

# MASON COUNTY OFFICIAL 2017 DOCKET COMPREHENSIVE PLAN AMENDMENTS

Prepared for the Board of County Commissioners Consistent with MCC 15.09.060

## CITIZEN INITIATED PLAN AMENDMENTS

The Washington State Growth Management Act at RCW 36.70A.470(2) allows any interested person, including citizens, hearing examiners, staff of other agencies, and others, to request amendments to the Mason County Comprehensive Plan/Zoning Map or suggest Comprehensive Plan policy amendments or development regulation amendments. Mason County's development regulations are contained in Mason County Code Title 15. The following is a list of those amendments received before July 31, 2017, to be considered in this update of the Comprehensive Plan.

Amendment	Description	Planning Commission Recommendation
Neil Rezone	<b>Neil, Jeffery and Stephanie – (DDR2017-00085):</b> Request removal of Parcel 12329-13-00010, approximately 1 acre, from the Belfair Urban Growth Boundary and rezone it to Rural Residential (RR5) from Residential (R-4). They own the parcel immediately adjacent to this parcel that is inside the Belfair Urban Growth Area and would like to build on it. Concerns over feasibility of sewer connection in the vicinity of Irene Creek are cited as reasons for the Urban Growth Boundary adjustment and rezone request.	Do Pass
Padden Rezone	<b>Padden, James – Puget Sound Evergreen (DDR2017-00074):</b> Following a boundary line adjustment to Parcel 12320-10-93290, this request is for a rezone of approximately 2.24 acres from Medium Density Residential (R-5) to General Commercial and Business Industrial (GC-BI). The business, Puget Sound Evergreen, owned and operated by James Padden, has been a legal non-conforming use since Belfair zoning was established in 1998 and in business for over 20 years. This rezone complies with MCC 8.52.210 stating that all legal nonconforming uses shall be encouraged to convert to a conforming use whenever possible.	Do Pass
Belfair Development Regulations	Revise Belfair Urban Growth Area development regulations (MCC 17.20-17.35) consistent with best management practices for stormwater, current national transportation standards, and other best practices all consistent with goals, policies and objectives of Mason Counties Comprehensive Plan and provisions of the Washington State Growth Management Act.	Do Pass

## COUNTY INITIATED PLAN AMENDMENTS

In addition to the Comprehensive Plan Amendments proposed by citizens, Mason County is proposing amendments to the Comprehensive Plan and Development Regulations, including Urban Growth Area development regulations and other amendments to meet current state and federal requirements. The amendment process shall follow the steps outlined in MCC 15.09.060.

Amendment	Description	Planning Commission Recommendation
MCC 17.04.502; 17.21.010; 8.52.061	Limit non-agricultural uses to agricultural lands less suited for agricultural purposes (RCW 36.70A.177(3))	Do Pass
MCC 15.07.030	Ensure continued public involvement in the Comprehensive Plan including annual and emergency amendments (RCW 36.70A.130(2))	Do Pass
MCC 17.03.022	Permit electric vehicle charging stations in all zones except residential, resource or critical areas (RCW 36.70A.695)	Do Pass
MASON COUNTY 2016-2036 COMPREHENSIVE PLAN UPDATE	Mason County is required to conduct a periodic update of its Comprehensive Plan under RCW 36.70A.131. The update includes: an update of population and employment forecasts; updates necessitated by changes in state law; revisions to Countywide Planning Policies; and incorporation of new public input. Each required element of the 2005 Comprehensive Plan has been updated including: land use, housing, transportation, utilities, economic development, shorelines, capital facilities, parks and recreation, and rural elements.	Do Pass with Amendment





## MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health

### 2017 Docket of Comprehensive Plan and Development Regulation Amendments

#### Staff Contact

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#### PART I. PROPOSED COMPREHENSIVE PLAN AMENDMENTS

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The Washington State Growth Management Act at RCW 36.70A.470(2) allows any interested person, including citizens, hearing examiners, staff of other agencies, and others, to request amendments to the Mason County Comprehensive Plan/Zoning Map or suggest Comprehensive Plan policy amendments or development regulation amendments. Mason County's development regulations are contained in Mason County Code Title 15. The following is a list of those amendments received before July 31, 2017, to be considered in this update of the Comprehensive Plan.

