

ORDINANCE NUMBER 31-06

**AN ORDINANCE AMENDING SECTIONS OF THE
MASON COUNTY TITLE 15 DEVELOPMENT CODE REGARDING
FOREST PRACTICES AND MORATORIUM REMOVALS.**

AN ORDINANCE amending Title 15 Development Code regarding the review of forest practices and moratorium removals, and the authority of review, as set forth in Title 11 Forest Practices, 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. 53-04 on June 15, 2004;

WHEREAS, the Department of Community Development has prepared revisions to this implementing ordinance to include provisions by which the Department of Community Development can evaluate and approve a proposed forest practices in Mason County;

WHEREAS, at the January 23, 2006 Mason County Planning Advisory Commission meeting, the proposed ordinance revisions in the Development Code concerning forest practices were presented, the Planning Advisory Commission members discussed the proposed changes with staff and the public, and then passed a motion to recommend approval of the ordinance revisions;

WHEREAS, the Board of County Commissioners held a public hearing about the proposed revisions on April 18, 2006, 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 several provisions to Title 15 Development Code regarding the review of forest practices and moratorium removals, and the authority of review, as described by ATTACHMENT B.

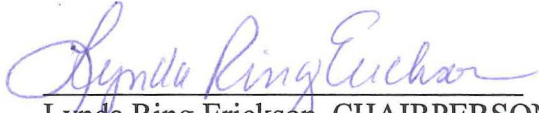
Ordinance No. 31-06 (continued)

DATED this 18th day of April 2006.

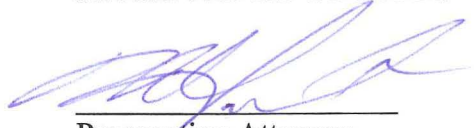
**BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON**

ATTEST:


Clerk of the Board


Lynda Ring Erickson, CHAIRPERSON

APPROVED AS TO FORM:


Prosecuting Attorney


Tim Sheldon, COMMISSIONER


Jayni Kamin, COMMISSIONER

**AN ORDINANCE AMENDING SECTIONS OF THE
MASON COUNTY TITLE 15 DEVELOPMENT CODE REGARDING
FOREST PRACTICES AND MORATORIUM REMOVALS.**

**MASON COUNTY BOARD OF COMMISSIONERS
April 18, 2006**

FINDINGS OF FACT

1. Under consideration is the ordinance to amend Title 15 Development Code regarding the review of forest practices and moratorium removals, and the authority of review, as set forth in Title 11 Forest Practices.
2. The Mason County Title 15 Development Code sets forth procedures for the review and permitting of proposed development and the enforcement of implementing standards.
3. The Mason County Department of Community Development staff has presented these revisions to the Development Code which include the applicability and review process for proposed forest practices development in Mason County.
4. At the January 23, 2006 Mason County Planning Advisory Commission meeting, the proposed ordinance revisions in the Development Code concerning forest practices were presented, the Planning Advisory Commission members discussed the proposed changes with staff and the public, and then passed a motion to recommend approval of the ordinance revisions.
5. At the April 18, 2006 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 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 several provisions to Title 15 Development Code regarding the review of forest practices and moratorium removals, and the authority of review.



Chair, Mason County Board of Commissioners

Date

MASON COUNTY CODE TITLE 15

MASON COUNTY DEVELOPMENT CODE

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15.03.005 PURPOSE AND APPLICABILITY

This Title describes enforcement actions and how the County will process applications for development subject to review under the following Titles of the Mason County Code and other ordinances and regulations of the County as listed below:

1. Title 6 (Sanitary Code, enforcement only), including the following Mason County Board of Health regulations, which may not be codified in Title 6: On-Site Sewage Regulation, Group B Water System Regulation, Solid Waste Regulation, and Water Adequacy Regulation.
2. Title 7 (Shoreline Master Program)
3. Title 8 (Environmental Policy)
4. Title 8 (Resource Ordinance)
5. Title 11 (Forest Practices)
6. Title 13 (Utilities, enforcement only)
7. Title 14 (Construction)
8. Title 16 (Subdivision)
9. Development Regulations (Ordinance 82-96, as amended)
10. Mason County Flood Damage Prevention Ordinance (as amended)

