapter.
 2. Any open space created pursuant to Chapter 16.22 may be used to meet the requirements of this Chapter.
 3. Any wetland or associated buffer set aside pursuant to any federal, state or County environmental regulation may be used to meet the requirements of this Chapter.
- F. Required Plant Material Specifications. FIGURE 1.03.039 identifies the minimum sizes of the various types of plant materials required under this Chapter.
- G. Substitution of Plant Materials.
1. In buffer yards D, E, and F, evergreen canopy or evergreen under story trees may be substituted for deciduous canopy or under story without limitation.
 2. In buffer yards A, B, and C, up to fifty (50%) percent of deciduous canopy or under story may be substituted with evergreen canopy or under story.
 3. In all buffer yards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.

H. Maintenance of Plant Materials.

1. All planting materials required by this Section shall be maintained by the property owner in a manner to assure the health of the planting, and to assure that the buffer yard continues to serve its intended function.
2. If any required planting materials shall cease to serve their intended function due to size, age or health, the property owner shall replace such planting material with the same or similar plant types, as provided herein.

I. Variations of buffer yard requirements.

1. In all buffer yards, planting requirements may be reduced by twenty-five (25%) percent by increasing the width of the buffer by fifty (50%) percent.
2. In all buffer yards, the required width of the buffer yard may be reduced by fifty (50%) percent by increasing the amount of plantings by one hundred (100%) percent.
3. In buffer yards A and B, the buffer yard width OR the amount of planting may be reduced by fifty (50%) percent if any fence or berm shown in FIGURE 1.03.037 is used.
4. In buffer yard C, the buffer yard width OR the amount of planting may be reduced by fifty (50%) percent if a structure F3 or above is used.
5. In buffer yard D, the buffer yard width OR the amount of planting may be reduced by fifty (50%) percent if a structure F4 or B2 or above is used.
6. In buffer yards E and F, the buffer yard width OR the amount of planting may be reduced by fifty (50%) percent if a structure F6 or BW1 is used.

J. Uses allowed in a buffer yard.

1. Where a wetland or open space set aside for any other purpose is used as a buffer yard, any use normally allowed in such wetland or open space may be allowed also within the buffer yard, except that mining, logging, or other forestry activities shall not be permitted in a buffer yard.

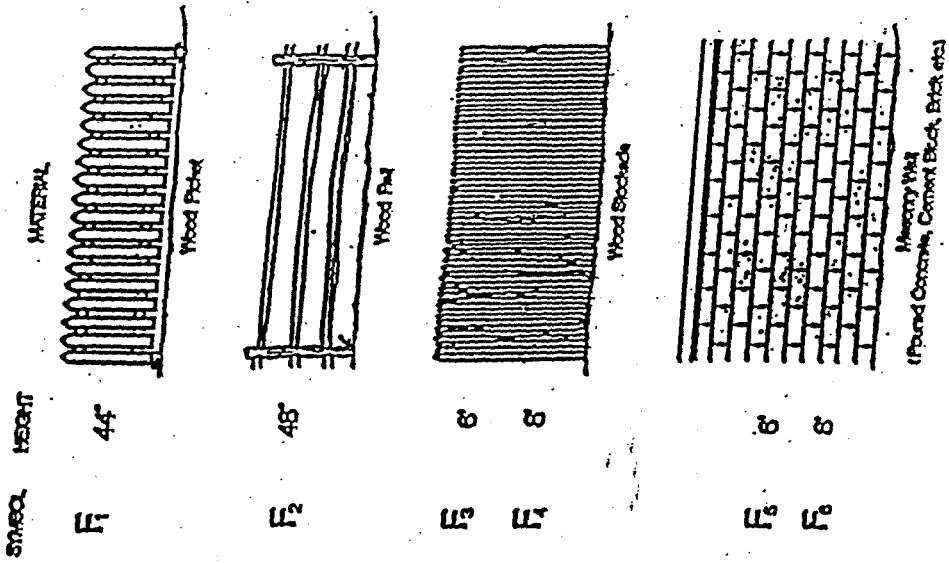
2. Required stormwater facilities may be located within buffer yards, provided that the landscaping of such facility complies with the requirements of this Section.

Figure 1.03.036 Buffer Yard Requirements						
	Adjacent Existing Land Use Classification					
Proposed Land Use Intensity Class	I	II	III	IV	V	VI
I	A	B	C	D	E	F
II	B	A	B	D	D	F
III	C	B	A	C	D	E
IV	D	D	C	B	D	E
V	E	D	D	D	C	D
VI	F	F	E	E	D	D

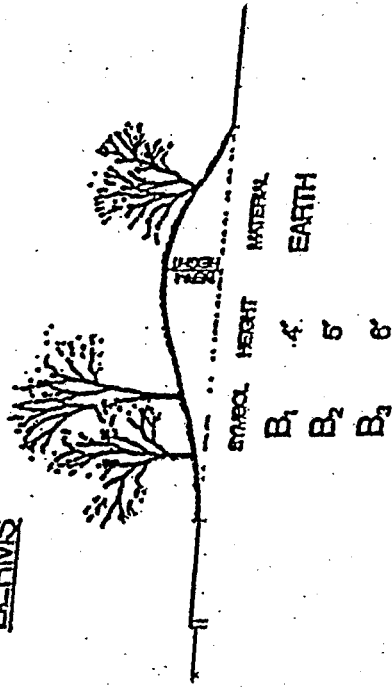
Illustrations of
Berms and Fences

Figure 1.03.037

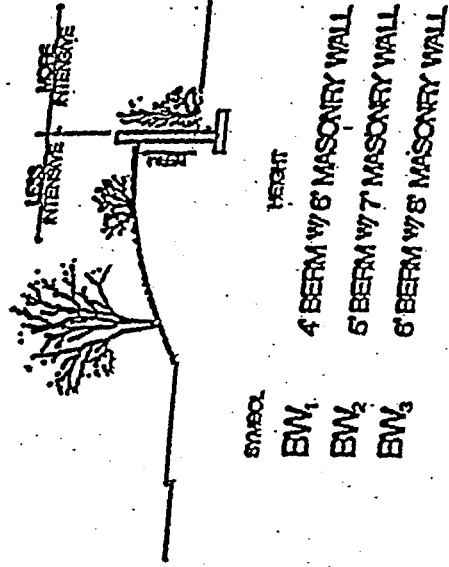
FENCES



BERMS



BERM WALLS



**FIG. 1.03.038,
BUFFER YARD STANDARDS**

	Bufferyard A	Bufferyard B	Bufferyard C	Bufferyard D	Bufferyard E	Bufferyard F
Buffer Width	5'	10'	15'	20'	25'	50'
STRUCTURE REQUIRED	no	no	no	F3 or B1*	F4 or B2*	F5 or B3*
PLANT UNITS/100'						
CANOPY TREES	0.6	1	2	3	4	8
UNDER STORY TREES	1	2	4	6	6	12
SHRUBS	0	3	6	9	24	48
EVERGREENS	0	0	0	0	12	24

* see FIGURE 1.03.037 for structure details.