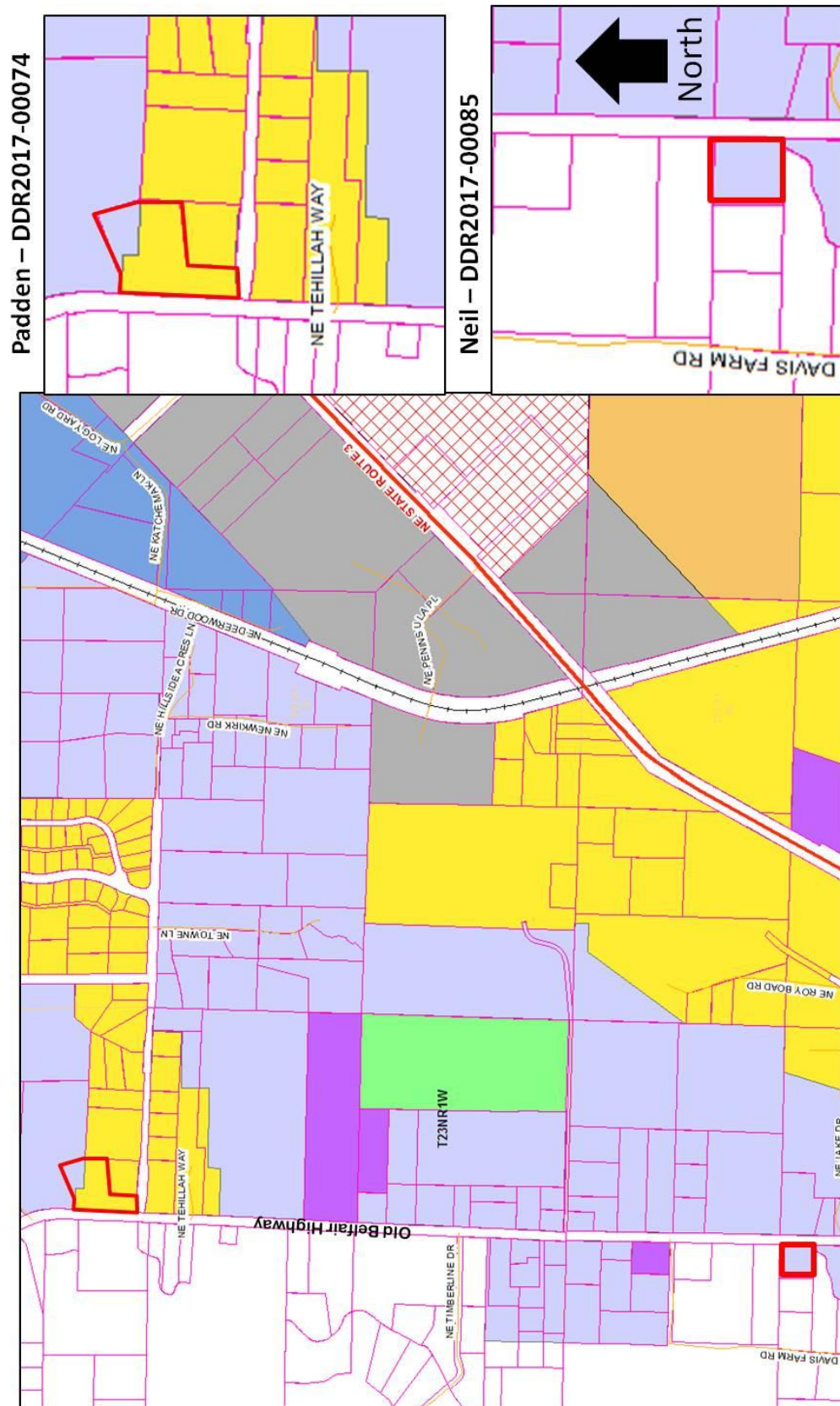
#### 2017 Land Use and Zoning Amendments

