

**ORDINANCE NUMBER 54- 03**  
**AMENDMENTS TO THE MASON COUNTY DEVELOPMENT REGULATIONS**  
**CONCERNING SIDE YARD SETBACKS IN RURAL RESIDENTIAL ZONES.**

AN ORDINANCE amending the Mason County Development Regulations, Ord. No. 82-96, concerning side yard setbacks in rural residential zones and administrative variances, which revises portions of Chapter 1.04, Rural Lands Development Standards, and Section 1.05.034, Variance Authorized, 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, when new development, such as residences and their accessory buildings, are proposed on these small and narrow properties, property owners are unable to construct their proposed structures without first seeking a standard variance from the Development Regulations side yard setback standard;

WHEREAS, the Mason County Planning Commission formulated their recommendations after a public hearing on May 19, 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 (concerning side yard setbacks in rural residential zones and administrative variances), as amended, as described by ATTACHMENT B.

DATED this 27th day of May, 2003.

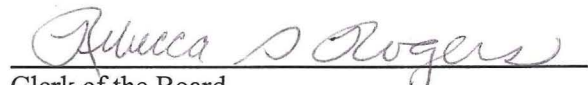
Board of County Commissioners  
Mason County, Washington

  
Herb Baze, Chair

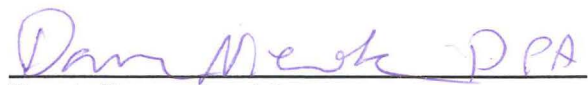
  
Wesley E. Johnson, Commissioner

  
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)  
CONCERNING SIDE YARD SETBACKS IN RURAL RESIDENTIAL ZONES.**

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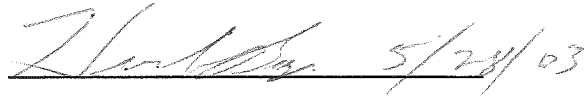
**MASON COUNTY BOARD OF COMMISSIONERS  
May 27, 2003**

**FINDINGS OF FACT**

1. Under consideration is the proposed ordinance to allow the review of an exception to standards or administrative variance to the Mason County Development Regulations rural residential side yard standard under certain circumstances.
2. The Mason County Development Regulations (Ord. No. 82-96), adopted on March 5, 2002, contains Chapter 1.04 development standards for rural residential districts RR2.5, RR5, RR10, and RR20. One of the standards in these residential districts is a side yard setback from the lot line or easement to the proposed building.
3. The proposed revisions in Chapter 1.04 includes an exception to standard for a lot width up to 100 feet and a lot size up to 1 acre: the required side yard setback for a residential dwelling and accessory structures shall be equal to 10 percent of the lot width but in no case shall be less than 5 feet from the property line or easement boundary.
4. The proposed revisions in Chapter 1.04 include the new special provision E, "front yard and side yard setback may be reduced as provided in Section 1.05.034.C and Section 1.05.034.D". The new revision in Section 1.05.034 states that the Administrator may allow a reduction in side yard setback under certain circumstances involving lot dimensions, critical areas, or existing development, and the review decision shall be kept on file with the county.
4. At the April 21 and May 19, 2002 Mason County Planning Advisory Commission meetings discussing the ordinance revisions, the Planning Commission members asked questions of staff on the current side yard standards and the impact of the changes in ordinance text on building permit review. Following their discussion, members approved a motion to recommend adoption of the new special provision text in Chapter 1.04 and the added administrative review of proposed variances to the front yard setback standard in Section 1.05.034.
5. At the May 27, 2002 Mason County Board of Commissioners public hearing, the Department of Community Development presented the current development standards, a discussion of the problems that have resulted in applying the side yard standards, and the proposed ordinance text, as recommended by the Planning Advisory Commission, that addresses the exception to standard and administrative review of varying from the standard. No agency comments were received and one letter of written comment was

included in the staff report. County Commissioner questions focused on how the ordinance changes would affect the building permit process.

From the preceding findings, the Mason County Board of Commissioners adopted a motion to include the proposed revised text concerning side yard setbacks in rural residential zones and administrative variances in the Mason County Development Regulations Chapter 1.04 rural residential zones and Section 1.05.034 Variance Authorized, as presented by the Mason County Department of Community Development.

A handwritten signature in cursive script, followed by the date "5/28/03".