**Figure 1.03.039
Plant Material Types**

Plant Material Type	Planting in Buffer Yards abutting Vacant Lands	All Other Plantings
Canopy Tree (Deciduous)		
Single Stem	1 1/2 inch caliper	2 inch caliper
Multi-Stem Clump	6 feet height	8 feet height
Under story Tree (Deciduous)	4 feet height	6 feet height
Evergreen	4 feet height	6 feet height
Shrub		
Deciduous	1 gal (15 inches height)	2 gal (24 inches height)
Evergreen	1 gal (12 inches height)	2 gal (18 inches height)

NOTE: These requirements refer to the minimum size of plant materials at the time of planting.

1.03.040 Off-Street Parking and Loading

Note: These requirements will be adapted from ordinance #815, Mason County Parking Standards

**1.04
(Reserved)**

1.05
Administrative Procedures

1.05.010 Nonconforming Buildings and Uses

1.05.011 Applicability

The provisions of this Section shall apply to buildings, lands or uses which become nonconforming as a result of the application of this Ordinance to them, or from the classification or reclassification of the property under this Ordinance, or any subsequent amendment thereto.

1.05.012 Continuing Existing Uses

- A. Any lawful use of land and/or building or structure, either existing or under construction, may be continued, without regard to whether the use or building becomes nonconforming as a result of application of this Ordinance.
- B. Any lawful use of land and/or building or structure for which a use or building permit has been applied may (subject to the issuance of such permit) be completed, and may be used as intended, without regard to whether the use or building would be nonconforming as a result of application of this Ordinance.
- C. Any lawful use of land and/or building or structure which is vested by application of state law may be completed, and may be used as intended, without regard to whether the use or building would be nonconforming as a result of application of this Ordinance.

1.05.014 Alterations and Enlargements

- A. Unless otherwise specifically provided in this Ordinance, nonconforming buildings shall not be enlarged or structurally altered unless the enlargement or alteration is required by law, or unless the enlarged building area is occupied by a conforming use. Any such enlargement or structural alteration shall meet the buffer requirements of this Ordinance, as those buffer requirements are applied to the entire parcel of land, subject to the determination of the Administrator, as set forth in Section 1.03.036(C)(3).
- B. Nonconforming non-residential uses and structures located outside Urban Growth Areas may be permitted to expand, subject to the following conditions:

1. The floor area of the existing building(s) shall not increase by more than twenty (20%) percent or ten thousand square feet, whichever is greater; and
 2. The buffer yard requirements of this Ordinance shall be applied to the entire parcel of land, and shall be met, subject to the determination of the Administrator, as set forth in Section 1.03.036(C)(3).
- C. Normal upkeep, repair and maintenance of nonconforming structures is permitted, provided that such activities shall not increase the nonconformity of the use or structure(s).
- D. Unless otherwise specifically provided in this Ordinance, no nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than occupied by such use at the time this Ordinance becomes effective.
- E. Unless otherwise specifically provided in this Ordinance, no nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel of land occupied by the nonconforming use at the time this Ordinance becomes effective.

1.05.016 Abandonment; reconstruction

- A. If any nonconforming use of land and/or building is abandoned, or ceases for any reason whatsoever (including destruction of the building) for a period of two years or more, then any future use of such land and/or building shall conform to the provisions of this Ordinance. Upon written request of the property owner, the Administrator shall grant one, one-year extension to the aforementioned two-year period.
- B. Any nonconforming building or structure which has been damaged or destroyed by fire, earthquake, flood, wind or other disaster may be rebuilt for the same nonconforming use only, subject to the following restrictions:
1. The restoration or repair of such nonconforming building shall not serve to extend or increase the nonconformance of the original building or use; and

2. A building permit allowing for such restoration or repair must be issued within two years of the disaster. Upon written request of the property owner, the Administrator shall grant one, one-year extension to the aforementioned two-year period.

1.05.018 Change of Use

- A. Any nonconforming use of land shall not be changed to any other use, unless the new use conforms to the provisions of this Ordinance.
- B. Any nonconforming use of a structure shall not be changed to any other use, unless:
 1. The new use conforms to the provisions of this Ordinance; or
 2. The new use is of equal or lesser intensity than the previous use, as determined by the Classification of Land Uses, FIGURE 1.03.034.

1.05.020 Temporary Uses

1.05.022 Temporary Construction Buildings

Temporary structures for the housing of tools and equipment, or buildings containing supervisory offices in connection with construction projects, may be established and maintained during the progress of construction on such progress. Such buildings and/or structures shall be abated and removed from the premises within thirty (30) days after completion of the project, or thirty (30) days of cessation of work.

1.05.023 Temporary Construction Signs

Signs identifying persons engaged in or responsible for construction on a site shall be permitted while construction is in progress upon the issuance of a building or use permit. Such sign shall not exceed 64 square feet (per face) in size, and shall be removed within six (6) months of its placement on the site.

1.05.030 Variances

1.05.031 Purpose

The purpose of this Section is to provide a means of altering the requirements of this Ordinance in specific instances where the strict application of these

regulations would deprive a property of privileges enjoyed by other properties which are similarly situated, due to special features or constraints unique to the property involved.

1.05.032 Use Variances Prohibited

No variance shall be granted to permit the establishment of a use otherwise prohibited within the development area in which the property concerned is located, except as provided in Section 1.05.018(B). Applications for such variances shall not be accepted for processing or review.

