

ORDINANCE NUMBER 53- 03
AMENDMENTS TO THE MASON COUNTY DEVELOPMENT REGULATIONS
REGARDING BOUNDARY LINE ADJUSTMENT
AND LAND ACQUISITION FOR PUBLIC PURPOSES.

AN ORDINANCE amending the Mason County Development Regulations, Ord. No. 82-96, concerning Boundary Line Adjustments regarding property affected by land acquisition for public purposes, which revises portions of the Mason County Development Regulations Section 1.03.032.3.d, under the authority of Chapters 36.70 and 36.70A RCW.

WHEREAS, the Board of County Commissioners adopted these chapters and sections within the Mason County Development Regulations in a public hearing on March 5, 2002;

WHEREAS, the Development Regulations have standards that include boundary line adjustments, but there are no standards regarding property affected by lands acquired for public purposes;

WHEREAS, the Mason County Planning Commission formulated their recommendations after a public hearing on April 21, 2003;

WHEREAS, the Board of County Commissioners held a public hearing about the proposed revisions on May 27, 2003, to consider the recommendations of the Planning Advisory Commission, and the Mason County Department of Community Development and citizens' testimony on the proposed amendments;

WHEREAS, the Mason County Board of County Commissioners has approved findings of fact to support its decision as ATTACHMENT A;

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Board of County Commissioners of Mason County hereby approves and ADOPTS the amendments to the Mason County Development Regulations Section 1.03.032.3.d (regarding property affected by land acquisition for public purposes), as amended, as described by ATTACHMENT B.

DATED this 27th day of May, 2003.

Board of County Commissioners
Mason County, Washington



Herb Baze, Chair

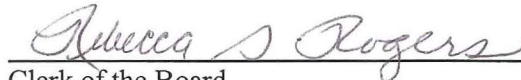


Wesley E. Johnson, Commissioner



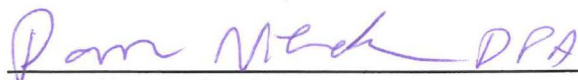
Jayni L. Kamin, Commissioner

ATTEST:



Clerk of the Board

APPROVED AS TO FORM:



Deputy Prosecuting Attorney

**AN ORDINANCE AMENDING
THE MASON COUNTY DEVELOPMENT REGULATIONS (Ord. No. 82-96)
REGARDING BOUNDARY LINE ADJUSTMENTS
AND LAND ACQUISITION FOR PUBLIC PURPOSES.**

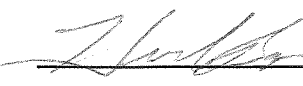
**MASON COUNTY BOARD OF COMMISSIONERS
May 27, 2003**

FINDINGS OF FACT

1. Under consideration is the proposed ordinance to make revisions to the Mason County Development Regulations Section 1.03.032.3.d Boundary Line Adjustments regarding property affected by land acquisition for public purposes.
2. The Mason County Development Regulations (Ord. No. 82-96), adopted on March 5, 2002, contains Chapter 1.03.032 Development Densities and Dimensional Requirements, including boundary line adjustments. There were no standards regarding property affected by land acquisition for public purposes.
3. The proposed revisions in Chapter 1.03.032.d. include standards that existing lots are not reduced in dimension or area such that adequate area for development with proper setbacks and buffers is not provided, and that no increase in development densities results from the road acquisition.
4. At the April 21, 2003 Mason County Planning Advisory Commission meeting, the Department of Community Development presented the current development standards; a discussion of the concerns by property owners, surveyors, and title companies; and the proposed ordinance text that addresses property affected by road right-of-way acquisition. In their review, the Planning Advisory Commission members asked questions of staff on the current standards and the impact of the changes in ordinance text on boundary line adjustment review; following their discussion, members approved a motion to recommend adoption of the new revisions in Section 1.03.032.d.
5. At the May 27, 2002 Mason County Board of Commissioners public hearing, the Department of Community Development presented the current development standards and current concerns, and the proposed ordinance text, as recommended by the Planning Advisory Commission, that addresses the property affected by land acquisition for public purposes. The County Commissioner questions focused on how the ordinance changes would affect the boundary line adjustment process.

From the preceding findings, the Mason County Board of Commissioners adopted a motion to include the proposed revised text to the Mason County Development Regulations Section 1.03.032.3.d Boundary Line Adjustments, regarding property

affected by land acquisition for public purposes, as presented by the Mason County Department of Community Development.

