

ORDINANCE NUMBER 53 - 04

**AMENDMENTS TO THE MASON COUNTY DEVELOPMENT REGULATIONS,
RESOURCE ORDINANCE, TELECOMMUNICATION TOWERS
ORDINANCE, AND FOREST PRACTICES MORATORIUM ORDINANCE.**

AN ORDINANCE to amend the Mason County Resource Ordinance, regarding exemptions of review of certain habitat enhancement projects and fish hatcheries in fish and wildlife habitat areas; to amend the Mason County Development Regulations, regarding additional application information needed for the review of special use permits; to amend the Telecommunication Towers Ordinance regarding definitions and minor text changes to applicability; and to amend the Forest Practices Moratorium Ordinance regarding needed text changes in the waiver review process; under the authority of Chapters 36.70 and 36.70A RCW.

WHEREAS, Mason County Development Regulations (adopted as Ordinance No. 82-96) was amended by Ordinance No. 50-04 on June 8, 2004. The Mason County Code Title 8 Mason County Resource Ordinance was last amended by Ordinance No. 50-04 on June 8, 2004. The Mason County Telecommunication Towers Ordinance was adopted as Ordinance No. 05-98 on January 20, 1998. The Mason County Forest Practices Moratorium Ordinance was adopted as Ordinance No. 108-98 on October 6, 1998.

WHEREAS, the Department of Community Development has prepared revisions to these four 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 April 5 and 26, 2004 Mason County Planning Advisory Commission meetings, the proposed ordinance revisions in the Development Regulations, Resource Ordinance, Telecommunication Towers Ordinance, and Forest Practices Moratorium 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 June 15, 2004, to consider the recommendations of the Planning Advisory Commission, and testimony of the Mason County Department of Community Development and citizens on the proposed revisions to the Mason County Development Regulations, Resource Ordinance, Telecommunication Towers Ordinance, and Forest Practices Moratorium Ordinance; and

Ordinance No. 53 - 04 (continued)

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.

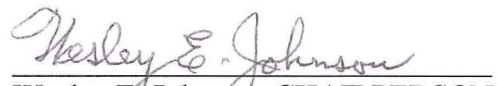
NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Mason County Board of Commissioners hereby approves and ADOPTS the revisions to amend the Mason County Resource Ordinance, regarding exemptions of review of certain habitat enhancement projects and fish hatcheries in fish and wildlife habitat areas; to amend the Mason County Development Regulations, regarding additional application information needed for the review of special use permits; to amend the Telecommunication Towers Ordinance regarding definitions and minor text changes to applicability; and to amend the Forest Practices Moratorium Ordinance regarding needed text changes in the waiver review process, as described by ATTACHMENT B.

DATED this 15th day of June 2004.


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

ATTEST:


Clerk of the Board


Wesley E. Johnson, CHAIRPERSON

APPROVED AS TO FORM:


Prosecuting Attorney


Herb Baze, COMMISSIONER


Jayni Kamin, COMMISSIONER

**AN ORDINANCE AMENDING STANDARDS IN
THE MASON COUNTY DEVELOPMENT REGULATIONS,
RESOURCE ORDINANCE, TELECOMMUNICATION TOWERS
ORDINANCE, AND FOREST PRACTICES MORATORIUM ORDINANCE.**

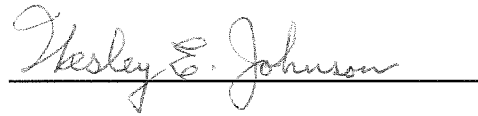
**MASON COUNTY BOARD OF COMMISSIONERS
June 15, 2004**

FINDINGS OF FACT

1. Under consideration is the ordinance to amend the Mason County Resource Ordinance, regarding exemptions of review of certain habitat enhancement projects and fish hatcheries in fish and wildlife habitat areas; to amend the Mason County Development Regulations, regarding additional application information needed for the review of special use permits; to amend the Telecommunication Towers Ordinance regarding definitions and minor text changes to applicability; and to amend the Forest Practices Moratorium Ordinance regarding needed text changes in the waiver review process.
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 Development Regulations set forth land use designations and development standards for proposed projects in Mason County. The Mason County Telecommunication Towers Ordinance sets forth procedures for the permitting of proposed towers and antennas in the county. The Forest Practices Moratorium Ordinance sets forth procedures for implementing, waiving, and removing enacted forest practices moratoria.
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.
4. At the April 5 and 26, 2004 Mason County Planning Advisory Commission meetings, the proposed ordinance revisions in the Resource Ordinance, Development Regulations, Telecommunication Towers Ordinance, and Forest Practices Moratorium Ordinance were presented, and through discussions with staff and the public, the Planning Advisory Commission members evaluated and then passed motions to recommend approval of these proposed ordinance changes.
5. At the June 15, 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

