

RESOLUTION NUMBER 91 -99

**AMENDMENT TO THE RESOURCE ORDINANCE DUE TO
STATUTE CHANGES IN RCW 36.70A.060**

A RESOLUTION amending the Mason County Resource Ordinance in response to changes to RCW 36.70A.060 in 1998, which established that notices related to resource lands be provided for development within 500 feet rather than 300 feet, and which provided additional language to be part of such notices in the case of mineral resource lands, as follows:

Amending the Mason County Interim Resource Ordinance, Ordinance 77-93, as amended, amending subsection 17.01.060 E. 2. Resource Use Notices, subsection 17.01.061 D. Preferential Right to Manage Resources and Resource Use Notices, subsection 17.01.066 A. 2. Mining Use Notices.

WHEREAS, the Mason County Board of Commissioners met in public meeting on August 17, 1999 to consider the changes before them; and

WHEREAS, in 1998 minor revisions were made to notice requirements contained in RCW 36.70A.060, which established that notices related to resource lands be provided for development within 500 feet rather than 300 feet, and which provided additional language to be part of such notices in the case of mineral resource lands; and

WHEREAS, these amendments are intended as technical changes which are minor, clear, and statutory, and the county is required to apply its regulations consistent with statute;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Commissioners of Mason County approves amendment to the Mason County Resource Ordinance 77-93, as follows:

Subsection 17.01.060 E. 2. a. shall read as follows:

- a. For properties Designated Long-Term Commercial Forest Land upon application of the property owner or owners pursuant to Section 17.01.130 of this Chapter:

Within two (2) weeks of redesignation to Long-Term Commercial Forest Land, the property owner(s) of said land shall submit to the County, for recording with the County Auditor, a written notice of the designation. This notice shall be in a form authorized by the Director and shall include:

- (1) The legal description of the property subject to the designation.
- (2) The sixteenth (1/16) section or sections in which lie:
 - (a) the designated property; and
 - (b) any other property within 500 feet of the boundary of the designated property.
- (3) The following statement:

"NOTIFICATION

This notification is to inform property owners that the property described herein is designated as or within 500 feet of land designated for commercial forestry, mining, or agriculture. Mason County has established designated Long-Term Commercial Forest Land that sets as a priority the use of these lands for commercial forest management, mining, and agriculture. Residents of this property may be subject to inconvenience or discomfort associated with the uses, including, but not limited to, occasional dust, noise, and odor from commercial thinning, clear cutting, slash burning, blowdowns, surface mining, and/or chemical applications. Residents of adjacent property within 500 feet of said lands, should be prepared to accept such inconvenience or discomfort from normal and necessary operations."

The forest owner shall execute and acknowledge the notice, and pay the fee for recording the notice to the County.

Subsection 17.01.060 E. 2. c. shall read as follows:

- c. For all properties within 500 feet of designated Long-Term Commercial Forest Land: All new plats, short subdivisions, large lot subdivisions, and building permits issued by Mason County for development activities on any property designated as Long-Term Commercial Forest Land, or within 500 feet thereof, shall contain a notice as specified in "a.(3)" above.

Subsection 17.01.061 D. shall read as follows:

D. PREFERENTIAL RIGHT TO MANAGE RESOURCES AND RESOURCE USE NOTICES

1. For land owners who have land designated as agricultural resource lands, provisions of "Right to Farm" provided under Section 17.01.040.C.5 shall fully apply.
2. All plats, short plats, large lot subdivision, development permits, and building permits issued for activities on, or within 500 feet of lands designated as agricultural resource lands shall contain the following notification: "This property is within or near designated agricultural resource lands on which a variety of commercial activities may occur at times and that are not compatible with residential development. Residents of this property may be subject to inconvenience or discomfort associated with these activities including, but not limited to: dust, odor, noise, and chemical applications."

Subsection 17.01.066 A. 2. shall read as follows:

2. Mining Use Notices

- a. For properties designated Mineral Resource Land upon application of the property owner or owners pursuant to Section 17.01.130.B of this Chapter

Within two (2) weeks of redesignation to Mineral Resource Land, pursuant to Section 17.01.130.B, the property owner(s) of said land shall submit to the County, for recording with the County Auditor, a written notice of the designation. This notice shall be in a

form authorized by the Director and shall include:

- (1) The legal description of the property subject to the designation.
- (2) The sixteenth (1/16) section or sections in which lie:
 - (a) the designated property, and
 - (b) any other property within 500 feet of the boundary of the designated property.
- (3) The following statement:

"NOTIFICATION

This notification is to inform property owners that the property described herein is designated as or within 500 feet of land designated for mining. Mining, operations may be carried out now or in the future. Mason County has established designated Mineral Resource Land that sets as a priority the use of these lands for mining. The normal and usual practices associated with said operations when performed in accordance with County, State and Federal law, shall not be subject to legal action as a public nuisance. A variety of commercial activities may occur on Mineral Resource Land that is not compatible with residential development for certain periods of limited duration. On Mineral Resource Land, an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals. "

The mineral right owner/operator shall execute and acknowledge the notice, and pay the fee to the County for recording the notice.

- b. For properties designated Mineral Resource Land pursuant to Section 17.01.066.B.1 of this Chapter.

Within four (4) months of the effective date of this Chapter, the Director shall submit to the County Auditor for recording, a written notice of all Designated Mineral Resource Lands. This notice shall be in a form similar to " E.2.a" above.

The Director shall execute and acknowledge the notice, and no affected property owner shall be charged a fee for recording the notice.

- c. For all properties within 500 feet of designated Mineral Resource Lands.

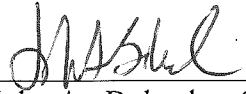
All plats, short subdivisions, large lot subdivisions, development permits and building permits issued by Mason County after the effective date of this Chapter for development activities on property designated as Mineral Resource Land, or within 500 feet thereof, shall contain a notice as specified in " E.2.a.(3)" above.

DATED this 17th day of August, 1999.


Board of Commissioners
Mason County, Washington



Mary Jo Cady, Commissioner

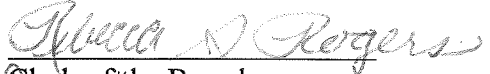


John A. Bolender, Commissioner




Cynthia D. Olsen, Commissioner

ATTEST:



Theresa D. Rogers
Clerk of the Board

APPROVED AS TO FORM :



CH-DPA
Prosecuting Attorney