The following amendments to the Mason County Comprehensive Land Use/Zoning Map are proposed, as shown in Figure 1:

**Padden, James – Puget Sound Evergreen (DDR2017-00074):** Following a boundary line adjustment to Parcel 12320-10-93290, this request is for a rezone of approximately 2.24 acres from Medium Density Residential (R-5) to General Commercial and Business Industrial (GC-BI). The business, Puget Sound Evergreen, owned and operated by James Padden, has been a legal non-conforming use since Belfair zoning was established in 1998 and in business for over 20 years. This rezone complies with MCC 8.52.210 stating that all legal nonconforming uses shall be encouraged to convert to a conforming use whenever possible.

**Neil, Jeffery and Stephanie – (DDR2017-00085):** Request removal of Parcel 12329-13-00010, approximately 1 acre, from the Belfair Urban Growth Boundary and rezone it to Rural Residential (RR5) from Residential (R-4). They own the parcel immediately adjacent to this parcel that is inside the Belfair Urban Growth Area and would like to build on it. Concerns over feasibility of sewer connection in the vicinity of Irene Creek are cited as reasons for the Urban Growth Boundary adjustment and rezone request.

Figure 1. 2017 Comprehensive Plan Amendments



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## **PADDEN, JAMES – PUGET SOUND EVERGREEN (DDR2017-00074) LAND USE**

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Currently, there are three structures on the site: a 50'x100' and 40'x80' warehouse and a 24'x36' residence. Access and utilities will be unaffected.

### **Rationale**

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The primary objective for this request is to reconcile zoning that was incorrect when originally established making pre-existing business a non-conforming use.

### **Analysis**

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Mason County Code Section 17.05.080(a) describes the **eight rezone criteria** used to review a rezone proposal. These criteria have been established and adopted specifically for Mason County to establish standards by which each rezone is to be reviewed. The Code requires that each rezone be evaluated in light of these standards; however it does not require that they all be met. Below is *Staff's response* to the proposed request, together with those provided by the *Applicant*:

1. Development allowed by the proposed rezone designation shall not damage public health, safety and welfare.

This criterion is met as the applicant's proposed future use of the property is regulated in accordance with the Mason County Municipal Code and other applicable state laws and policies. Amending the Future Land Use Map and rezoning to General Commercial and Business Industrial for the subject parcel would not damage public health, safety, and welfare, assuming that all current planning and health development regulations are followed during any future reviews and development.

2. The zone designation shall be consistent with the Mason County Comprehensive Plan, Development Regulations, and other county ordinances, and with the Growth Management Act; and that designation shall match the characteristics of the area to be rezoned better than any other zone designation.

This criterion is met as the applicant's use of the property is currently General Commercial and Business Industrial, is compatible with surrounding land uses, and does not create infrastructure needs. Further, the zoning change reconciles original zoning that classified this parcel as Medium Density Residential making the pre-existing business a non-conforming use.

3. No rezone shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to materially increase sprawling, low-density rural development, or to significantly increase uses incompatible with resource-based uses in the vicinity.

The proposed rezone does not change the use and therefore would not increase incompatibility; it will have no additional impacts than its current designation. This criterion is met as staff believes the rezone of this parcel would not increase sprawl or low density development or cause it to occur because this parcel is located within the Urban Growth Area of Belfair. The cumulative impacts of rezoning the subject parcel would not change the existing land uses and the character of bordering these properties.

4. No rezone to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to materially increase demand for urban services in rural areas, including but not limited to streets, parking, utilities, fire protection, police, and schools.

This criterion is met as the request does not result in a more intensive land use. Any future development would be reviewed in accordance with Mason County's Resource Management regulations.

5. No rezone to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to materially interfere with the Growth Management Act goal to encourage development in urban areas where adequate public services and facilities exist or can be provided in an efficient manner.

This criterion is met as the request does not interfere with the GMA. See criterion #2.

6. No rezone to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to materially interfere with the Growth Management Act goal to encourage retention of open space, to conserve fish and wildlife habitat, and generally to protect the environment, including air and water quality.