in the Resource Ordinance, Development Regulations, Telecommunication Towers Ordinance, and Forest Practices Moratorium 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 presented revisions to amend the Mason County Resource Ordinance, regarding exemptions of review of certain habitat enhancement projects and fish hatcheries in fish and wildlife habitat areas; to amend the Mason County Development Regulations, regarding additional application information needed for the review of special use permits; to amend the Telecommunication Towers Ordinance regarding definitions and minor text changes to applicability; and to amend the Forest Practices Moratorium Ordinance regarding needed text changes in the waiver review process.

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

Chair, Mason County Board of Commissioners

Date

MASON COUNTY RESOURCE ORDINANCE

17.01.110 FISH AND WILDLIFE HABITAT CONSERVATION AREAS

E. STEWARDSHIP OPTIONS AND INCENTIVES

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8. *Enhancement:* Mason County encourages property owners to enhance critical areas and buffers which have been degraded by past land clearing and site modification activities or replaced by noxious vegetation. Critical area enhancement projects shall require staff review and needed approvals. Mason County shall waive review fees for enhancement projects that meet either of the below criteria:

(a) Sponsored Projects. Enhancement projects sponsored by Mason County, Washington Department of Fish and Wildlife, Mason Conservation District, U.S. Natural Resources Conservation Service, U.S. Fish and Wildlife Service, Washington Department of Natural Resources, or other public agency approved by the Administrator which are consistent with the Comprehensive Plan, Resource Ordinance, and other plans adopted by the Board of County Commissioners.

(b) Vegetation Planting/Removal. Planting of native vegetation or removal of non-native species for the enhancement of the critical area; provided, that such activities are performed using hand tools and are limited to the area being enhanced; provided further, that watering of newly planted vegetation is limited to the first three years. Watering of newly planted vegetation on landslide hazard areas shall require approval of a geotechnical report, mitigation plan or restoration plan in accordance with this chapter. Allowable hand tools include gas and electric-powered equipment which is typically moved by hand, including equipment such as chain saws, hedge trimmers, and lawn mowers.

F. ACTIVITIES WHICH DO NOT REQUIRE A MASON ENVIRONMENTAL PERMIT

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2. The removal from buffer areas of noxious weeds designated in Chapter 17.10 RCW (see also Section 17.01.110.E.8).

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6. The enhancement of a buffer by planting indigenous vegetation (see also Section 17.01.110.E.8).

7. The construction of trails which shall be unpaved when located in the buffer areas and elevated when located in wetlands, which are not intended for motorized use, and which are no wider than three (3) feet, unless additional width is necessary for safety along a precipice, steep hillside, or other hazardous area.
8. A habitat enhancement project that has minimum County review and is subject to the review and approval by a governmental agency, tribal agency, or fish and wildlife habitat enhancement group utilizing the process stated in R.C.W. 77.55.290.
9. Harvesting of Wild Crops: Harvesting wild crops which do not significantly affect the viability of the wild crop, the function of the Fish and Wildlife Habitat or regulated buffer (does not include tilling of soil or alteration of the Fish and Wildlife Habitat Conservation Area).
10. Any of the General Exemptions authorized by Section 17.01.130.

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

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1. A Habitat Management Plan (HMP) shall be prepared for these activities:

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g. *Conservation*: Any conservation, preservation, or enhancement projects to protect functions and values of the critical area system, including activities and mitigation allowed pursuant to the mitigation priorities identified in Section I (see also Section 17.01.110.E.8).

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17.01.130 GENERAL EXEMPTIONS

The following activities shall be exempt from the provisions of this ordinance:

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- I. Construction and operation (including normal repair and maintenance) of fish hatcheries.

