

**ORDINANCE NUMBER ~~128~~ 04**

**AMENDMENTS TO THE MASON COUNTY RESOURCE ORDINANCE,  
TITLE 16 PLATS AND SUBDIVISIONS STANDARDS  
AND MASON COUNTY DEVELOPMENT REGULATIONS**

AN ORDINANCE amending the Mason County Resource Ordinance regarding parks and community land uses in the fish and wildlife habitat conservation areas buffers; amending Title 16 Plats and Subdivisions clarifying what land shall be considered for proposed boundary line adjustments, and the definition of lot combinations; and amending the Mason County Development Regulations, regarding standards on a change of use for Non-Conforming Uses, reviewing a new land use in respect to immediate previous land use or approval of special use permit in respect to current site conditions and compatibility with area land uses, under the authority of Chapters 36.70 and 36.70A RCW.

WHEREAS, the Mason County Development Regulations (adopted as Ordinance No. 82-96), Mason County Code Title 16 Plats and Subdivisions, and Mason County Code Title 8 Mason County Resource Ordinance were last amended by Ordinance No. 106-04 on November 9, 2004;

WHEREAS, the Department of Community Development has prepared revisions to these three implementing ordinances by which the Department of Community Development can evaluate and approve a proposed development and land divisions that are conforming with clear development standards and is not in conflict with existing land uses and property rights;

WHEREAS, at the September 20 and October 18, 2004 Mason County Planning Advisory Commission meetings, the proposed ordinance revisions in the Development Regulations, Title 16, and Resource Ordinance were presented, and the Planning Advisory Commission members evaluated and passed motions to recommend approval of these proposed revisions;

WHEREAS, the Board of County Commissioners held public hearings about the proposed revisions on December 14, 2004, to consider the recommendations of the Planning Advisory Commission, and the testimony and letters of the Mason County Department of Community Development and citizens on the proposed revisions to the Mason County Development Regulations, Title 16 Plats and Subdivisions, and Resource Ordinance; and

WHEREAS, based upon the staff report, text of the proposed revisions, and public testimony, the Mason County Board of Commissioners has approved findings of fact to support its decision as ATTACHMENT A.

Ordinance No. 128 - 04 (continued)

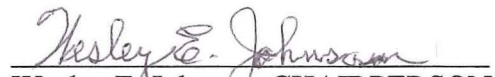
NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Mason County Board of Commissioners hereby approves and ADOPTS the revisions amending the Mason County Resource Ordinance regarding parks and community land uses in the fish and wildlife habitat conservation areas buffers; amending Title 16 Plats and Subdivisions clarifying what land shall be considered for proposed boundary line adjustments, and the definition of lot combinations; and amending the Mason County Development Regulations, regarding standards on a change of use for Non-Conforming Uses, reviewing a new land use in respect to immediate previous land use or approval of special use permit in respect to current site conditions and compatibility with area land uses, as described by ATTACHMENT B.

DATED this 14<sup>th</sup> day of December 2004.

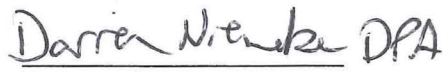
**BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON**

ATTEST:

  
Clerk of the Board

  
Wesley E. Johnson, CHAIRPERSON

APPROVED AS TO FORM:

 DPA  
Prosecuting Attorney

  
Herb Baze, COMMISSIONER

Absent  
Jayni Kamin, COMMISSIONER

**AN ORDINANCE AMENDING  
THE MASON COUNTY RESOURCE ORDINANCE,  
TITLE 16 PLATS AND SUBDIVISIONS STANDARDS  
AND MASON COUNTY DEVELOPMENT REGULATIONS**

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**MASON COUNTY BOARD OF COMMISSIONERS**

**December 14, 2004**

**FINDINGS OF FACT**

1. Under consideration is the ordinance amending the Mason County Resource Ordinance regarding parks and community land uses in the fish and wildlife habitat conservation areas buffers; amending Title 16 Plats and Subdivisions clarifying what land shall be considered for proposed boundary line adjustments, and the definition of lot combinations; and amending the Mason County Development Regulations, regarding standards on a change of use for Non-Conforming Uses, reviewing a new land use in respect to immediate previous land use or approval of special use permit in respect to current site conditions and compatibility with area land uses.
2. The Mason County Resource Ordinance designates resource lands and critical areas and describes the standards and review procedures for proposed development in Mason County. The Mason County Title 16 Plats and Subdivisions sets forth procedures for the review of proposed division of land and implementing standards for subsequent development. The Mason County Development Regulations set forth land use designations and development standards for proposed projects in Mason County; these standards include zoning districts, permitted uses, and dimensional requirements for land divisions.
3. The Mason County Department of Community Development staff has presented a proposed set of revisions to these ordinances, which establish or clarify evaluation standards for proposed development and land division.
4. At the September 20 and October 18, 2004 Mason County Planning Advisory Commission meetings, the proposed ordinance revisions in the Resource Ordinance, Title 16, and Development Regulations, were presented, and the Planning Advisory Commission members evaluated through discussions with staff and the public and, then passed motions to recommend approval of these proposed ordinance changes.
5. At the December 14, 2004 public hearing, the Board of County Commissioners considered the recommendations of the Planning Advisory Commission, and the letters and testimony of the Mason County Department of Community Development and citizens regarding

the proposed revisions to the Mason County Resource Ordinance, Title 16, and Development Regulations, standards.