This criterion is met as the request does not interfere with the GMA. See criterion #2.

7. No rezone to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to create pressure to change land use designations of other lands or to increase population growth in rural areas as projected in the Mason County Comprehensive Plan.

This criterion is met as the request would not increase pressure to change land use or increase population. The current use is General Commercial and Business Industrial and this change reconciles the non-conforming use created by the original Medium Density Residential zoning.

8. These criteria shall not be construed to prevent corrective rezoning of land necessitated by clerical error or similar error of typography or topography committed in the original zoning of such land.

NA

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**State Environment Protection Act (SEPA)**

A SEPA checklist for the 2016-2036 Comprehensive Plan Update including this docket of amendments was prepared in September 2017. A formal SEPA Determinations of Non-Significance was made on September 19<sup>th</sup>, 2017. Comment and appeal periods for these determinations closes on November 13, 2017. A copy of the SEPA Environmental Checklist is available on the Mason County website at:

<http://www.co.mason.wa.us/community-services/planning/2036-comp-plan-update/index.php>

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**Public Notification**

A list of interested parties has been maintained by staff to ensure that notifications of public meetings and comment periods are addressed specifically to those individuals. All public meeting notices will be mailed to all parties of interest and posted in accordance with MCC 15.07.030.



## **Neil, Jeffery and Stephanie – (DDR2017-00085) LAND USE**

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Currently, there are no structures on the site. Sewer access will be unaffected by this rezone.

### **Rationale**

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The primary objective for this request remove the parcel from the Belfair Urban Growth Area and re-zone it to Rural Residential 5.

### **Analysis**

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Mason County Code Section 17.05.080(a) describes the **eight rezone criteria** used to review a rezone proposal. These criterions have been established and adopted specifically for Mason County to establish standards by which each rezone is to be reviewed. The Code requires that each rezone be evaluated in light of these standards; however it does not require that they all be met. Below is *Staff's response* to the proposed request, together with those provided by the *Applicant*:

1. Development allowed by the proposed rezone designation shall not damage public health, safety and welfare.

This criterion is met as the applicant's proposed future use of the property is regulated in accordance with the Mason County Municipal Code and other applicable state laws and policies. Amending the Future Land Use Map and rezoning to General Commercial and Business Industrial for the subject parcel would not damage public health, safety, and welfare, assuming that all current planning and health development regulations are followed during any future reviews and development.

2. The zone designation shall be consistent with the Mason County Comprehensive Plan, Development Regulations, and other county ordinances, and with the Growth Management Act; and that designation shall match the characteristics of the area to be rezoned better than any other zone designation.

This criterion is not met as the rezone would take this parcel out of the Urban Growth Area (UGA) re-drawing the UGA boundary at the edge of Old Belfair Highway, an urban arterial. This would make one side of the urban arterial part of the Urban Growth Area and the other side would be outside the UGA. This is generally unadvisable as development pressures for more intense land uses are typically adjacent to urban arterial streets.

3. No rezone shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to materially increase sprawling, low-density rural development, or to significantly increase uses incompatible with resource-based uses in the vicinity.



The proposed rezone does not change the use and therefore would not increase incompatibility; it will have no additional impacts than its current designation. This criterion is met as staff believes the rezone of this parcel would not increase sprawl or low density development or cause it to occur. The cumulative impacts of rezoning the subject parcel would not change the existing land uses and the character of bordering these properties.

4. No rezone to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to materially increase demand for urban services in rural areas, including but not limited to streets, parking, utilities, fire protection, police, and schools.

This criterion is met as the request does not result in a more intensive land use. Any future development would be reviewed in accordance with Mason County's Resource Management regulations.

5. No rezone to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to materially interfere with the Growth Management Act goal to encourage development in urban areas where adequate public services and facilities exist or can be provided in an efficient manner.

This criterion is not met. While the action is not rezoning to a more intense land use, it removes the parcel from the Belfair Urban Growth Area eliminating the opportunity to serve the parcel and possibly others nearby with sewer. This re-zone also re-draws the Urban Growth Area boundary at the edge of an urban arterial making one side higher density development and the other side rural. This is typically unadvisable as development pressures for more intense urban development are usually high along urban arterials.

