

AMENDMENT TO MASON COUNTY CODE TITLE 16

ORDINANCE adding new sections to the Mason County Code Title 16 Chapter 16.36 and 16.38.

WHEREAS, Mason County Code Title 16, Chapter 16.36 addresses procedures to summarily approve or disapprove short subdivisions and Chapter 16.38 addresses procedures to summarily approve or disapprove large lot subdivisions; and

WHEREAS, these Chapters do not provide a procedure for alterations to an approved short subdivision or large lot subdivision as allowed by RCW 58.17.060; and

WHEREAS, these Chapters have been revised to include new sections 16.36.028, which addresses procedures to summarily approve or disapprove alterations to short subdivisions and 16.38.058, which addresses procedures to summarily approve or disapprove alterations to large lot subdivisions; and

WHEREAS, on April 21, 2008 and again on June 16, 2008 the Mason County Planning Advisory Commission held a public hearing about the proposed changes to the Mason County Code and passed a motion to recommend approval of said changes with minor amendments; and


WHEREAS, the Mason County Board of Commissioners held a public hearing about the proposed revisions on July 15, 2008 to consider recommendations of the Planning Advisory Commission, the testimony of the Mason County Department of Community Development and Mason County citizens; and

NOW THEREFORE, BE IT HEREBY ORDAINED, the Mason County Board of Commissioners hereby approves and ADOPTS the new sections to Mason County Code 16.36.028 Short Subdivision Alterations as described by ATTACHMENT A and 16.38.058 Large Lot Subdivision Alterations as described by ATTACHMENT B.

DATED this 15th day of July, 2008

Board of Commissioners
Mason County, Washington

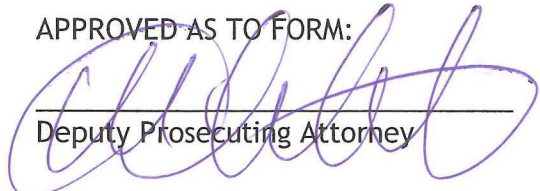
ATTEST:


Rebecca S. Rogers, Clerk of the Board

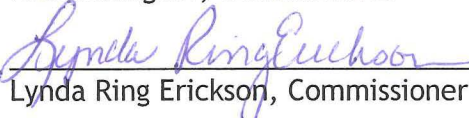
BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Tim Sheldon, Chair

APPROVED AS TO FORM:


Deputy Prosecuting Attorney


Ross Gallagher, Commissioner


Lynda Ring Erickson, Commissioner

**SHORT SUBDIVISION ALTERATIONS
NEW SECTION 16.36.028**

16.36.028 (A) Procedure – Alterations. Alterations to any approved short subdivision shall be allowed pursuant RCW 58.17.060. Short subdivision alterations typically apply to those elements which are common to at least two or more lots within the short subdivision such as, but not limited to the relocation of trails, roads, buffers, open space, drainage easements, park and recreation sites, etc. Additional lots cannot be added except pursuant to RCW 58.17.060 and MCC 16.36.034.

16.36.028 (B) General. An alteration to a portion of a recorded short subdivision replaces and supersedes the portion of the original short subdivision that is contained in the alteration.

16.36.028 (C) Application. When any person is interested in the alteration of any short subdivision except as provided by RCW 58.17.040(6) or MCC 16.40.040 and 16.40.045, an application for review may be submitted to the County and shall be on forms and with fees as established by the Department.

16.36.028 (D) Required Written Findings and Determinations. The Administrator shall inquire into the public use and interest proposed to be served by the establishment of the short subdivision alteration, if any. A proposed short subdivision alteration shall not be approved unless the Administrator makes written findings that:

1. The alteration conforms to the requirements of RCW 58.17 and the provisions of this Title;
2. The items to be altered do not conflict with the goals and policies of the Comprehensive Plan and applicable community plan, applicable County codes and state laws;
3. The public use and interest will be served as a result of the proposed alteration; and
4. All owners of affected properties have signed in front of a Notary approving the alteration.

16.36.028 (E) Approval. The Administrator shall approve any proposed short subdivision alteration that meets the required written findings and determinations and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan, applicable community plans, other applicable County codes, state laws, and the criteria contained in this chapter.

16.36.028 (F) Recording. After approval of the alteration and upon signature of the Administrator, the alteration shall be filed with the county auditor, which may include a revised drawing of the approved alteration, to become the lawful short subdivision of the property.

16.36.028 (G) Not Applicable to Tide Lands. This chapter shall not be construed as applying to the alteration or replatting of any short subdivision of state-granted tide or shore lands.

16.36.028 (H) Future Development Does Not Vest. Approval of alterations by the Administrator is not subject to the provisions in 16.36.036 and shall not be construed as vesting future development.

**LARGE LOT SUBDIVISION ALTERATIONS
NEW SECTION 16.38.058**

16.38.058 (A) Procedure – Alterations. Alterations to any approved large lot subdivision shall be allowed pursuant RCW 58.17.060. Large lot subdivision alterations typically apply to those elements which are common to at least two or more lots within the large lot subdivision such as, but not limited to the relocation of trails, roads, buffers, open space, drainage easements, park and recreation sites, etc. Additional lots cannot be added except pursuant to RCW 58.17.060 and MCC 16.36.034.

16.38.058 (B) General. An alteration to a portion of a recorded large lot subdivision replaces and supersedes the portion of the original large lot subdivision that is contained in the alteration.

16.38.058 (C) Application. When any person is interested in the alteration of any large lot subdivision except as provided by RCW 58.17.040(6) or MCC 16.40.040 and 16.40.045, an application for review may be submitted to the County and shall be on forms and with fees as established by the Department.

16.38.058 (D) Required Written Findings and Determinations. The Administrator shall inquire into the public use and interest proposed to be served by the establishment of the large lot subdivision alteration, if any. A proposed large lot subdivision alteration shall not be approved unless the Administrator makes written findings that:

1. The alteration conforms to the requirements of RCW 58.17 and the provisions of this Title;
2. The items to be altered do not conflict with the goals and policies of the Comprehensive Plan and applicable community plan, applicable County codes and state laws;
3. The public use and interest will be served as a result of the proposed alteration; and
4. All owners of affected properties have signed in front of a Notary approving the alteration.

16.38.058 (E) Approval. The Administrator shall approve any proposed large lot subdivision alteration that meets the required written findings and determinations and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan, applicable community plans, other applicable County codes, state laws, and the criteria contained in this chapter.

16.38.058 (F) Recording. After approval of the alteration and upon signature of the Administrator, the alteration shall be filed with the county auditor, which may include a revised drawing of the approved alteration, to become the lawful large lot subdivision of the property.

16.38.058 (G) Not Applicable to Tide Lands. This chapter shall not be construed as applying to the alteration or replatting of any large lot subdivision of state-granted tide or shore lands.

16.38.058 (H) Future Development Does Not Vest. Approval of alterations by the Administrator is not subject to the provisions in 16.38.057 and shall not be construed as vesting future development.