1.05.034 Granting of Variances Authorized

- A. The Board of County Commissioners shall have the authority to grant a variance from the provisions of this Ordinance when, in their opinion, the conditions set forth in Section 1.05.036 have been met. The Board shall have the authority to attach conditions to any such variance when, in their opinion, such conditions are necessary to protect the public health, safety or welfare, or to assure that the spirit of this Ordinance is maintained.
- B. The Administrator shall have the authority to grant a variance from the provisions of this Ordinance when the granting of such variance will result in a measurable deviation of ten (10%) percent or less from the provisions set forth in this Ordinance. In issuing such variance, the Administrator shall make a positive determination that the conditions set forth in Section 1.05.035 have been met. The Administrator shall have the authority to attach conditions to any such variance when, in his (her) opinion, such conditions are necessary to protect the public health, safety or welfare, or to assure that the spirit of this Ordinance is maintained.

1.05.035 Findings Required for Approval of a Variance

Before any variance is granted, the granting authority shall make a positive determination regarding each of the following factors:

- A. That there are special circumstances applicable to the subject property such as shape, topography, location or surroundings, which circumstances do not apply generally to other properties in the same Development Area;

- B. That the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity, but because of special circumstances is denied to the property in question;
- C. That the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity in which the subject property is located; and
- D. That the granting of the variance is in substantial harmony with the Comprehensive Plan.

1.05.036 Procedural Requirements for a Variance

- A. Application for a variance shall be made to the Department of Community Development, on forms furnished by the County.
- B. Any application for a variance shall include an application fee as established by the Board.
- C. Variance applications decided by the Board shall require a Public Hearing, as set forth in Section 1.05.050 of this Ordinance.

1.05.040 Special Uses

1.05.041 Purpose

A Special Use is one which possesses unique characteristics due to size, nature, intensity of use, technological processes involved, demands upon public services, relationship to surrounding lands, or other factors. The purpose of this Section is to provide for adequate oversight and review of such development proposals, in order to assure that such uses are developed in harmony with surrounding land uses, and in a manner consistent with the intent of this Ordinance and the Comprehensive Plan.

1.05.042 Authority

The Board shall have authority to hear and decide all applications for Special Use permit. The Board may approve, approve with conditions, or deny any application for Special Use permit, based upon the Decision Criteria set forth in Section 1.05.044. The Board shall have the authority to attach such conditions as may be appropriate to accommodate the Decision Criteria set forth in Section 1.05.044.

1.05.044 Decision Criteria

The Board shall review Special Use permit applications in accordance with the following criteria. The Board shall not approve any application for a Special Use permit unless it makes an affirmative finding with regard to each of these criteria.

- A. That the proposed use will not be detrimental to the public health, safety and welfare;
- B. That the proposed use is consistent and compatible with the intent of the Comprehensive Plan;
- C. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated through appropriate measures to protect adjacent properties and the community at large;
- D. That the proposed use is served by adequate public facilities which are in place, or planned as a condition of approval or as an identified item in the County's Capital Facilities Plan;
- E. That the proposed use will not have a significant impact upon existing uses on adjacent lands; and
- F. If located outside an Urban Growth Area, that the proposed use will not result in the need to extend urban services.

1.05.046 Procedural Requirements for a Special Use Permit

- A. Application for a Special Use Permit shall be made to the Department of Community Development, on forms furnished by the County.
- B. Any application for a Special Use Permit shall include an application fee as established by the Board.

- C. Special Use Permit applications shall require a Public Hearing, as set forth in Section 1.05.050 of this Ordinance.

1.05.050 Hearings and Notices

Upon receipt of any application which requires a public hearing, the Administrator shall set the date for such hearing. The hearing date shall be established in such a manner as to allow for adequate public notice as set forth in Section 1.05.052, and shall also allow for sufficient time to allow for the Department of Community Development to review the proposal and provide a report to the Board.

1.05.052 Public Notice Requirements

The following are the minimum requirements for public notice for any hearing. Any costs associated with mailings or publication required under this Section shall either be paid by the applicant directly, or reimbursed by the applicant to the County prior to the date of the public hearing.

- A. Notice shall be published not less than ten (10) days prior to the hearing in a newspaper of general circulation within the County, and in a newspaper of general circulation in the area where the property which is proposed to be developed is located.
- B. Special notice of the hearing shall be given to adjacent landowners by any other method that the Administrator deems necessary.
- C. If the subject property is located within the Shelton Urban Growth Area, or within one thousand (1,000) feet of said Urban Growth Area, notice of the hearing shall be provided to the Shelton City Clerk.

1.05.054 Rules of Conduct: Hearings

The Board shall have the authority to establish such rules as it may deem appropriate for the conduct of the public hearing. At a minimum, the following rules shall apply:

- A. All testimony taken shall be sworn testimony.
- B. The Board shall keep and maintain a written record of all proceedings.

- C. Any interested party shall have the opportunity to present oral or written testimony, which shall become a part of the written record. This opportunity may be subject to such time limitations as may be imposed by the Board.
- D. At the conclusion of the hearing, the Board may elect to hold the record open for the purpose of soliciting additional testimony.

1.05.056 Decision and Findings

Within thirty (30) days of the conclusion of the public hearing, the Board shall issue its decision. The decision shall be made in writing, and shall include findings of fact which support the decision. The Board may attach such conditions as it deems necessary to assure that the proposed development is constructed in a manner consistent with the intent of this Ordinance. Notice of the decision of the Board shall be sent to the County Assessor, the Administrator, the applicant, and to any other party who has requested receipt of such decision.

1.05.060 Appeals

- A. Any decision of the Administrator made pursuant to this Ordinance may be appealed to the Board, subject to the following provisions:
 - 1. Any appeal must be filed within thirty (30) days of the decision being appealed.
 - 2. An appeal shall be accompanied by a filing fee as established by the Board.
- B. Any appeal of a decision of the Board shall be made in Superior Court.

1.05.062 Rules of Conduct: Appeals

With regard to an appeal made to the Board, the following rules of conduct shall apply:

- A. Within thirty (30) days of receiving a notice of appeal, the Board shall meet to consider the matter.

- B. Issues before the Board shall be limited to the information contained in the notice of appeal, and the written record of the decision-making body. The Board may hear oral arguments recapitulating the written record, but it shall not consider any new testimony from any source. A public hearing shall not be held.
- C. The Board may continue its deliberations through more than one meeting in order to provide adequate time to consider the issues involved in the appeal.
- D. The Board shall render its decision in writing within forty-five (45) days of its meeting to consider the matter.