6. No rezone to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to materially interfere with the Growth Management Act goal to encourage retention of open space, to conserve fish and wildlife habitat, and generally to protect the environment, including air and water quality.

This criterion is met as the request does not interfere with the GMA. See criterion #2.

7. No rezone to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts of such zoning would be to create pressure to change land use designations of other lands or to increase population growth in rural areas as projected in the Mason County Comprehensive Plan.

This criterion is met as the request would not increase pressure to change land use or increase population.

8. These criteria shall not be construed to prevent corrective rezoning of land necessitated by clerical error or similar error of typography or topography committed in the original zoning of such land.

NA

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**State Environment Protection Act (SEPA)**

A SEPA checklist for the 2016-2036 Comprehensive Plan Update including this docket of amendments was prepared in September 2017. A formal SEPA Determinations of Non-Significance was made on September 19<sup>th</sup>, 2017. Comment and appeal periods for these determinations closes on November 13, 2017. A copy of the SEPA Environmental Checklist is available on the Mason County website at:

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**Public Notification**

A list of interested parties has been maintained by staff to ensure that notifications of public meetings and comment periods are addressed specifically to those individuals. All public meeting notices will be mailed to all parties of interest and posted in accordance with MCC 15.07.030.

## **PART 2. PROPOSED DEVELOPMENT REGULATIONS**

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In addition to the Comprehensive Plan Amendments proposed by citizens, Mason County is proposing amending the Development Regulations, including those that address the Urban Growth Area and other amendments to meet current state and federal requirements.

The following specific amendments to the Mason County Development Regulations are proposed:

- Revise Belfair Urban Growth Area development regulations (MCC 17.20-17.35) consistent with best management practices for stormwater, current national transportation standards, and other best practices all consistent with goals, policies and objectives of Mason Counties Comprehensive Plan and provisions of the Washington State Growth Management Act. - **ATTACHMENT**
- Limit non-agricultural uses to agricultural lands less suited for agricultural purposes (RCW 36.70A.177(3)) - **ATTACHMENT**
- Revise the Critical Areas Ordinance and Shoreline Master Program (MCC 8.52 and MCC 17.50) to meet current state and federal requirements. **ADOPTED**
- Ensure continued public involvement in the Comprehensive Plan including annual and emergency amendments (RCW 36.70A.130(2)) – **ATTACHMENT**
- Exclude artificial features – irrigation delivery systems, irrigation infrastructure, canals, drainage ditches – from “Fish and Wildlife Habitat Conservation Areas” (RCW 36.70A.030(5)) – **ADOPTED**
- Permit electric vehicle charging stations in all zones except residential, resource or critical areas (RCW 36.70A.695) - **ATTACHMENT**

### **Public Engagement**

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Since 2015, Mason County has been conducting planning meetings and public outreach to discuss all aspects of the Comprehensive Plan from the long range capital investments to population and housing growth in the urban and rural areas of the county to economic development. We have taken in hundreds of comments and made an effort to address each one. We have kept a large number of interested citizens from across the County informed of revisions and additions to the plan along the way. Planning staff conducted a series of “Coffee Talks” or informal discussions with community groups and conducted a public opinion survey in the final stages of the planning process.

Drafts of each required element of the Comprehensive Plan were posted on the County website starting in 2015 at:

<http://www.co.mason.wa.us/community-services/planning/2036-comp-plan-update/index.php>

Finally, the Board of County Commissioners and the Planning Commission held a series of open public hearings to ensure citizen involvement.

#### 17.02.024 - Belfair UGA.

The Belfair UGA is a "stand-alone" area not affiliated with any incorporated city. Development regulations for this area are intended to accommodate existing land use patterns and densities, while planning for future growth. Belfair UGA has separate zoning and development regulations in sections MCC 17.20 through MCC 17.35.

##### What does this proposed change do?

Draws attention to the zoning and development regulations unique to Belfair.