MASON COUNTY DEVELOPMENT REGULATIONS

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), Churches, Group homes, Cell towers, Public utilities.
- B. ACCESSORY USES: Cottage Industry (home occupation).
- C. SPECIAL PERMIT REQUIRED USES: Cemetery.

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1.04.217 Special Provisions.

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- 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. Application for special use permit requires the applicant to provide the following information to aid in analyzing the request, preparing necessary conditions, and providing consistency with dimensional and performance standards in these and other relevant county regulations: the location and size of lot(s); site plan with areas of proposed use; access to state and county roads; land uses on adjacent properties and potential impacts to those uses by the proposal; provision of parking areas and stormwater facilities; hours of operations; and anticipated sources of noise, glare, or odors from proposed use(s).

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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.

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1.04.227 Special Provisions.

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- 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. Application for special use permit requires the applicant to provide the following information to aid in analyzing the request, preparing necessary conditions, and providing consistency with dimensional and performance standards in these and other relevant county regulations: the location and size of lot(s); site plan with areas of proposed use; access to state and county roads; land uses on adjacent properties and potential impacts to those uses by the proposal; provision of parking areas and stormwater facilities; hours of operations; and anticipated sources of noise, glare, or odors from proposed use(s).

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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.

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1.04.237 Special Provisions.

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- 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. Application for special use permit requires the applicant to provide the following information to aid in analyzing the request, preparing necessary conditions, and providing consistency with dimensional and performance standards in these and other relevant county regulations: the location and size of lot(s); site plan with areas of proposed use; access to state and county roads; land uses on adjacent properties and potential impacts to those uses by the proposal; provision of parking areas and stormwater facilities; hours of operations; and anticipated sources of noise, glare, or odors from proposed use(s).

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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.

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1.04.247 Special Provisions.

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- C. Essential public facilities and churches may exceed 3,000 sq. feet as approved by the special use permit. Application for special use permit requires the applicant to provide the following information to aid in analyzing the request, preparing necessary conditions, and providing consistency with dimensional and performance standards in these and other relevant county regulations: the location and size of lot(s); site plan with areas of proposed use; access to state and county roads; land uses on adjacent properties and potential impacts to those uses by the proposal; provision of parking areas and

stormwater facilities; hours of operations; and anticipated sources of noise, glare, or odors from proposed use(s).

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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.

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1.04.607 Special Provisions.

- A. Application to RT uses requires applicant to provide 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 special use permits, to aid in analyzing the request, preparing necessary conditions, and providing consistency with dimensional and performance standards in these and other relevant county regulations, including but not limited to: the location and size of lot(s); site plan with areas of proposed use; access to state and county roads; land uses on adjacent properties and potential impacts to those uses by the proposal; provision of parking areas and stormwater facilities; hours of operations; anticipated sources of noise, glare, or odors from proposed use(s); 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; and rifle ranges.

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1.04.617 Special Provisions.

- A. Application to RTC uses requires applicant to provide 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 proposed use is related to recreational and tourist activities, 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 special use permits, to aid in analyzing the request, preparing necessary conditions, and providing consistency with dimensional and performance standards in these and other relevant county regulations, including but not limited to: the location and size of lot(s); site plan with areas of proposed use; access to state and county roads; land uses on adjacent properties and potential impacts to those uses by the proposal; provision of parking areas and stormwater facilities; hours of operations; anticipated sources of noise, glare, or odors from proposed use(s); 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.

1.04.407 Special Provisions.

New development shall be constructed and operated to meet the following performance standards:

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- G. The following additional information is required for special use permit requests to aid in analyzing the request, preparing necessary conditions, and providing consistency with dimensional and performance standards in these and other relevant county regulations, including but not limited to: the location and size of lot(s); site plan with areas of proposed use; access to state and county roads; land uses on adjacent properties and potential impacts to those uses by the proposal; provision of parking areas and stormwater facilities; hours of operations; anticipated sources of noise, glare, or odors from proposed use(s); grading proposed; stormwater and erosion control plans; sanitation and support services provided; and traffic studies from activities proposed.