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15.03.050 HEARING EXAMINER

The Hearing Examiner shall review and act on the following subjects:

- A. Appeals of decisions of the Building Official on the interpretation or application of the Building Code.
- B. Revoking or modifying a permit or approval per Section 15.13.070.
- C. Appeals of enforcement actions under the codes, ordinances and regulations listed under 15.03.005. Enforcement actions include interpretations and decisions made as part of the enforcement actions under the authority of provisions in 15.03.005.
- D. Appeals of decisions of the Fire Marshal on interpretation or application of the Fire Code.
- E. Enforcement actions as provided in Chapter 15.13.
- F. *Applications for Preliminary and Final Plats.*
- G. Appeal of administrative decisions by the Department of Community Development as set forth in Section 15.09.020, 15.09.030, and 15.09.040.
- H. *Appeal of threshold determination under Title 8 (Environmental Policy).*
- I. Granting of variances, except for administrative variances.

- J. Other Type III permit reviews, including: Large Lot subdivisions involving a public hearing, Mason Conditional Environmental Permits, Forest Practices Moratorium Removal, Mobile Home and Recreational Park permits, Special Use Permits, Reasonable Use Exceptions, and Shoreline Substantial Development Permits and Conditional Use Permits.
- K. Plat vacation or amendments, pursuant to Chapter 58.17 RCW, and for the purpose of removing utility and drainage easements set forth in Sec. 15.03.060.

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15.05.030 CONTENT OF APPLICATIONS

- A. All applications for approval under Titles 6, 7, 8, 11, 14, 16, and other applicable ordinances shall include the information specified therein. The review authority may require such additional information as reasonably necessary to fully evaluate the proposal.
- B. The applicant shall apply for all permits identified in the preapplication meeting.

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15.11.010 APPEAL OF ADMINISTRATIVE INTERPRETATIONS AND DECISIONS

- A. Administrative interpretations and administrative decisions may be appealed, by applicants or parties of record, to the following hearing body, based upon the relevant code or ordinance as follows:
Hearing Examiner: Title 6 (Sanitary Code) and other regulations listed in part 1 of section 15.03.005, Title 7 (Shoreline Master Program), Title 8 (Environmental Policy and Resource), Title 11 (Forest Practices), Title 14 (Construction), Title 16 (Subdivision), and the Development Regulations, provided that appeals of the Building Official's notice and order shall be in accordance with section 401 of the Uniform Code of Abatement (hereafter section 401) and, shall be to the Hearing Examiner as specified in this chapter.
- B. The appeal shall be considered and decided within ninety (90) days of receipt of a date stamped application, provided that the parties to an appeal may agree to extend these time periods, and provided that a shorter time period is not specified in the applicable code or regulation.

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CONSOLIDATED APPLICATION REVIEW CHART

In the Community Development row:

insert Forest Practice Application as Type II decision.

insert Forest Practice Moratorium Removal as Type III decision.

CONSOLIDATED APPLICATION REVIEW CHART

	DECISION TYPE			
PERMIT ENTRY POINT	TYPE I ministerial	TYPE II administrative	TYPE III quasi-judicial	TYPE IV legislative
Building Dept., Fire Marshal, and Environmental Health Dept.	building permit w/o SEPA building variance land modification permit w/o SEPA fire protection certificate septic system permit w/o MEP water adequacy well construction	SEPA environmental review for building permit and land modification permit MEP review for septic system permit	appeal of type I/II decisions	
Community Development	declaration of parcel combination / separation boundary line adjustment	Commercial or industrial development Mason Environmental Permit Short plat Large lot subdivision Boundary Line Adjustment Development Regulation Administrative Variance <u>Forest Practice Application</u>	appeal of type I/II decisions preliminary plat final plat large lot subdivision Mason Conditional Environmental Permit Resource Ordinance Variance Flood Ordinance Variance Reasonable Use Exception Development Regulation Variance Special Use Permit Shoreline development permit Mobile Home - RV park permit <u>Forest Practice Moratorium Removal</u>	county comprehensive plan development regulations rezone