1.05.070 Administration and Enforcement

1.05.071 Validity and Severability

- A. This Ordinance shall be governed by the laws of the State of Washington. In the event that any portion or section of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected and shall remain in full force and effect.
- B. This Ordinance is intended to conform to and promote the provisions of the Mason County Comprehensive Plan. In the event of conflict between the two documents, the more specific interpretation shall apply.

1.05.072 Enforcement

No permit for the construction, alteration or expansion of any building, structure or part thereof shall be issued unless the plans, specifications and intended uses of the subject property conform in all respects to the provisions of this Ordinance.

- A. It shall be the responsibility of the Administrator to enforce any section of this Ordinance which addresses land use, including buffer yard requirements.
- B. It shall be the responsibility of the Building Official to enforce any section of this Ordinance which addresses requirements for any structure, including signs.

- C. It shall be the responsibility of the County Engineer to enforce any section of this Ordinance which addresses street design and construction (whether public or private), parking lot design and construction, or the design and construction of stormwater facilities.

1.05.074 Violations

It shall be unlawful and a violation of this Ordinance for any person to use or occupy any portion of any premises, and part of which has been constructed, equipped or is used in violation of the provisions of this Ordinance, until such unlawful use has ceased and such unlawful construction and equipment has been removed from the premises. Each day that a violation continues to exist shall be considered as a separate offense.

1.05.076 Penalties: Criminal

- A. Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor, and shall be punished by a fine of not more than one thousand (\$1,000.00) dollars, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.
- B. In addition to any other penalties set forth in this Ordinance, any violation of the provisions of this Ordinance may be declared to be a public nuisance and may be abated through proceedings for injunctive or similar relief in superior court or other court of competent jurisdiction.
- C. Upon determination that a violation of this Ordinance has occurred, the Building Official shall have the authority and discretion to withhold building permits for the subject property until corrective action is taken by the responsible party.

1.05.078 Penalties: Civil

- A. As a supplement or alternative to the remedies set forth in Section 1.05.076, the County shall have the authority to seek civil penalties for any violation of the provisions of this Ordinance. Any person who violates the provisions of this Ordinance shall, upon a proper showing, be deemed to have committed a civil infraction. Mason County Superior Court is hereby vested with jurisdiction to hear civil infraction cases under this Ordinance. Said cases shall be heard by the Court without jury and, upon a finding that the infraction has occurred by a preponderance of the evidence, the defendant shall be subject to civil

penalties at the discretion of the Court not to exceed five thousand (\$5,000.00) dollars for each separately charged violation.

- B. **Presumption.** For the purposes of administration and prosecution of alleged violations of this chapter, there is hereby created a rebuttable presumption that the person whose name appears on the tax records of the Mason County Assessor, with respect to the real property in question, has the responsibility for insuring that violations of the provisions of this Ordinance do not occur on the property in question.
- C. In addition to any other penalties set forth in this Ordinance, any violation of the provisions of this Ordinance may be declared to be a public nuisance and may be abated through proceedings for injunctive or similar relief in superior court or other court of competent jurisdiction.
- D. Upon determination that a violation of this Ordinance has occurred, the Building Official shall have the authority and discretion to withhold building permits for the subject property until corrective action is taken by the responsible party.

1.05.079 Amendments

This Ordinance may be amended whenever required by public necessity, convenience or welfare. Amendments may be initiated by the Board, the Planning Commission, the Administrator, or by any owner of property within Mason County. Amendments may be made either to the text, or to the Development Areas Map. The procedure for an amendment shall be as follows:

- A. Petitions for amendment shall be received by the Administrator, who shall forward such petition to the Planning Commission and the Board for review.
- B. The Planning Commission shall, in public session, review and consider the proposed amendment. Upon due deliberation, the Commission shall forward its recommendation to the Board. The Commission shall not make an affirmative recommendation unless it finds that the proposed amendment is in conformity to the Comprehensive Plan.
- C. Upon receipt of the recommendation of the Commission, the Board shall set a date for a public hearing on the amendment. Notice requirements for the public hearing shall be as set forth in Section 1.05.052.

- D. The Board shall conduct its hearing in accordance with the provisions set forth in Section 1.05.054.
- E. In its deliberations, the Board shall first determine whether the proposed amendment is in conformity with the Comprehensive Plan. The Board shall not approve an amendment unless it makes such an affirmative finding.

1.06
Definitions

Accessory Dwelling Unit. A second dwelling unit added onto, created within or detached from an existing single-family detached dwelling for use as a completely independent or semi-independent unit with provisions for cooking, eating, sanitation and sleeping.

Accessory building or use. Any building or use which:

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

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

Administrator. The Director of Community Development for Mason County shall serve as the administrator. The Board may also designate an acting administrator who shall have all of the duties and powers of the administrator in the absence of or inability of the administrator to act.

Adult day-care facility. An establishment providing for regularly-scheduled care and supervision of adults whose age or medical condition warrants such care, and where such care is provided for periods of less than twenty-four (24) hours.

Adult retirement community. A residential development for persons who are at least fifty-five (55) years of age. Such development may include the following as accessory uses:

- A. Social and recreation activities;
- B. Communal meal service;
- C. Limited health care facilities;
- D. Transportation facilities; and
- E. Personal services.

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

Aquaculture. The commercial cultivation of aquatic life, such as fish, shellfish and seaweed.

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

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

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

Best Management Practices. A physical, structural, or managerial practice which has gained general acceptance for its ability to prevent or reduce environmental impacts.

Board. The Mason County Board of County Commissioners.

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

Building. A structure intended for use or occupancy by humans.

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

Capital Improvement. Land, improvements to land, structures (including design, permitting, and construction), initial furnishings and selected equipment. Capital improvements have an expected useful life of at least 10 years.

Carrying Capacity. The intrinsic constraints on the development of an area. The development that may be allowed without an (unacceptable) significant adverse impact, on a cumulative basis, on an environmental or social value intended to be protected by the comprehensive plan. Carrying capacity in the biological sciences is the population of a species

in a particular environment which can be sustained on an on-going basis. "The maximum number of inhabitants that an environment can support without detrimental effects." (Websters 11) For human populations, this concept less useful in the sense that resources which are locally in short supply can be transferred from anywhere in the world, and the level of impact that human society has on the environment is variable based on the technology used and the way that technology and other human activities are managed. Humans do not have the limited range of behaviors other species have. Examples of values to be protected in the plan would be native fisheries or rural character.