#### 17.03.030 - Development requirements and performance standards.

The following development requirements and performance standards apply to all property proposed for development, which is within the boundary of Mason County's Urban Growth Areas (UGA). No development approval shall be given, and no building permit shall be issued, unless the proposed development complies with the provisions of this chapter.

(1) New Lots.

- (a) No new lots will be created within the boundaries of the Belfair and Allyn UGAs, which employ individual or community/group on-site sewage disposal systems.
- (b) All residential subdivisions created after the adoption of this chapter shall have a residential urban density of at least ~~four~~ three units/acre per net developable acre in the R-4 zone and four units per net developable acre in the R-5 zone consistent with MCC 17.22.010 and MCC 17.22.060. The R-10 zone shall have a minimum density of 10 units per net developable acre as described in 17.22.110.

##### What does this proposed change do?

In short, this clarifies and aligns the density requirements in R-4 and R-5 for new lots with what was intended in the zoning (MCC 17.03.060). This language *\*does not\** reduce the urban densities....

##### MCC 17.03.060 -

The purpose of the **R-4 district** is to provide a **lower density housing option** in the UGA. Locations are restricted to sites containing critical areas and slopes as development is expected to be **clustered into the more suitable building areas**. Locations should also be away from development nodes and commercially zoned areas but with the intensity of development still relatively low, beyond a normal walking distance of one-half to three-quarters of a mile. The district allows for a density of four dwelling units per acre, except where "critical lands" are present—which reduce the permitted density. Clustering of the dwelling units and properties is encouraged to protect open space and water quality, reduce infrastructure needs, and enhance energy efficiency.

The purpose of the **R-5 district** is to provide a **medium density housing option** within the Belfair urban growth area. Locations are restricted to sites not significantly impacted by critical areas and slopes. Locations should generally be away from development nodes and commercially zoned areas, beyond a normal walking distance of one-half to three-quarters of a mile. **The district allows for a density of five dwelling units per acre, except where "critical lands" are present**—which reduce the permitted density.

- (c) Location of sewer lines will be prelocated and easements established in conformance with the sewer analysis plan and as illustrated on the Belfair UGA Build-Out Sewer Connection Map.
- (2) Existing Lots of Record.
- (a) No new development or redevelopment on existing lots of record in the Belfair UGA shall be allowed using individual or community/group on-site septic systems except that:
    - (i) New development or redevelopment using an existing (as of April 8, 2008) approved on-site or community/group system may be allowed provided that no expansion of the capacity of on-site system is needed to serve the redevelopment and provided that the public sewer system has not been extended to within five hundred feet of the property line; and
    - (ii) New development or redevelopment of lots, within the Belfair UGA, existing as of August 2, 2011, wherein sewer has not been extended to within five hundred feet of the property line may seek approval for holding tanks [\[u\]](#) when:
      - (1) It complies with all requirements and specifications of the Mason County Department of Public Health and Human Services, Mason County Department of Community Development, and the Mason County Department of Utilities and Waste Management, and
      - (2) A binding site plan is submitted which provides for future sewer pipelines and other utilities in accordance with the Belfair UGA Build-Out Sewer Connection Map, and
      - (3) Demonstrates that development at the minimum density allowed within the zone could be achieved once public sewer and/or water would be available to serve the project site, and
      - (4) Development of the site shall be consistent with the approved site plan. The director may allow minor modification to the site plan, provided that all other regulations and conditions placed on the approval are met, and
      - (5) Allows as needed pumping services to be provided by the Mason County Department of Utilities and Waste Management, and
      - (6) Agreement of payment of monthly fees as established by the Mason County Department of Utilities and Waste Management, and
      - (7) Payment of the Belfair sewer capital facilities charge (CFC) in effect at the time of commencement of utilization of the holding tank(s), and
      - (8) Agreement to decommission the tank and connect to public sewer within ninety days of the public sewer system extending to within five hundred feet of the subject property's nearest property line. The cost of any connection/extension required will be borne by the property owners. The developer of an extension may collect latecomer's fees for off-site improvements.
  - (b) All residential, industrial and commercial, currently using on-site disposal systems, will be required to connect to public sewers once a public system is extended to within five hundred feet of the closest property line regardless of the timing of the original on-site installation. The cost of any extension required will be borne by the property owners. The developer of an extension may collect latecomer's fees for off-site improvements.
  - (c) All existing permits for the installation of on-site systems, which have been approved but have not been installed, shall be declared void at such time the sewer is within five hundred feet of the closest property line.
- (3) Existing Lot Consolidation or Boundary Adjustment. Within the Belfair and Allyn UGA, consolidation of existing residential lots to form a single lot greater than eight thousand square