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ORDINANCE NO. 5-98 STANDARDS FOR TELECOMMUNICATIONS ANTENNAS AND TOWERS

1. DEFINITIONS

- f. **"EXISTING TOWER"** shall mean those towers and antennas constructed after the effective date of this ordinance (March 3, 1998).
- g. **"HAMLET"** shall mean a location in Mason County so designated by the Comprehensive Plan as a center of local community activity serving the adjacent Rural Area.
- h. **"HEIGHT"** shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- i. **"PRE-EXISTING TOWERS AND ANTENNAS"** shall have the meaning set forth in Section 2 (c) of this ordinance.
- j. **"RURAL AREA"** shall mean that portion of Mason County that is not designated as a resource land (long term commercial forest, agricultural, or inholding lands) or urban growth area.
- k. **"TOWER"** shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopoly towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.
- l. **"URBAN AREA"** shall mean that portion of Mason County that is designated as an urban growth area (Allyn, Belfair and Shelton).
- m. **"WHIP ANTENNA"** shall mean an omni-directional antenna which is up to 15 feet in height and up to 4 inches in diameter.

4. PERMITTED USES.

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- b. **SPECIFIC PERMITTED USES.** The following uses are specifically permitted:

- (1) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in the Rural Area, Inholding Lands, or Long Term Commercial Forest Land provided, however, that such tower shall be set back a distance equal to the height of the tower from an adjoining property line, unless an easement has been

granted by the adjoining property owner(s). Also, provided that the tower or antenna is no higher than 90 feet for one user, 120 feet for two users and 150 feet for three users. Also, provided that the Department of Community Development may waive this height limit by up to 10% for the placement of whip antennas where there is little visual impact.

5. **ADMINISTRATIVE APPROVALS.**

b. **SPECIFIC ADMINISTRATIVELY APPROVED USES.**

The following uses may be approved by the Department of Community Development after conducting an administrative review:

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- (3) Locating any alternative tower structure in an Urban Area, Rural Activity Center or Hamlet which is determined by the Department of Community Development to be in conformity with the goals set forth in Section 3.a. of this ordinance; provided, however, that said structure is no higher than 70 feet.

FOREST PRACTICES MORATORIUM ORDINANCE.

11.04.120 DEFINITIONS

Critical Areas: The critical area designated by the Mason County Resource Ordinance, #77-93, as amended. Specifically, this includes: wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, landslide hazard areas, seismic hazard areas, and erosion hazard areas.

Hearing Examiner: that individual hired by Mason County to review and make decisions on type III permits and hear appeals of decisions or determinations made under certain titles of the Mason County Code.

11.04.230 ADMINISTRATION OF THE MORATORIUM

The Director of the Department of Community Development shall have the authority to determine that an application is subject to the moratorium, and the application shall be denied by the review authority at that time. Such an administrative determination may be appealed to the Mason County Hearing Examiner pursuant to the procedures and requirements contained in the Mason County Development Code.

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11.04.310 WAIVER- AUTHORITY

The Director of the Department of Community Development shall have the authority to approve, approve with conditions, or deny a request for a waiver of the moratorium, pursuant to the procedures and requirements of this chapter.

11.04.330 WAIVER - PROCESS

- A. The request will be made to the Department of Community Development on the application form provided by that department and accompanied by a completed county environmental checklist and any established fees.
- B. The application shall be reviewed as a Type II, administrative decision with notice, as provided for in the Mason County Title 15 Development Code.
- C. Standards for waiving the moratorium:
 - 1. The development area shall be no larger than two (2) acres in size.
 - 2. The harvest and reforestation of the property shall be completed as specified in the approved forest practices application/notice. That portion of property subject to the waiver application shall be excepted from reforestation.
 - 3. There shall be no damage to a critical area or its associated vegetation area nor to the shoreline area or that any damage to those areas is repairable with restoration.
 - 4. The proposed development shall be consistent with the county comprehensive plan and development regulations.

5. Mitigation shall be required for impacts to critical areas, stormwater, and shorelines. Other mitigation shall be required to prevent significant adverse environmental impacts, pursuant to M.C.C. Chapter 8.04 to 8.40.

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11.04.410 MORATORIUM REMOVAL- AUTHORITY

The Director of the Department of Community Development shall have the authority to remove the moratorium upon the request of the property owner only when an approved forest practices application has been either withdrawn or expired, and no harvest in reliance upon such approval has taken place. In other requests by the property owner for removal of the moratorium, the Hearing Examiner shall have the authority to approve, approve with conditions, or deny a request for a removal of the moratorium, pursuant to the procedures and requirements of this chapter.