Child care center, family. An establishment providing for regularly-scheduled care, supervision and protection of children for periods less than twenty-four (24) hours, in a dwelling, where such care and supervision is provided by a resident of the dwelling, and where no non-resident is regularly employed. Such establishment shall be subject to licensing and regulation requirements pursuant to WAC 388-150.

Child care center, commercial. An establishment providing for regularly-scheduled care, supervision and protection of children for periods less than twenty-four (24) hours. Such establishment shall be subject to licensing and regulation requirements pursuant to WAC 388-155.

City. Any city or town, including a code city. (RCW 36.70A.030)

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

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

Commission. The Mason County Planning Commission.

Community On-site Septic Systems. A sewage system used to serve multi-family residential complexes or groups of individual residences.

Comprehensive Land Use Plan, Comprehensive Plan, or Plan. The Mason County Comprehensive Plan, as adopted pursuant to the Growth Management Act, and as thereafter may be amended.

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

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

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

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

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

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

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

Design Guidelines. A set of guidelines defining parameters to be followed in site and/or building design and development.

Design Standards. A set of standards defining parameters to be followed in site and/or building design and development.

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

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

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

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

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

Environmental Impact Statement (EIS). A document detailing the expected environmental impacts of a proposed action.

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

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

Essential Public Facilities. Essential Public facilities include facilities such as prisons, correctional facilities, juvenile detention centers, wastewater/sanitary treatment facilities and systems, courthouses, solid waste facilities, airports, and hospitals.

Facility. The physical structure or structures in which a service is provided.

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

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

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

Fully Contained Community (FCC). A reserved capacity for new urban development that will be characterized by urban densities and intensities, urban governmental services, and meets the criteria established in the comprehensive plan and in RCW 36.70A.350.

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

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

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

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

Home Occupation. A business, occupation, or profession that is incidental to and carried on within a portion of a residential dwelling unit by a member or members of the household. The business may have up to three employees in addition to members of the household.

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

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

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

Infill. The development of housing or other buildings in vacant sites in an already developed area.

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

Inholding Land. Blocks of land that are surrounded on all sides by designated Long-Term Commercial Forest Lands and are crucial for conservation of those lands but are not directly of long-term commercial significance for forestry.

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

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

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

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

Lot. a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

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

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

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

Minor Arterial or Secondary Arterial. Roads which link activity centers and convey traffic onto major arterial. Minor arterial provide both mobility and access.

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

Mobile Home Park. a tract of land occupied or designed for occupancy by two or more mobile homes.

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

Modular Housing. "Modular home" refers to a dwelling that is designed for human habitation and is either entirely or substantially prefabricated or assembled at a place other than a building site. Modular homes or modular housing, commonly referred to as factory built housing, are placed on permanent foundations. For the purposes of this chapter, modular homes shall be treated the same as any other single-family dwelling units.

Multi-Family. a structure containing four or more, joined dwelling units.

Non-traditional Housing Types. Dwelling types other than on-site built housing units. Nontraditional housing types include, but are not limited to, manufactured housing, mobile homes, and houseboats.

Nonconforming Land Use. a use or activity that was lawful prior to the adoption, revision or amendment of the this Ordinance but fails by reason of such adoption, revision or amendment to conform to the present performance standards of the Mason County Development Regulations.

Nonconforming Structure. a structure that was lawful prior to the adoption, revision or amendment to this Ordinance but fails by reason by such adoption, revision or amendment to conform to the present performance standards of the Mason County Development Regulations.

Office. a structure that generally houses a business, government, professional, medical or financial institution for the non-daily needs of individuals, groups or organizations.

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

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

Permitted Use. Any use which is authorized or allowed outright, not requiring a Special Use Permit or the approval of the Board.

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

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

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

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

Primary Treatment. The first step in wastewater treatment in which solids in a wastewater stream are allowed to settle out. The suspended solids and the BOD (Biochemical Oxygen Demand) are reduced by 25 to 40 percent.

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

Public Water System. Any systems of water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission, and distribution facilities where water is being furnished to any community, collection, or number of individuals, but excluding a water systems serving on single family residence. (WAC 24854)

RCW. Revised Code of Washington.

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

Resource Lands. Those lands which are suitable for agriculture, forest mineral extraction and protected by resource lands regulations.

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

Rural Lands. Those areas outside of designated Resource Lands and Urban Growth Areas. Natural features contribute significantly to rural character of these lands. These features include, but are not limited to, forests, farmlands, and farm buildings, pastures, meadows, shorelines, wetlands, streams, lakes, hills and mountains. Types of uses within Rural Lands include resource-based land uses, recreational uses, residential uses, and low intensity nonresidential uses. Rural Lands can be served by rural governmental services and include Rural Activity Centers, Rural Community Centers Commercial Centers, Working Rural Areas, and Rural Areas.

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

Secondary Treatment. The second step in purifying sewage which uses biological processes in addition to settling and provides purification from 85 to 95 percent.

Seismic Hazard Areas. Areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction.

Sewage. The total of organic waste and wastewater generated by residential, industrial and commercial establishments.

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

Sewerage. The entire system of sewage collection, treatment, and disposal.

Sight Distance. The length of a roadway required which is sufficient enough to ensure safe operation of a motor vehicle at posted speeds.

Sign. Any name, identification, description, display, or illustration which is affixed to or reproduced directly or indirectly upon a building, structure, or piece of land, and which is used to advertise, identify, display, attract or direct attention to an event, object, product, place, activity, person, institution, organization or business by any means including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Single Family Dwelling. a detached building containing one dwelling unit.

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

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

Resource Conservation Master Plan (RCMP). Resource Conservation Master Plan areas provide the opportunity for well planned development, consistent with rural character, within Rural Lands. They may be developed through a Planned Unit Development (PUD) or a mixed Use development. RCMPs would require a 20-acre minimum parcel size, clustering, open space, and a portion of the site to remain in a resource use such as forestry, mineral extraction, horticulture, agriculture, or aquaculture.