FROM THE PRECEDING FINDINGS, and based upon the staff report, text of the proposed revisions, and public testimony, the Mason County Board of Commissioners adopts a motion to approve the presented revisions amending the Mason County Resource Ordinance regarding parks and community land uses in the fish and wildlife habitat conservation areas buffers; amending Title 16 Plats and Subdivisions clarifying what land shall be considered for proposed boundary line adjustments, and the definition of lot combinations; and amending the Mason County Development Regulations, regarding standards on a change of use for Non-Conforming Uses, reviewing a new land use in respect to immediate previous land use or approval of special use permit in respect to current site conditions and compatibility with area land uses.

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Chair, Mason County Board of Commissioners

Date

**ATTACHMENT B**

- 1) Resource Ordinance Section 17.01.110 Fish & Wildlife Habitat Conservation Areas:  
Section 17.01.110.G.2.f. new text on park / community recreational land use  
development in saltwater and freshwater areas need environmental permit review.

**RESOURCE ORDINANCE**

Section 17.01.110 FISH & WILDLIFE HABITAT CONSERVATION AREAS:

**G. DEVELOPMENT AND ACTIVITIES REQUIRING A MASON ENVIRONMENTAL PERMIT IN FISH & WILDLIFE HABITAT CONSERVATION AREAS OR THEIR BUFFERS**

A Mason Environmental Permit shall be obtained from the County, using the administrative review process in this Chapter, before undertaking the following activities in FWHCAs or their buffers. When a major new development is proposed within 1/4 mile of a listed species point location (den or nest site), as identified through the WDFW PHS data base, tribal and other local fish and wildlife databases or knowledge, a preliminary review by a qualified fish and wildlife professional shall be provided to the county which shall determine if a FWHCA or its buffer is within the area of the development.

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2. A Habitat Management Plan (HMP) will not be required for the following activities which comply with the development standards below, except as specified:

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- f. 1. Freshwater Activities. Accessory uses to existing or new development, such as a freshwater pier, dock, or float; boat ramp, or boat lift will need to meet the additional review standards of the Mason County Shoreline Master Program, Resource Ordinance, and other development ordinances.

2. Park or community recreation development that is water dependent. In areas maintained as existing developed use for the park or community recreation land use, new development such as picnic or assembly structures is permitted and are required to meet the additional review standards of the Mason County Shoreline Master Program, Resource Ordinance, and other development ordinances.

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- 2) Title 16 Plats and Subdivisions Section 16.40.040 Boundary Line Adjustments or 16.40.045 Lot Combinations. New text clarifying what land (platted and/or unplatted lots) shall be considered for proposed boundary line adjustments.

## **TITLE 16 PLATS & SUBDIVISIONS**

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### **CHAPTER 16.40            MODIFICATIONS, APPEALS, AND FEES**

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#### **16.40.040 Boundary Line Adjustment.**

A division made for the purpose of adjusting boundary lines, which does not create any additional lot, tract, parcel, site, or division containing insufficient area and dimension to meet minimum requirements for width and area for a building site; provided that ~~for lots within a recorded short subdivision, subdivision, non-platted street division, or large lot subdivision,~~ no boundary line adjustment shall be effective until:

- (a) The proponent is issued a boundary line adjustment certificate from the Planning Department verifying that the proposed division conforms to the requirements of this subsection;
- (b) The proponent has paid the fee prescribed by the approved fee schedule for review and issuance of the certificate;
- (c) The proponent has filed an application that includes:
  - (1) An adjusted legal description of the lots affected by the adjustment prepared and certified by a registered land surveyor or Title company;
  - (2) A scale drawing of the lots affected by the adjustment.
- (d) The certificate, legal description, scale drawing, and notarized declaration have been recorded with the County Auditor by the Planning Department.

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#### **16.40.045 Lot combinations.**

When an applicant seeks only to combine two or more lots, parcels, or tracts into a single lot, and no other property boundary changes are proposed, such action shall not be effective until:

- (a) The proponent has an approval for the lot combination from the Planning Department, verifying that the proposed division conforms to the requirements of this subsection;
- (b) The proponent has paid the fees prescribed by the approved fee schedule for review and issuance of the certificate;
- (c) The Planning Department approval, legal description, scale drawing, and notarized declaration have been recorded with the County Auditor by the Planning Department.

Applications shall be made on forms provided by the Planning Department. The combination of unplatted land, or platted and unplatted land (including portions of platted lots) shall be known as a lot combination boundary line adjustment or as a lot combination. The combination of platted lots, all of which are complete lots, shall be known as a parcel combination. The application requirements for lot combinations and parcel combinations may differ.

A lot combination may also be the combination of 3 or more lots and result in more than one lot, provided that each resulting lot can be described as the entirety of one or more of the original lots plus some portion of one or more of the other original lots. These lot

combinations shall also not be effective until they meet the requirements (a), (b), and (c) specified above in this section.

- 3) Development Regulations Section 1.05.018 Change of Use (Non-Conforming Uses).  
Review of new land use in respect to immediate previous land use or review and approval of special use permit in respect to current site conditions and compatibility with area land uses.

## **MASON COUNTY DEVELOPMENT REGULATIONS**

### **..... 1.05.010 Nonconforming Buildings and Uses**

### **..... 1.05.018 Change of Use**

- ~~A.~~ Any nonconforming use of land or a structure shall not be changed to any other use, unless:
1. The new use conforms to the provisions of this Ordinance; or
  2. The new use is of equal or lesser intensity than the previous use most current use, as determined by the Classification of Land Uses, FIGURE 1.03.034; or
  3. By Special Use permit, the new use is of equal to or less intensity than any prior use that occurred in a ten-year period preceding the date of application for said Special Use Permit, based upon the current site conditions and compatibility with area land uses.