

ORDINANCE NUMBER 61 - 03

AMENDMENTS TO THE MASON COUNTY DEVELOPMENT CODE TITLE 15
REGARDING HEARING EXAMINER REGULATIONS

AN ORDINANCE amending the Mason County Development Code Section 15.03.050 Hearing Examiner, regarding the review and decision-making responsibilities of the Hearing Examiner, under the authority and requirements of Chapters 36.70 (including 36.70.970), 36.70A, 36.70B, and 58.17 RCW.

WHEREAS, the Board of County Commissioners adopted these chapters and sections within the Mason County Development Code Title 15 in a public hearing on December 17, 2002;

WHEREAS, the Development Code has administrative procedures for the Hearing Examiner, but did not adequately describe the permits under consideration by the Hearing Examiner;

WHEREAS, the Mason County Planning Commission reviewed the proposed revisions and 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 June 10, 2003, to consider the recommendations of the Planning Advisory Commission, and the Mason County Department of Community Development and citizens' testimony on the proposed revisions to Mason County Development Code Section 15.03.050 Hearing Examiner, regarding the review and decision-making responsibilities of the Hearing Examiner;

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 Commissioners of Mason County hereby approves and ADOPTS the amendments to the Mason County Development Code, Title 15, Section 15.03.050 Hearing Examiner, regarding the review and decision-making responsibilities of the Hearing Examiner, as amended, as described by ATTACHMENT B.

DATED this 10th day of June, 2003.

Board of County Commissioners
Mason County, Washington



Herb Baze, Chair

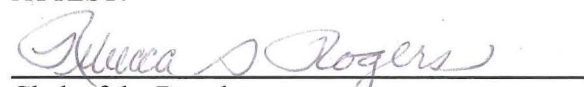


Wesley E. Johnson, Commissioner




Jayni L. Kamin, Commissioner

ATTEST:



Clerk of the Board

APPROVED AS TO FORM:



Deputy Prosecuting Attorney

**AN ORDINANCE AMENDING
THE MASON COUNTY DEVELOPMENT CODE TITLE 15
REGARDING HEARING EXAMINER REGULATIONS**

**MASON COUNTY BOARD OF COMMISSIONERS
June 10, 2003**

FINDINGS OF FACT

1. Under consideration is the proposed ordinance to make revisions to the Mason County Development Code Section 15.03.050 Hearing Examiner, regarding the review and decision-making responsibilities of the Hearing Examiner.
2. The Mason County Development Code Title 15, last revised in December 2002, contains Section 15.03.050 Hearing Examiner administrative procedures. These standards did not adequately describe the permits under consideration by the Hearing Examiner. The proposed revisions will provide a clear listing of the applications reviewed by the Hearing Examiner.
3. At the April 21, 2003 Mason County Planning Advisory Commission meeting, the Department of Community Development presented the current administrative responsibilities of the Hearing Examiner, and the proposed ordinance text that clearly addresses those responsibilities. In their review, the Planning Advisory Commission members asked questions of staff on the current and proposed text changes; following their discussion, members approved a motion to recommend adoption of the new revisions in Development Code Section 15.03.050 Hearing Examiner.
6. At the June 10, 2003 Mason County Board of Commissioners public hearing, the Department of Community Development presented the current and the proposed ordinance text, as recommended by the Planning Advisory Commission, that addresses the review and decision-making responsibilities of the Hearing Examiner. The County Commissioner questions focused on how the ordinance changes would affect the permit review process and the timing of decision-making.

From the preceding findings, the Mason County Board of Commissioners adopted a motion to include the proposed revised text to the Mason County Development Code Section 15.03.050 Hearing Examiner, regarding the review and decision-making responsibilities of the Hearing Examiner, as presented by the Mason County Department of Community Development.


Chair, Mason County Board of Commissioners

Date

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. ~~or other permit decisions, when provided by the Development Code or other ordinance.~~
- 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).