

ORDINANCE NUMBER 77 -03

**INTERIM MASON COUNTY DEVELOPMENT REGULATION FOR
PROCESSING REQUESTS FOR REMOVAL OF DRAINAGE AND UTILITY EASEMENTS
(PLAT ALTERATION)**

AN ORDINANCE adopting interim amendments to the Mason County Development Code, Title 15, under the authority and requirements of Chapters 36.70, 36.70A, and 58.17 RCW, and RCW 36.34.005.

WHEREAS, RCW 58.17.215 states the process for plat alteration, and RCW 58.17.330 provides the authority of Counties to adopt a hearing examiner system to process plat applications and modifications;

WHEREAS, decisions regarding disposal of surplus property have traditionally been within the purview of the County Commissioners;

WHEREAS, Mason County has received numerous requests for the removal of drainage and utility easements as part of a plat alteration process;

WHEREAS, in those cases where there is a drainage and utility easement for the benefit of the public, the value of that easement has almost always been valueless;

WHEREAS, almost all of these drainage and utility easements were based on now obsolete subdivision design and are no longer current practice;

WHEREAS, the purpose of the removal of the drainage and utility easements in almost every case has been for the purpose of combining lots so that a land owner could build across what would have been the lot line;

WHEREAS, the current process of disposing the County's property interest in those drainage and utility easements is unclear and ineffective;

WHEREAS, requiring a public auction for the sale of the public interest in the drainage and utility would be unduly cumbersome on property owners and the public;

WHEREAS, the resale and market value of the drainage and utility easements is also ordinarily valueless or close to worthless,

WHEREAS, there is an immediate need for disposing of the public interest's in those drainage and utility easements because the County has a backlog of landowners who are waiting for a clear process to dispose of those drainage and utility easements.

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason

County hereby ADOPTS an amendment to the Mason County Development Code, Title 15, and Ordinance 77-03, as follows:

Section 1. Add a new section at 15.03.060 as follows:

15.03.060 Hearing Examiner and County Commissioners (drainage and utility easements)

- A. The Board of County Commissioners may review and act on applications for the removal of utility and drainage easements. At such time, or at a later time, the County Commissioners may dispose of any county property interest in the drainage and utility easements when the County Commissioners are in possession of a statement from the Public Works Engineer and the Utilities Director, or the County Administrator in their absence, that, in their opinion the county has no interest in the easements, that in their opinion the easements are not needed and are not likely to be needed, and also in their opinion the easements have no known present or future value to the county. Such disposal itself shall not require a public hearing, provided that there was a hearing on the review and action on the application for removal of drainage and utility easements before the Board of County Commissioners or the Hearing Examiner.
- B. The Hearing Examiner may review and act on applications and the plat alterations thereof for the removal of drainage and utility easements. When the County has no interest in any drainage or utility easement, the Hearing Examiner may act on the removal of the easements without a public hearing, provided that all parties entitled to notice under RCW 58.17.080 and 58.17.090 shall be given notice, which provides that they have an opportunity for a hearing within 14 days of the receipt of the notice should one be requested. If the application requests removal of a drainage and utility easement in which the County has an interest, the hearing examiner may review and act on the application for removal of the drainage and utility easements. When the county does have an interest in the easements, then there shall be a public hearing before the hearing examiner. However, the disposal of the county's interest in the drainage and utility easements shall take place as set forth in subsection (A) above.

Section 2. These interim amendments shall remain in effect through January 22, 2004.

DATED this 22nd day of July, 2003.

Board of Commissioners, Mason County, Washington

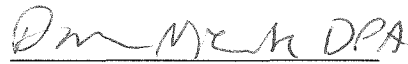

Herb Baze, Commissioner

Absent 7/22/03
Wesley E. Johnson, Commissioner


Jayni Kamin, Commissioner

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

Deputy Prosecuting Attorney