

ORDINANCE NUMBER 52- 04

**AMENDMENTS TO THE MASON COUNTY TITLE 15 DEVELOPMENT CODE
ADDING SECTION 15.03.060 PROCESS TO REMOVE DRAINAGE AND
UTILITY EASEMENTS**

AN ORDINANCE amending Title 15 Development Code regarding the process to remove drainage and utility easements, under the authority of Chapters 36.70 and 36.70A RCW.

WHEREAS, the Mason County Code Title 15 Mason County Development Code was last amended by Ordinance No. 50-04 on June 8, 2004;

WHEREAS, the Department of Community Development has prepared revisions to this implementing ordinance 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 April 5 and 26, 2004 Mason County Planning Advisory Commission meetings, the proposed ordinance revisions in the Development Code 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 June 8 and 15, 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 Code; 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 adopts a motion to approve the presented revisions that add Title 15 Development Code Section 15.03.060 regarding the process to remove drainage and utility easements, as described by ATTACHMENT B.

Ordinance No. 52- 04 (continued)

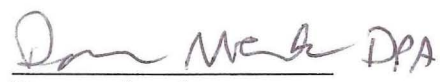
DATED this 15th day of June 2004.


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

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:


Prosecuting Attorney


Wesley E. Johnson, CHAIRPERSON


Herb Baze, COMMISSIONER


Jayni Kamin, COMMISSIONER

**AN ORDINANCE ADDING SECTION 15.03.060 TO
MASON COUNTY TITLE 15 DEVELOPMENT CODE STANDARDS AMENDING
THE PROCESS TO REMOVE DRAINAGE AND UTILITY EASEMENTS**

**MASON COUNTY BOARD OF COMMISSIONERS
June 15, 2004**

FINDINGS OF FACT

1. Under consideration is the ordinance to amend Title 15 Development Code regarding the process to remove drainage and utility easements.
2. The Mason County Title 15 Development Code sets forth procedures for the permitting of proposed development and enforcement of implementing standards.
3. The Mason County Department of Community Development staff has presented these revisions to the Development Code which establish or clarify evaluation standards for proposed development or land uses.
4. At the April 5 and 26, 2004 Mason County Planning Advisory Commission meetings, the proposed ordinance revisions in the Development Code were presented, and the Planning Advisory Commission members evaluated the proposed changes through discussions with staff and the public and, then passed motions to recommend approval of the ordinance revisions.
5. At the June 8 and 15, 2004 public hearings, 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 Code.

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 that add Title 15 Development Code Section 15.03.060 regarding the process to remove drainage and utility easements.



Chair, Mason County Board of Commissioners

Date

**MASON COUNTY CODE TITLE 15
MASON COUNTY DEVELOPMENT CODE**

Adding the following section:

15.03.060 PROCESS TO REMOVE UTILITY AND DRAINAGE EASEMENTS

- A. County has no interest in any utility and drainage easement: The Hearing Examiner may review and act on applications and plat alterations for removal of utility and drainage easements. The Hearing Examiner may act on the removal of the easements without a public hearing, provided that all parties entitled to notice under R.C.W. 58.17.080 and 58.17.090 shall be given notice, which provides an opportunity for a hearing, upon request, within 14 days of the receipt of the notice.
- B. County has interest in any utility and drainage easement: The County Commissioners may dispose of any County property interest in the utility and drainage 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, the easements are not needed, are not likely to be needed, and the easements have no known present or future value to the County. The disposal shall take place as set forth in Chapter 3.40 M.C.C. and any applicable laws and regulations. After a public hearing, the Hearing Examiner may review and act on the application for the removal of a drainage and utility easements.