

**ORDINANCE NUMBER 24 - 04**

**AMENDMENTS TO  
MASON COUNTY DEVELOPMENT REGULATIONS (ORD. NO. 82-96)  
AND TITLE 8 MASON COUNTY RESOURCE ORDINANCE.**

AN ORDINANCE amending the Mason County Development Regulations, regarding certain definitions; permitted and similar uses; special use permits for church, cemetery, motorized commercial outdoor recreation and air transportation land uses; and administrative variance review of rear yard setbacks; and amending the Mason County Resource Ordinance regarding certain definitions, under the authority of Chapters 36.70 and 36.70A RCW.

WHEREAS, Mason County adopted the Mason County Development Regulations (Ordinance No. 82-96) which was last amended by Ordinance No. 65-03 on July 1, 2003, and adopted the Mason County Code Title 8 Mason County Resource Ordinance, which was last amended by Ordinance No. 59-03 on June 10, 2003;

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

WHEREAS, at the January 26, February 9 and February 23, 2004 Mason County Planning Advisory Commission meetings, the proposed ordinance revisions in the Development Regulations 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 a public hearing about the proposed revisions on April 6, 2004, to consider the recommendations of the Planning Advisory Commission, and the testimony of the Mason County Department of Community Development and citizens on the proposed revisions to the Mason County Development Regulations 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.

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Mason County Board of Commissioners hereby approves and ADOPTS the amendments to the Mason County Development Regulations, regarding certain definitions; permitted and similar uses; special use permits for church, cemetery, motorized commercial outdoor recreation and air transportation

Ordinance 24 - 04 (continued)

land uses; and administrative variance review of rear yard setbacks; and the amendments to the Mason County Resource Ordinance regarding certain definitions, as described by ATTACHMENT B.

DATED this 6th day of April 2004.

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

ATTEST:

Rebecca Rogers  
Clerk of the Board

Wesley E. Johnson  
Wesley E. Johnson, CHAIRPERSON

APPROVED AS TO FORM:

Darren Meneber DPA  
Prosecuting Attorney

Herb Baze  
Herb Baze, COMMISSIONER

Jayni Kamin  
Jayni Kamin, COMMISSIONER

**AN ORDINANCE AMENDING  
THE MASON COUNTY DEVELOPMENT REGULATIONS AND  
MASON COUNTY RESOURCE ORDINANCE STANDARDS**

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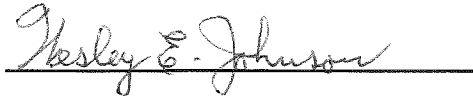
**MASON COUNTY BOARD OF COMMISSIONERS  
April 6, 2004**

**FINDINGS OF FACT**

1. Under consideration is the proposed ordinance to amend the Mason County Development Regulations, regarding certain definitions; permitted and similar uses; special use permits for church, cemetery, motorized commercial outdoor recreation and air transportation land uses; and administrative variance review of rear yard setbacks; and to amend the Mason County Resource Ordinance regarding certain definitions,.
2. 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. The Mason County Resource Ordinance designates resource lands and critical areas and describes the standards and review procedures for proposed development in Mason County.
3. The Mason County Department of Community Development staff have presented proposed revisions to these ordinances which establish or clarify evaluation standards for residential development; special use permits for church, cemetery, motorized commercial outdoor recreation and air transportation land uses; and administrative variance review of rear yard setbacks
4. At the January 26, February 9 and February 23, 2004 Mason County Planning Advisory Commission meetings, the proposed ordinance revisions in the Development Regulations and Resource Ordinance 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 April 6, 2004 public hearing, the Board of County Commissioners considered the recommendations of the Planning Advisory Commission, and the testimony of the Mason County Department of Community Development and citizens regarding the proposed revisions to the Mason County Development Regulations and Resource Ordinance.

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 amendments to the Mason County Development Regulations, regarding certain

definitions; permitted and similar uses; special use permits for church, cemetery, motorized commercial outdoor recreation and air transportation land uses; and administrative variance review of rear yard setbacks; and the amendments to the Mason County Resource Ordinance regarding certain definitions,

A handwritten signature in cursive script, reading "Wesley E. Johnson", is written over a solid horizontal line.

