

ORDINANCE NUMBER 02 -03

**INTERIM MASON COUNTY DEVELOPMENT REGULATION
AMENDING TITLE 15 and ORDINANCE 179-02**

AN ORDINANCE adopting interim amendments to Mason County development code, Title 15, last amended by Ordinance 179-02, under the authority of Chapters 36.70 and 36.70A RCW.

WHEREAS, Mason County has established the office of the hearing examiner to include the review of Type III or “quasi-judicial” permits, however, in the language adopted, some of the permit review authority intended to be transferred to the hearing examiner was not included, contrary to that intent, and the language is not clear;

WHEREAS, since this action was taken by the county, applicants and the county have been preceding in good faith to take these permits to hearing and several are currently scheduled for this month;

WHEREAS, the proposed amendments correct this problem temporarily and make explicit the hearing examiners authority for these permit review; and

WHEREAS, there is an immediate need for action because of permits currently in the review process for which delays would cause unnecessary burdens on the applicants;

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason County hereby ADOPTS an amendment to the Development Code, Title 15, and Ordinance 179-02, as follows:

Section 1. Modify Section 15.03.050 as follows:

15.03.050 HEARING EXAMINER

The Hearing Examiner shall review and act on the following subjects:

- A. Appeals of decisions of the Building Official on the interpretation or application of the Building Code.
- B. Revoking or modifying a permit or approval per Section 15.13.070.
- C. Appeals of enforcement actions under the codes, ordinances and regulations listed under 15.03.005. Enforcement actions include interpretations and decisions made as part of the enforcement actions under the authority of provisions in 15.03.005.
- D. Appeals of decisions of the Fire Marshal on interpretation or application of the Fire Code.
- E. Enforcement actions as provided in Chapter 15.13.
- F. Applications for Preliminary and Final Plats.
- G. Appeal of administrative decisions by the Department of Community Development as set forth in Section 15.09.020, 15.09.030, and 15.09.040.
- H. Appeal of threshold determination under Title 8 (Environmental Policy).
- I. Granting of variances, except for administrative variances.

- J. Other Type III permit reviews, including: Large Lot subdivisions involving a public hearing, Mason Conditional Environmental Permits, Mobile Home and Recreation Vehicle Park permits, Special Use Permits, Reasonable Use Exceptions, and Shoreline Substantial Development Permits and Conditional Use permits.
- K. Plat vacation or amendments (Pursuant to Chapter 58.17 RCW).

Section 2. These interim amendments shall take effect immediately and remain in effect through July 1, 2003.

DATED this 14th day of January, 2003.

Board of Commissioners, Mason County, Washington

Absent 1/14/03
Herb Baze, Commissioner

Wesley E. Johnson
Wesley E. Johnson, Commissioner

Jayni Kamin
Jayni Kamin, Commissioner

ATTEST:

Rebecca S Rogers
Clerk of the Board

APPROVED AS TO FORM :

Rene M. K. [Signature]
Deputy Prosecuting Attorney