Chair, Mason County Board of Commissioners

Date

## Rural Lands Development Standards

### 1.04.200 RURAL RESIDENTIAL

#### 1.04.210 Rural Residential 2.5 (RR 2.5)

**1.04.211 Purpose.** This district provides for residential development, at a density of 2.5 acres per residential lot, and where areas of small lot residential development and subdivisions patterns were established before December 5, 1996.

#### 1.04.212 Uses Permitted.

- A. USES: Single family residential, Hobby farm (Small scale commercial agriculture, including aquaculture and wood lots), Group homes, Cell towers, Public utilities.
- B. ACCESSORY USES: Cottage Industry (home occupation)

#### 1.04.213 Lot Requirements.

- A. Density and lot size. Maximum of 1 dwelling unit per 2.5 acres and one accessory dwelling unit per parcel; a minimum lot size of 2 acres, except as provided for in an approved performance subdivision.
- B. Lot width and depth. All lots shall have a minimum average width of not less than one-third of the median length and a minimum width at any point of 50 feet.
- C. Front yard setback. 25 feet
- D. Side and rear yard setbacks. Side and rear yard setbacks for the residential dwelling and accessory building is ~~20 five~~ feet, and for accessory structures used for agricultural purposes or home occupations is 50 feet. **Exception to the side yard standard is allowed on a parcel with a lot width up to 100 feet and a lot size up to 1 acre: the required side yard setback for a residential dwelling and accessory structures shall be equal to 10 percent of the lot width but in no case shall be less than 5 feet from the property line or easement boundary.**
- E. A lot created by short plat, large lot or long plat subdivision which is restricted to special purposes, such as storm water storage, community play areas, or utility facilities, and is restricted by perpetual covenants meeting county requirements to said purpose, is not required to meet minimum lot size requirements.

#### 1.04.214 Building Regulations.

- A. Floor Area Ratio. 1:10
- B. Size. 3,000 sq. feet maximum for non-agricultural and accessory buildings except for dwellings and agricultural buildings.
- C. Height. 35 feet except for agricultural buildings, cell towers, antennas, or water tanks.

#### 1.04.216 Off-street parking.

Two spaces per lot.

#### 1.04.217 Special Provisions.

- A. Cell towers shall be located per Ordinance No. 5-98 Telecommunication Towers.
- B. Accessory dwelling units are required to meet Section 1.03.029 standards.
- C. Government operated day care centers, essential public facilities, community centers, and schools may exceed 3,000 sq. feet as approved by a special use permit.
- D. Essential public facilities, commercial day care centers, and schools which were in existence prior to June 17, 1996 and without a prior special use permit, may expand up to 15% cumulatively from their size prior to June 17, 1996, without a special use permit. Expansions over 15% will require a special use permit.
- E. Front yard **and side yard** setback may be reduced as provided in Section 1.05.034.C **or 1.05.034.D.**

#### 1.04.220 Rural Residential 5 (RR 5)

1.04.221 Purpose. This district provides for residential development on parcels of 5 acres or more.

#### 1.04.222 Uses Permitted.

- A. USES: Single family residential, Hobby farm (Small scale commercial agriculture, including aquaculture and wood lots), Church, Local community and recreation centers, Group homes, Cell towers, Fire station, Fish hatchery, Public utilities.
- B. ACCESSORY USES: Cottage Industry (home occupation), Single family residence.
- C. SPECIAL PERMIT REQUIRED USES: Essential public facility, Schools, commercial day care centers, Home occupations and Cottage Industries that do not meet the standards in Section 1.03.021.

#### 1.04.223 Lot Requirements.

- A. Density and lot size. Maximum of 1 principal residence per 5 acres or 1/128th of a section and one accessory dwelling unit per parcel; minimum lot size of 2 acres, except in an approved performance subdivision the minimum lot size is 20,000 sq. ft., and except for fire stations.
- B. Lot width and depth. All lots shall have a minimum average width of not less than one-third of the median length and a minimum width at any point of 50 feet.
- C. Front yard setback. 25 feet
- D. Side and rear yard setbacks. Side and rear yard setbacks for the residential dwelling is 20 feet, for accessory buildings shall be 20 feet, for accessory structures used for agricultural purposes or home occupations shall be 50 feet, and for buildings of non-residential land uses shall be 25 feet. **Exception to the side yard standard is allowed on a parcel with a lot width up to 100 feet and a lot size up to 1 acre: the required side yard setback for a residential dwelling and accessory structures shall be equal to 10 percent of the lot width but in no case shall be less than 5 feet from the property line or easement boundary.**
- E. A lot created by short plat, large lot or long plat subdivision which is restricted to special purposes, such as storm water storage, community play areas, or utility facilities, and is restricted by perpetual covenants meeting county requirements to said purpose, is not required to meet minimum lot size requirements.