Chair, Mason County Board of Commissioners

Date

REVISIONS TO  
COMPREHENSIVE PLAN DEVELOPMENT STANDARDS  
PART 1

Note that the proposed text is *italics*, new text is underlined and that deleted text is ~~struck out~~.

a) new definition in Mason County Development Regulations:

**1.06 Definitions**

Insert in order:

***Residential Development.*** *The development of land, or the construction or placement of dwelling units for residential occupancy and accessory uses.*

new definition in Mason County Resource Ordinance:

**17.01.240 Definitions**

Insert in order:

***Residential Development.*** *The development of land, or the construction or placement of dwelling units for residential occupancy and accessory uses.*

b) revise definitions in Mason County Development Regulations:

**1.06 Definitions**

Insert in order:

***Front Yard and Front Yard Setback.*** *The space extending the full width of the lot between a structure or building and the front lot line or road easement boundary, whichever is closer. and The setback is measured perpendicular to from the building to the closest point of the front lot line or road easement boundary, whichever is closer. See Figure 1.06 A.*

***Lot.*** *A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit. See Figure 1.06 A. to see location of lot lines and setbacks.*

c) Revise for clarification in Mason County Development Regulations:

**1.06 Definitions**

Insert following title:

***NOTE:*** *The definitions used in the Mason County Development Regulations are those terms defined in Moskowitz, Harvey S. and Lindbloom, Carl G.; The New Illustrated Book of Development Definitions. New Brunswick, NJ, Center for Urban Policy Research, 1993, except as specifically defined in separate county ordinance(s).*

d) Revise text for clarification:

The following term is deleted because it is not used in the Development Regulations text.

~~**Zoning.** The process *through certain standards* by which a county or municipality legally controls the use of property and physical configuration of development upon tracts of land within its jurisdiction. *For example, the City of Shelton is the only a jurisdiction in Mason County that has a zoning ordinance. The Development Regulations Section 1.04 sets forth zoning in the Rural Areas of Mason County.*~~

e) Regarding permitted / similar uses discussed in Mason County Development Regulations, revise the sections below:

#### **1.03.020      Matrix of Permitted Uses**

The intent of this section is to assist proponents and staff in determining whether a proposed land use is consistent with the appropriate *applicable* policies of the Comprehensive Plan. Those policies were formed with the intention to allow property owners and project proponents as much flexibility as possible in the use of their property, within the constraints of the Growth Management Act. Therefore, the following matrix *identifies the permitted uses in* is intended to identify, for the sake of simplicity of usage, whether a particular land use fits the urban or resource *land areas in Mason County.* character of the area where it is proposed. However, it is recognized that such an approach is limited in its ability to deal fairly with each unique project proposed. If a proponent can demonstrate, through studies of such measures as trip generation, type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele characteristics of the use, that the land use of the project as proposed is appropriate for the location proposed, such demonstration shall be considered by the Administrator in addition to the information in the matrix. These requirements *Permitted uses*, as they apply to Rural Lands, have been placed in Chapter 1.04. All uses not listed as permitted uses, accessory uses, or special permit uses in the matrix or Chapter 1.04 are prohibited uses.

#### **1.03.022 — Uses Otherwise Permitted**

The list of uses set forth in FIGURE 1.03.020 or in Chapter 1.04 is not intended to be all-inclusive. If an applicant proposes a use which is not listed, the Administrator may, but is not required to, determine whether the use is similar to a permitted use, utilizing the procedure set forth in Section 1.03.023. If the Administrator can not make an affirmative determination, then the Administrator may, but is not required to look to the *by examining Comprehensive Plan goals and policies* to determine whether such use was contemplated within the development area. The Administrator shall maintain a list of all such determinations and interpretations for use by future applicants, which list shall be submitted to the Board for review not less than once each year. All uses not specifically

~~provided for by being listed or not provided for by interpretation under 1.03.22 and 1.03.23 are prohibited uses.~~

#### ~~1.03.023 — Similar Uses~~

~~The Administrator may, but is not required to, authorize uses for all Development Areas that have similar characteristics to uses specifically cited in Chapter 1.03.020 or in Chapter 1.04. In making an affirmative determination that a use is similar to one specifically cited in Chapter 1.03.020 or in Chapter 1.04, the Administrator shall find that the land use characteristics fit the urban or rural character of the surrounding area by using measures such as trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele characteristics of the use. In making an affirmative determination, the Administrator should find that the use characteristics differ by less than 10 percent from the characteristics of the use specifically cited in Chapter 1.03.020.~~

f) Revise in Mason County Development Regulations: [church land use and building size]

##### **1.04.212 Uses Permitted. (RR2.5)**

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

##### **1.04.217 Special Provisions. (RR2.5)**

- C. Government operated day care centers, essential public facilities, *churches*, community centers, and schools may exceed 3,000 sq. feet as approved by a special use permit

##### **1.04.227 Special Provisions. (RR5)**

- C. Government operated day care centers, essential public facilities, *churches*, community centers, and schools may exceed 3,000 sq. feet as approved by a special use permit.