 5/28/03

Chair, Mason County Board of Commissioners

Date

**DRAFT AMENDMENTS TO MASON COUNTY REGULATIONS TO ADDRESS ISSUES
RELATED TO BOUNDARY LINE ADJUSTMENTS**

Prepared by the Mason County Planning Department – PAC recommendation April 21, 2003

1.03.032 Development Densities and Dimensional Requirements

- A. 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 or are included in Chapter 1.04 for Rural Lands.
- B. This chapter regulates residential lot development through the use of Standard Residential Density limits and Maximum Residential Density limits, as contained in Figure 1.03.032 and Chapter 1.04. The Standard Residential Density shall be applied as follows:
1. On a lot existing at the time of the initial adoption of this chapter (June 17, 1998) and otherwise suitable for residential use, the Standard Residential Density limit is used to determine the allowed number of dwelling units on the site. For example, in the Rural Area the Standard Residential Density is one dwelling unit per five acres. Therefore, a lot of five acres would comply with the Standard Residential Density requirement for one dwelling.
 2. If said existing lot does not have an adequate area to comply with the applicable Standard Residential Density requirement, then one dwelling unit may be allowed. For example, in the Rural Activtiy Centers the Standard Residential Density is one dwelling unit per 2.5 acres. Therefore, if a lot was less than 2.5 acres, a dwelling unit may be allowed, provided that the lot could comply with all other applicable standards and requirements.
 - 3.a. No residential lot of less than the Standard Residential Density may be created or reduced in size, except through an approved subdivision or performance subdivision, pursuant to Mason County Code Title 16, in which the allowed residential density (allowed number of dwelling units) of the entire original property is allocated to the lots created, or through the provisions of 3b, 3c, or 3d below. For example, in the Rural Area the Standard Residential Density is one dwelling unit per five acres. Therefore, a Rural Area property or parcel of 20 acres might be divided into three lots of two acres each and one lot of 14 acres, provided that the 14 acre lot would have the right to only one dwelling, and could not be further subdivided for residential purposes.
 - 3.b. If a lot has more than one, but not more than four existing residential dwellings, then the Director may approve the division of the lot in a manner that establishes each dwelling on a separate lot. Provided that:
 - (1) Any new lot created by this method shall be considered a conforming lot.
 - (2) The provisions of this section shall apply only to lots and dwellings that were legally created and built.
 - (3) The provisions of this section shall not apply to dwellings that were permitted as accessory dwellings or temporary dwellings.
 - (4) In approving such a subdivision of land, the Director shall make the following determinations:

Proposed language is underlined; deleted language is struck through.

- (a) Each dwelling shall have access by frontage or easement to a public way;
- (b) Each dwelling shall be connected to a septic system or sewer line adequate to serve the dwelling;
- (c) Each dwelling shall be served by a sufficient supply of potable water; and
- (d) The division of land shall occur in a manner that minimizes any non-conformity related to minimum lot size or setback requirement.

3.c Boundary line adjustments.

- (1) Boundary line adjustments to existing lots in rural residential districts may reduce the size of a lot that is already non-conforming as to density provided that the lot is not reduced below the minimum lot size of 2 acres. When land is transferred from an existing lot that does not meet the density requirement to another lot under this provision, no rights to increase density are transferred with the land.
- (2) The Administrator may allow expansion of existing lots through boundary line adjustments into adjoining land use districts without requiring compliance with lot size or density requirements of the adjoining district provided that the adjustment is solely for the purpose of resolving an adverse possession claim. The administrator must find the adverse possession claim clear and convincing and the minimum necessary to resolve the dispute, or a court must have granted the claim, in order to approve the adjustment. The administrator shall keep a docket of such approvals for consideration as map amendments at the next annual review.

3.d. When property is acquired in fee ownership by the public for public purposes by condemnation or other means:

- (1) no existing lot shall be reduced in dimension or area such that it does not have an adequate area, exclusive of all setback, buffer and open space requirements, to accommodate a residence (or other building where residential use is prohibited) driveway and parking, and, where required, a well, stormwater, septic system and reserve area; and
- (2) no rural residential district lot shall be divided in such a manner that the total number of residential units allowed after the acquisition would be greater than the total number of residential units allowed prior to the acquisition, but outlots may be created.

Acquisition of an easement for road right-of-way does not divide the property.

- 4. Title 16, Mason County Code, regulates land divisions in Mason County and establishes a review process by which all applicable regulations can be addressed. The allowable size and configuration of any given lot in a land division is determined through this process. 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 or setbacks in Chapter 1.04.

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.

Proposed language is underlined; deleted language is struck through.

MASON COUNTY DEVELOPMENT REGULATIONS AMENDMENTS (ORD. 82-96 AS AMENDED)

1.06 Definitions

A new definition added to section 1.06 Definitions, as follows:

Out lot. An “out lot” is a tract of land which is restricted from development as a residential or commercial lot; but which may be intended for accessory purposes such as for stormwater management, playground, or open space.