#### 1.04.224 Building Regulations.

- A. Floor Area Ratio. 1:20, except for fire stations.
- B. Size. 3,000 sq. feet maximum for non-agricultural and accessory buildings except for dwellings and agricultural buildings.
- C. Height. 35 feet except for agricultural buildings, cell towers, antennas, or water tanks.

#### 1.04.226 Off-street parking.

Two spaces per residence. See Parking Ordinance for other land uses; parking setback for non-residential land uses shall be 25 feet.

#### 1.04.227 Special Provisions.

- A. Cell towers shall be located per Ordinance No. 5-98 Telecommunication Towers.
- B. Accessory dwelling units are required to meet Section 1.03.029 standards.
- C. Government operated day care centers, essential public facilities, community centers, and schools may exceed 3,000 sq. feet as approved by a special use permit.
- D. Essential public facilities, commercial day care centers, and schools which were in existence prior to June 17, 1996 and without a prior special use permit, may expand up to 15% cumulatively from their size prior to June 17, 1996, without a special use permit. Expansions over 15% will require a special use permit.
- E. Front yard **and side yard** setback may be reduced as provided in Section 1.05.034.C or 1.05.034.D.

#### 1.04.230 Rural Residential 10 (RR 10)

1.04.231 Purpose. This district provides for new residential development on parcels of 10 acres or more.

#### 1.04.232 Uses Permitted.

- A. USES: Single family residential, Hobby farm (Small scale commercial agriculture, including aquaculture and wood lots), Church, Local community and recreation centers, Group homes, Cell towers, Fire station, Fish hatchery, Public utilities.
- B. ACCESSORY USES: Cottage Industry (home occupation), Single family residence.
- C. SPECIAL PERMIT REQUIRED USES: Essential public facility, Commercial Child Care Centers, and Home occupations and Cottage Industries that do not meet the standards in Section 1.03.021.,

#### 1.04.233 Lot Requirements.

- A. Density and lot size. Maximum of 1 principal residence per 10 acres or 1/64th of a section and one accessory dwelling unit per parcel; minimum lot size of 2 acres, except as provided for in an approved performance subdivision the maximum density which may be allowed is 1 dwelling per 5 acres or 1/128th of a section and minimum lot size is 20,000 sq. ft.
- B. Lot width and depth. All lots shall have a minimum average width of not less than one-third of the median length and a minimum width at any point of 50 feet.
- C. Front yard setback. 25 feet
- D. Side and rear yard setbacks. Side and rear yard setbacks for the residential dwelling is 20 feet, and accessory buildings shall be 20 feet, and for accessory structures used for agricultural purposes or home occupations shall be 50 feet. **Exception to the side yard standard is allowed on a parcel with a lot width up to 100 feet and a lot size up to 1 acre: the required side yard setback for a residential dwelling and accessory structures shall be equal to 10 percent of the lot width but in no case shall be less than 5 feet from the property line or easement boundary.**
- E. A lot created by short plat, large lot or long plat subdivision which is restricted to special purposes, such as storm water storage, community play areas, or utility facilities, and is restricted by perpetual covenants meeting county requirements to said purpose, is not required to meet minimum lot size requirements.

#### 1.04.234 Building Regulations.

- A. Floor Area Ratio. 1:20, except for fire stations.
- B. Size. 3,000 sq. feet maximum for non-agricultural and accessory buildings except for dwellings and agricultural buildings.
- C. Height. 35 feet except for agricultural buildings, cell towers, antennas, or water tanks.

#### 1.04.236 Off-street parking.

Two spaces per residence. See Parking Ordinance for other land uses; parking setback for non-residential land uses shall be 25 feet.

#### 1.04.237 Special Provisions.

- A. Cell towers shall be located per Ordinance No. 5-98 Telecommunication Towers.
- B. Accessory dwelling units are required to meet Section 1.03.029 standards.
- C. Government operated day care centers, essential public facilities, community centers, and schools may exceed 3,000 sq. feet as approved by a special use permit.
- D. Essential public facilities, commercial day care centers, and schools which were in existence prior to June 17, 1996 and without a prior special use permit, may expand up to 15% cumulatively from their size prior to June 17, 1996, without a special use permit. Expansions over 15% will require a special use permit.
- E. Front yard **and side yard** setback may be reduced as provided in Section 1.05.034.C **or 1.05.034.D.**

#### 1.04.240 Rural Residential 20 (RR 20)

1.04.241 Purpose. This district provides for new residential development on parcels of 20 acres or more.

#### 1.04.242 Uses Permitted.

- A. USES: Single family residential, Hobby farm (Small scale commercial agriculture, including aquaculture and wood lots), Church, Local community and recreation centers, Fire station, Fish hatchery, Cell towers, Public utilities.
- B. ACCESSORY USES: Cottage Industry (home occupation), Single family residence.
- C. SPECIAL PERMIT REQUIRED USES: Essential public facility, Home occupations and Cottage Industries that do not meet the standards in Section 1.03.021.