##### **1.04.237 Special Provisions. (RR10)**

- C. Government operated day care centers, essential public facilities, *churches*, community centers, and schools may exceed 3,000 sq. feet as approved by a special use permit.

##### **1.04.247 Special Provisions. (RR20)**

- C. Essential public facilities *and churches* may exceed 3,000 sq. feet as approved by the special use permit.

g) Revise as new section in Mason County Development Regulations:

##### **1.03.025 Provisions for Airports.**

- A. *Airports and heliports are a land use suitable for location within an urban growth area and are not allowed as a cottage industry to another land use in the Rural Area.*
- B. *Airport overlay zones set out the standards for appropriate land uses and*

structure heights within that overlay zone.

C. *Proposals to expand airport operation land uses or to develop new land uses in the airspace and approach corridors shall be reviewed for compliance with subarea planning development standards and with the policies of port comprehensive planning.*

D. *Airplane landing strips and ~~helispots~~ helistops used for commercial or industrial land uses ~~are not~~ may be allowed with a Special Use Permit in Rural Tourist and Rural Industrial zones, are allowed in the Rural Natural Resources zone, but are not otherwise allowed in the Rural Area.*

h) Revise as new section in Mason County Development Regulations:

#### **1.04.600 RURAL TOURIST (RT)**

##### **1.04.602 Uses Permitted.**

A. **USES:** Marina - Sales, Service and Storage, Lodging facilities, including motel, RV park, Campgrounds, and Bed and breakfast, Golf course, Restaurant, Retreat centers, Outdoor recreation.

B. **ACCESSORY USES:** Employee housing; Retail and Gas (1,000 sq. ft. maximum building size); Self Storage (Contained space has 1,000 sq. ft. maximum building size; outdoor storage limited to recreation storage).

C. **SPECIAL PERMIT REQUIRED USES:** *Motorized commercial outdoor recreation; air transportation; and rifle ranges.*

##### **1.04.607 Special Provisions.**

A. Application to RT uses requires applicant to provide ~~such~~ information on: Access to state and county roads; location and size of lot(s); land uses on adjacent properties; potential impacts to existing residential uses; how ~~is~~ proposed use *is* related to recreational and tourist activities and/or to commercial services to tourists and adjacent rural populations.

B. RV parks shall comply with the following additional standards:

1. No recreational vehicle shall remain in the RV park for rental purposes or for a time period of more than 120 consecutive days and 180 days in a 360 day period (this standard applies to new occupants at existing mobile home and recreational vehicle parks, and to new mobile home and recreational vehicle parks). The RV park management shall maintain rental records identifying each RV and registered occupant and shall present them to the county on written request. Failure to maintain or to present these records on request shall be sufficient grounds to rescind the RV park permit.

2. The recreational vehicle shall be built on a chassis and self-propelled or permanently towable, and shall not be set up in a RV park as a permanent structure for limited use.

C. *The following additional information is required for motorized commercial outdoor recreation shall be provided, including but not limited to: grading proposed, stormwater and erosion control plans, sanitation and support services provided, and traffic studies from activities proposed.*



#### **1.04.610 RURAL TOURIST CAMPGROUND (RTC)**

##### **1.04.612 Uses Permitted.**

- A. USES: Lodging facilities, including RV park, and campgrounds, Golf course, retreat centers, and outdoor recreation.
- B. ACCESSORY USES: Employee housing; motel and bed and breakfast; Marina - sales, service and storage; retail, gas, self storage, restaurant.
- C. *SPECIAL PERMIT REQUIRED USES: Motorized commercial outdoor recreation; ~~air transportation~~; and rifle ranges.*