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

Road Adequacy Standards. Standards by which government agencies can assess whether adequate road facilities are being provided and regulated.

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

Rural Activity Center (RAC). Concentrated settlements within Rural Lands that may include a variety of residential, small scale commercial, resource-based and rural light industrial, recreation, and public uses. They may also include a compact, pedestrian-oriented core. They may be served by community water systems and have community sewage treatment facilities but have only rural governmental services. They reflect an existing development pattern, but they are not intended to expand.

Rural Areas. Rural Areas in Mason County include those areas not designated as Urban Areas, Resource Lands, RACs, RCCs, WRAs, or RCMPs. They currently provide for rural residential, farming, forestry, recreation, and single-purpose commercial, retail, and industrial uses. These uses are expected to continue and increase over the next 20 years. In rural Areas, the rural landscape will remain dominant, and include a variety of protected natural features.

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

that the basic intent of this chapter will be served, these uses will be subject to review and recommendation by the Planning Commission and final determination by the Board regarding the approval, denial or approval with conditions for the issuance of an special use permit.

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

Urban Growth Area. Those areas designated by a county pursuant to RCW 36.70A.110.

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

Urban Level of Facilities and Services. Those services defined as "urban governmental services" with levels of service as defined within Capital Facilities Element of the Mason County Comprehensive Plan.

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

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

Watershed. Region drained by or contributing water to a stream, lake or other body of water.

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

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

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

Special Use. a use permitted in a particular performance district upon showing that such use in a specified location will comply with all the conditions and performance standards for the location or operation of the use as specified by the Mason County Community Department of Community Development.

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

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

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

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

Tertiary Treatment. The third step in purifying sewage that removes additional nutrient levels.

Special use. a "special use" refers to a land use that are found to possess characteristics relating to their size, numbers of people involved, the traffic generated, and their immediate impact on the area which makes impractical their being identified exclusively with any particular performance district as herein defined. In order to determine that the location of these uses will not be unreasonably incompatible with uses permitted in the surrounding areas; and to permit the planning commission to recommend stipulations and conditions as may reasonably assure

REFERENCES

The following works were consulted in the preparation of the Mason County Development Regulations. It is recommended that applicants desiring to develop land in Mason County refer to these materials to assist in their development plans.

1. **Arendt, Randall;** *Designing Open Space Subdivisions: a Practical Step-by-Step Approach.* Media, PA, Natural Lands Trust, 1994.
2. **Kendig, Lane;** *Performance Zoning.* Chicago, IL, Planners Press, 1980.
3. **Moskowitz, Harvey S. and Lindbloom, Carl G.;** *The New Illustrated Book of Development Definitions.* New Brunswick, NJ, Center for Urban Policy Research, 1993.

highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands. (RCW 36.70A.030)

Working Rural Area (WRA). Eligible area for the Working Rural Area designation include forested areas not included in Forest Resource Lands, that are likely to remain in forestry or other resource-based use during the next 15-20 years. Lands designated as Working Rural Areas may convert out of that designation through a variety of development options including, but not limited to, Planned Unit Developments, Mixed Use, Commercial Recreation, Master Planned Resorts, Fully Contained Communities, and commercial and industrial uses.

Zoning. The process by which a county or municipality legally controls the use of property and physical configuration of development upon tracts of land within its jurisdiction, The City of Shelton is the only jurisdiction in Mason County that has a zoning ordinance.