#### 1.04.243 Lot Requirements.

- A. Density and lot size. Standard density of 1 principal residence per 20 acres or 1/32nd of a section and one accessory dwelling unit per parcel; minimum lot size of 2 acres, except for an approved performance subdivision the maximum density which may be allowed is 1 dwelling per 10 acres or 1/64th of a section and minimum lot size is 20,000 sq. ft.
- B. Lot width and depth. All lots shall have a minimum average width of not less than one-third of the median length and a minimum width at any point of 50 feet.
- C. Front Yard Setback. 25 feet
- D. Side and rear yard setbacks. Side and rear yard setbacks for the residential dwelling is 20 feet, accessory buildings shall be 20 feet, and for accessory structures used for agricultural purposes or home occupations shall be 50 feet. **Exception to the side yard standard is allowed on a parcel with a lot width up to 100 feet and a lot size up to 1 acre: the required side yard setback for a residential dwelling and accessory structures shall be equal to 10 percent of the lot width but in no case shall be less than 5 feet from the property line or easement boundary.**
- E. A lot created by short plat, large lot or long plat subdivision which is restricted to special purposes, such as storm water storage, community play areas, or utility facilities, and is restricted by perpetual covenants meeting county requirements to said purpose, is not required to meet minimum lot size requirements.

#### 1.04.244 Building Regulations.

- A. Floor Area Ratio. 1:20, except for fire stations.
- B. Size. 3,000 sq. feet maximum for non-agricultural and accessory buildings except for dwellings and agricultural buildings.
- C. Height. 35 feet except for agricultural buildings, cell towers, antennas, or water tanks.

#### 1.04.246 Off-street parking.

Two spaces per residence. See Parking Ordinance for other land uses; parking setback for non-residential land uses shall be 25 feet.

#### 1.04.247 Special Provisions.

- A. Cell towers shall be located per Ordinance No. 5-98 Telecommunication Towers.
- B. Accessory dwelling units are required to meet Section 1.03.029 standards.
- C. Essential public facilities may exceed 3,000 sq. feet as approved by the special use permit.
- D. Essential public facilities, which were in existence prior to June 17, 1996 and without a prior special use permit, may expand up to 15% cumulatively from their size prior to June 17, 1996, without a special use permit. Expansions over 15% will require a special use permit.
- E. Front yard **and side yard** setback may be reduced as provided in Section 1.05.034.C or 1.05.034.D.

**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.

C. The Administrator may allow a reduction in the required front yard setback by **administrative variance** under the following circumstances: for existing lots of record as of March 5, 2002, where physical attributes of the lot (such as steep slopes, wetlands, streams, soils; lot width at the front yard line of no more than 50 feet or lot size of no more than one-quarter acre; and existing improvements of buildings, septic systems, and well areas) preclude a proposed development from meeting the 25-foot front yard setback standard. The front yard setback shall be the minimum necessary to accommodate a reasonable development proposal, but not less than 10 feet distance from the property line or any easement boundary. The Administrator shall document in the property file the rationale for said **administrative** variance decision.

D. **The Administrator may allow a reduction in the required side yard setback by administrative variance under the following circumstances: for existing lots of record as of March 5, 2002 2003 that are parcels designated as Rural Residential 2.5, Rural Residential 5, Rural Residential 10, or Rural Residential 20; and where physical attributes of the lot (such as steep slopes, streams, wetlands, and soils; lot width at the front yard line of no more than 50 feet or lot size of no more than one-half acre; and existing improvements of buildings, septic systems, and well areas) preclude a proposed development from meeting the 20-foot side yard setback standard. The variance to the side yard setback shall be the minimum necessary to accommodate a reasonable development proposal. This side yard setback shall not be less than 5 feet distance from the property line or any easement**



**boundary. The Administrator shall document in the property file the rationale for said administrative variance decision.**

**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 Area;
- 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.