##### **1.04.617 Special Provisions.**

- A. Application to RTC uses requires applicant to provide ~~such~~ information on: Access to state and county roads; location and size of lot(s); land uses on adjacent properties; potential impacts to existing residential uses; ~~how is proposed use is~~ related to recreational and tourist activities, ~~and/or~~ to commercial services to tourists and to adjacent rural populations.
- B. RV parks shall comply with the following additional standards:
  - 1. No recreational vehicle shall remain in the RV park for rental purposes or for a time period of more than 120 consecutive days and 180 days in a 360 day period (this standard applies to new occupants at existing mobile home and recreational vehicle parks, and to new mobile home and recreational vehicle parks). The RV park management shall maintain rental records identifying each RV and registered occupant and shall present them to the county on written request. Failure to maintain or to present these records on request shall be sufficient grounds to rescind the RV park permit.
  - 2. The recreational vehicle shall be built on a chassis and self-propelled or permanently towable, and shall not be set up in a RV park as a permanent structure for limited use.
- C. *The following additional information is required for motorized commercial outdoor recreation ~~shall be provided~~, including but not limited to: grading proposed, stormwater and erosion control plans, sanitation and support services provided, and traffic studies from activities proposed.*

#### **1.04.400 RURAL INDUSTRIAL (RI)**

**1.04.401 Purpose.** The Rural Industrial (RI) district provides for isolated areas of primarily existing industrial type uses.

##### **1.04.402 Uses Permitted.**

- A. USES: Manufacturing, Warehousing, Truck yards, Contractor yards.
- B. ACCESSORY USES: Retail space not to exceed 10% of the floor area.
- C. SPECIAL PERMIT REQUIRED USES: Accessory air transportation.

And insert in order in Mason County Development Regulations:

#### **1.06 Definitions**

*Air Transportation.* Commercial air transport service, such as charter and/or docking facilities.

i) Revise as new section in Mason County Development Regulations:

**1.03.027 Provisions for Cemeteries.**

**1.04.210. Rural Residential 2.5 (RR 2.5)**

**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).
- C. *SPECIAL PERMIT REQUIRED USES: Cemetery.*

**1.04.220. Rural Residential 5 (RR 5)**

**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, cemetery, and home occupations and cottage industries that do not meet the standards in Section 1.03.021.*

**1.04.230. Rural Residential 10 (RR 10)**

**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, Schools, commercial day care centers, cemetery, and home occupations and cottage industries that do not meet the standards in Section 1.03.021.*

**1.04.240. Rural Residential 20 (RR 20)**

**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, 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, cemetery, and home occupations and cottage industries that do not meet the standards in Section 1.03.021.*

## 1.06 Definitions

Insert in order:

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*Cemetery: In accordance with R.C.W. 68.40, any one or combination of the following land uses in a place used for, or intended to be used and dedicated, for cemetery purposes: 1) burial park for earth interment; 2) mausoleum for crypt interment; and columbarium for permanent cinerary interment.*

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l) Revise as new section in Mason County Development Regulations:

## 1.05.005. Structures and Uses.

### 1.05.006. Review of Structures

Structures which are assembled for a certain purpose or use shall be reviewed under the standards of that use (for example, boathouse, dock, boat lift, shed, or deck), whether secured in a fixed location or on a mobile framework.

gg) Revise existing text in **Development Regulations**: [rear yard setback]

## MASON COUNTY DEVELOPMENT REGULATIONS

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### 1.04.217 Special Provisions. (RR2.5)

E. Front yard or *rear yard* setback may be reduced as provided in Section 1.05.034.C or *side yard setback may be reduced as provided in Section 1.05.034.D.*

....

### 1.04.227 Special Provisions. (RR5)

E. Front yard or *rear yard* setback may be reduced as provided in Section 1.05.034.C or *side yard setback may be reduced as provided in Section 1.05.034.D.*

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### 1.04.237 Special Provisions. (RR10)

E. Front yard or *rear yard* setback may be reduced as provided in Section 1.05.034.C or *side yard setback may be reduced as provided in Section 1.05.034.D.*

....

### 1.04.247 Special Provisions. (RR20)

E. Front yard or *rear yard* setback may be reduced as provided in Section 1.05.034.C or *side yard setback may be reduced as provided in Section 1.05.034.D.*

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**1.05.034 Granting of Variances Authorized**

C. The Administrator may allow a reduction in the required front yard setback *or rear 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 *or 20-foot rear yard setback* standards. The front yard setback or rear 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 road access easement boundary. ~~The rear yard setback shall be the minimum necessary to accommodate a reasonable development proposal, but not less than 5 feet distance from the property line.~~—The Administrator shall document in the property file the rationale for said administrative variance decision.

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