**Amendments to Title 16,
Mason County Code:
Plats and Subdivisions**

for

**Mason County
Washington**

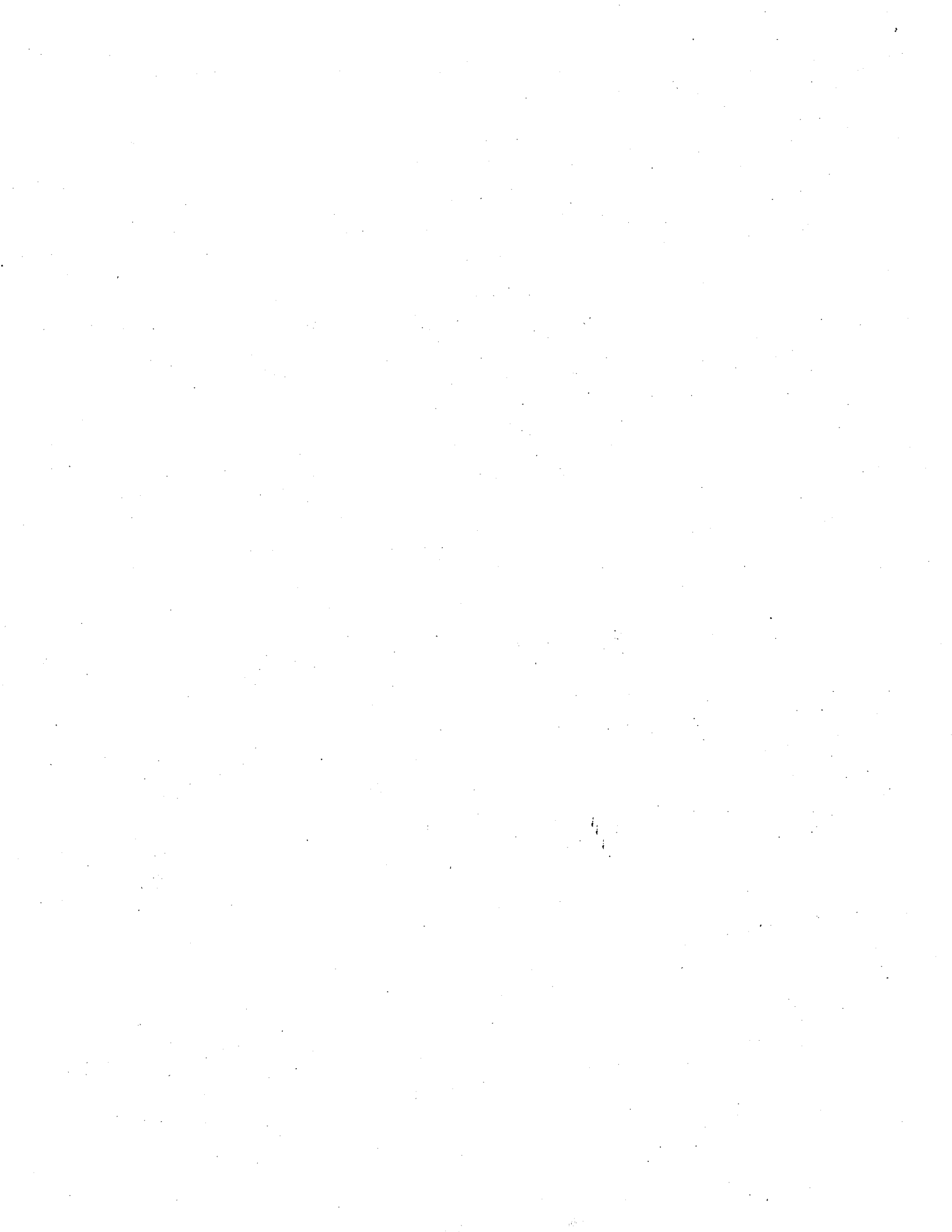
Ordinance No. 82-96

Adopted by

**Mason County
Board of County Commissioners
June 17, 1996**

Prepared by

**Mason County Department of Community Development
AHBL, Tacoma, Washington**



**AMENDMENTS TO TITLE 16,
MASON COUNTY CODE:
PLATS AND SUBDIVISIONS**

The following amendments to Title 16 are intended to provide performance-based standards for the review of residential subdivisions in both urban and rural settings.

New Definitions:

16.08.015 Cluster Subdivision.

A form of development that permits a reduction in minimum lot area and bulk requirements, provided that there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and in which the remaining land area is devoted to open space, recreation, preservation of environmentally sensitive areas, or resource-based activities.

16.08.135 Performance Subdivision.

A "Performance Subdivision" is a subdivision in which the applicant seeks to gain additional residential density by designing the proposed development in a manner which recognizes and preserves those land elements which are deemed by this Chapter to be worthy of protection.

16.08.165 Primary Conservation Areas.

"Primary Conservation Areas" are wetlands, water bodies, floodway, slopes of 25% or greater, and other lands identified as critical areas in the Mason County Interim Resource Ordinance.

16.08.085 Secondary Conservation Areas.

"Secondary Conservation Areas" are upland buffers around wetlands and water bodies, prime agricultural land, natural meadows, slopes of 15% or greater, ridge lines, areas abutting designated open space, flood plain and sites of historic, cultural or archaeological significance.

Chapter 16.22

Performance Subdivisions

16.22.010 Application of Regulations.

The following regulations shall apply to any applicant for subdivision approval who is seeking an increase in the standard density allowed in the development area in which the proposed development is located. While additional information is required of the applicant for the review of a performance subdivision, it is the intent of this Chapter that the procedural requirements for performance subdivisions shall be no more difficult than those established for traditional subdivisions. Performance subdivisions are not permitted within Long-Term Commercial Forests, Mineral Resource Areas, or Working Rural Areas.

16.22.020 Preliminary Sketch Required.

Any applicant submitting a proposal for a Performance Subdivision shall submit a preliminary sketch for review. In addition to the information required in Section 16.12.010, the preliminary sketch shall show Primary Conservation Areas, Secondary Conservation Areas, and proposed development areas. A public hearing shall not be required at this time. However, abutters to the property and members of the general public shall be encouraged to attend the Planning Commission review of the sketch plan. Public comment at this stage is intended to minimize the need for significant plan changes during review of subsequent submittals.

16.22.030 Performance Criteria.

Land proposed for development under this Chapter shall receive the residential density bonuses allowed, provided that they meet the design and performance criteria set forth herein.

16.22.032 Primary Conservation Areas.

Primary Conservation Areas shall be clearly identified, and shall be set aside as permanent open space. Primary Conservation areas shall be included in the calculation of both standard and maximum density allowed, but they shall not be used in calculating the percentage of permanent open space required.

16.22.034 Secondary Conservation Areas.

Secondary Conservation Areas shall be identified and shall, to the greatest

extent possible, be avoided as development areas. The minimum threshold for qualification as a Performance subdivision is that at least fifty (50%) percent of the buildable area of the property be set aside as permanent open space. Buildable area excludes Primary Conservation Areas, but includes Secondary Conservation areas. At least twenty-five (25%) of the minimum required open space shall be suitable for active recreation purposes, but no more than fifty (50%) percent shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site. Upon reaching this threshold, the applicant shall be entitled to a density bonus equal to fifty (50%) percent of the difference between the Standard Residential Density and the Maximum Residential Density allowed within the particular Development Area.

16.22.036 Additional Open Space Criteria.

The design of an open space area should encourage the following:

- A. Interconnection with designated open space on abutting properties;
- B. The preservation of important site features, such as rare or unusual stands of trees, unique geological features, or important wildlife habitat;
- C. Direct access from as many lots as possible within the development; and
- D. Minimizing the fragmentation of the open space areas. To the greatest extent possible, the designated open space should be located in large, undivided areas.
- E. A curvilinear roadway design which minimizes the visual impact of houses as may be seen from the exterior of the site.

Compliance with the provisions set forth in this Section shall entitle the applicant to a residential density bonus equal to twenty-five (25%) percent of the difference between the Standard Residential Density and the Maximum Residential Density allowed within the particular Development Area.

16.22.037 Site Design Considerations.

The siting of house lots should avoid the following:

- A. Interruption of scenic views and vistas;

- B. Construction on hill tops or ridge lines;
- C. Direct access or frontage on existing public ways;
- D. A "linear" configuration of open space (except when following a linear site feature, such as a river, creek or stream); and

Compliance with the provisions set forth in this Section shall entitle the applicant to a residential density bonus equal to twenty-five (25%) percent of the difference between the Standard Residential Density and the Maximum Residential Density allowed within the particular Development Area.

16.22.039 Mixed Uses.

In Urban Growth Areas, Rural Activity Centers and Rural Community Centers, applicants are encouraged to provide a mix of land uses in addition to residential uses on the site, such as small-scale retail uses. Compliance with the provisions set forth in this Section shall entitle the applicant to a residential density bonus equal to twenty-five (25%) percent of the difference between the Standard Residential Density and the Maximum Residential Density allowed within the particular Development Area. However, in no case shall the total of residential density bonuses allowed exceed the allowed Maximum Residential Density within the Development Area.

16.22.040 Ownership, Maintenance and Use of Open Space.

The applicant shall provide a mechanism to assure that any required open space is permanently protected and maintained.

16.22.042 Ownership.

- A. The open space may be conveyed by fee simple instrument to an owner's association, to the County (subject to County approval), or to an entity (for example, a land trust) acceptable to the County who has demonstrated capacity to provide for the long-term protection and maintenance of the property.
- B. The open space may be kept by the applicant, and used for any of the purposes set forth in Section 16.12.046.

16.22.044 Maintenance.

Any conveyance of the required open space shall include an endowment of funds equal to at least twenty (20) times the annual estimated maintenance cost, in order to assure that the property will be maintained. The requirement for an endowment may be waived upon conveyance to an owner's association, provided that the bylaws of said association shall require regular payments from members to defray maintenance costs. The bylaws shall also include provisions for the recovery of funds in the event of default.

16.22.046 Use.

- A. The primary uses of open space set aside pursuant to this section are active and passive recreation, protection and preservation of critical areas, and preservation of other natural elements of importance to the community, and to the residents of the development. Other uses permitted within open space areas are forestry and agriculture, provided that these uses do not occur within any required buffer yard.

- B. Open space set aside pursuant to this Chapter may be designated by the applicant as "future development area." Such designated area shall be kept and maintained as open space, until such time as the land may be designated for development at urban densities. At any time after such change in land use designation occurs, the "future development area" land may be developed in accordance with the regulations in effect at that time. Such development shall require a new, separate application. Primary Resource Areas and buffer yards shall not be designated as "future development areas."

16.22.050 Procedures for Approval.

Preliminary approval for any performance subdivision shall follow the procedures set forth in Chapter 16.16, except that the submittal of a preliminary sketch plan is required.

16.22.060 Transfer of Density.

Upon analysis of all of the opportunities and constraints identified on a specific parcel of land, if it is determined that the use of the provisions set forth in this Chapter will not result in the use of the maximum density allowed, then the applicant shall have the right to transfer any unused development density to any parcel of land located in an Urban Growth Area. By use of this transfer right, maximum density allowed in the Urban Growth Area may be exceeded by up to fifty (50%) percent.

Chapter 16.23

Cluster Subdivisions

16.23.010 Application of Regulations.

The following regulations shall apply to any applicant for subdivision approval, where the property proposed for subdivision is located within areas designated in the Mason County Development Regulations as Long-Term Commercial Forests, Mineral Resource Lands, and Working Rural Areas.

16.23.020 Preliminary Sketch Required.

Any applicant submitting a proposal for a Cluster Subdivision shall submit a preliminary sketch for review. In addition to the information required in Section 16.12.010, the preliminary sketch shall show Primary Conservation Areas, Secondary Conservation Areas, and proposed development areas. A public hearing shall not be required at this time. However, abutters to the property and members of the general public shall be encouraged to attend the Planning Commission review of the sketch plan. Public comment at this stage is intended to minimize the need for significant plan changes during review of subsequent submittals.

16.23.030 Maximum Lot Sizes Established.

No lot for which the construction of a residential dwelling is proposed under this Chapter shall exceed two acres in gross land area.

16.23.040 Design Criteria.

Land proposed for development under this Chapter shall meet the design criteria set forth herein.

16.23.042 Primary Conservation Areas.

Primary Conservation Areas shall be clearly identified, and shall be set aside as permanent open space. Primary Conservation areas shall be included in the calculation of both standard and maximum density allowed, but they shall not be used in calculating the percentage of permanent open space required.

16.23.044 Secondary Conservation Areas.

Secondary Conservation Areas shall be identified and shall, to the greatest extent possible, be avoided as development areas.

16.23.046 Additional Open Space Criteria.

The design of an open space area should encourage the following:

- A. Interconnection with designated open space on abutting properties;
- B. The preservation of important site features, such as rare or unusual stands of trees, unique geological features, or important wildlife habitat;
- C. Direct access from as many lots as possible within the development; and
- D. Minimizing the fragmentation of the open space areas. To the greatest extent possible, the designated open space should be located in large, undivided areas.
- E. A curvilinear roadway design which minimizes the visual impact of houses as may be seen from the exterior of the site.

16.23.048 Additional Site Design Considerations.

The siting of house lots should avoid the following:

- A. Interruption of scenic views and vistas;
- B. Construction on hill tops or ridge lines;
- C. Direct access or frontage on existing public ways;
- D. A "linear" configuration of open space (except when following a linear site feature, such as a river, creek or stream); and

16.23.050 Ownership, Maintenance and Use of Open Space.

The applicant shall provide a mechanism to assure that any required open space is permanently protected and maintained, in conformance with the provisions set forth in Section 16.22.040.

16.23.060 Procedures for Approval.

Preliminary approval for any performance subdivision shall follow the

procedures set forth in Chapter 16.16, except that the submittal of a preliminary sketch plan is required.

16.23.070 Transfer of Density.

Upon analysis of all of the opportunities and constraints identified on a specific parcel of land, if it is determined that the use of the provisions set forth in this Chapter will not result in the use of the maximum density allowed, then the applicant shall have the right to transfer any unused development density to any parcel of land located in an Urban Growth Area. By use of this transfer right, maximum density allowed in the Urban Growth Area may be exceeded by up to fifty (50%) percent.

MASON COUNTY DEVELOPMENT REGULATIONS

DEVELOPMENT AREAS MAP
Ordinance No. 82-96
Adopted June 17, 1996

Board of County Commissioners
Mason County, Washington

Mary Jo Cady
Mary Jo Cady, Chair












M. L. Faughender
Marv Faughender, Commissioner

William O. Hunter
William O. Hunter, Commissioner

ATTEST:

Rebecca S. Rogers
Clerk of the Board

LEGEND:

-  OLYMPIC NATIONAL FOREST
-  LONG TERM COMMERCIAL FOREST
-  OLYMPIC NATIONAL PARK
-  INDIAN OWNED LANDS
-  RURAL COMMUNITY CENTER
-  RURAL AREA
-  CITY OF SHELTON
-  URBAN GROWTH AREA
-  RURAL ACTIVITY CENTER
-  POTENTIAL NEW FULLY CONTAINED COMMUNITY (NO LOCATION PROPOSED)
-  INHOLDING LANDS