feet will not be allowed except to the extent that site conditions and site constraints impede the individual development of the lots combined by the consolidation, in accordance with subsection (2) above.

#### **17.20.070 - Definitions.**

The definitions used in the Belfair urban growth area are the same as established in the Mason County development regulations, **except that the following definitions apply only within the Belfair UGA.**

"Adult entertainment" means an establishment consisting of, including, or having the characteristics of any or all of the following:

- (1) Adult bookstore or exotic retail establishment is an establishment having more than twenty-five percent of its stock-in-trade merchandise that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities, anatomical genital areas, or erotic entertainment. The term "merchandise" as used above includes, but is not limited to the following: books, magazines, posters, cards, pictures, publications, tapes, discs, films, or other such medium; instruments, devices, equipment, paraphernalia, or other products.
- (2) Adult cabaret, arcade, or theater is: (A) An establishment devoted to erotic entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (B) An erotic dance studio as regulated in MCC Chapter 5.19.

"Articulation" means the giving of emphasis to architectural elements (like windows, balconies, entries, etc.) that create a complementary pattern of rhythm, dividing large buildings into smaller identifiable pieces.

"Balcony" means an outdoor space built as an above ground platform projecting from the wall of a building and enclosed by a parapet or railing.

"Bay window" means a window that protrudes from the main exterior wall at least one foot measured horizontally from the facade of the building.

"Blank wall" means any wall or portion of a wall that has a surface area of four hundred square feet without a window, door, building modulation as defined below or other architectural feature, or any ground level wall surface or section of a wall over four feet in height at ground level that is longer than fifteen feet as measured horizontally without having a ground level window or door lying wholly or in part within that fifteen foot section.

"Blank wall treatment" means the use of various techniques to mitigate the visual effect of a blank wall. Blank wall treatment requirements can be found in Chapter 17.30.

"Building height" means the maximum building height, as measured from the average grade of the base of a building to the bottom of the roof eaves or the top of the cornice line. Church spires, bell towers, chimneys and other architectural features may exceed the applicable maximum building height by fifty percent and communications facilities by as much as permitted through approval of a special use permit.

"Cornice" means a horizontal molding projecting along the top of a wall or building.

"Courtyard" means a landscaped space enclosed on at least three sides by a single structure.

"Deck" means a roofless outdoor space built as an above ground platform projecting from a wall of a building and connected to the ground by structural supports.

"Duplex" means a single building that contains two dwelling units.

"Erotic entertainment" means any exhibition, performance, dance of any type, or other performance where such entertainment involves a person appearing or performing (either live or recorded) who: (1) is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or (without regard to gender) any portion of the pubic region, anus, buttocks,

or genitals; or (2) touches, caresses, or fondles the breasts, buttocks, anus, genitals or pubic region of themselves or a patron, or permits the touching, caressing, or fondling of their own breasts, buttocks, anus, genitals or pubic region by a patron, another employee or anyone else with the intent to sexually arouse or excite.

"Facade" means the front of a building facing a street. It may also be referred to as the apparent width of the structure facing the street.

"Fenestration" means the design, proportioning, and disposition of windows and other exterior openings of a building.

"Foot-candle" means a unit equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one lumen incident per square foot.

"Foot-lambert" means a unit of luminance equal to the luminance of a surface emitting a luminous flux of one lumen per square foot.

"Gabled roof" means a triangular wall enclosed by the sloping ends of a ridged roof.

"Hipped roof" means a roof with sloping ends and sides.

"Light manufacturing" means manufacturing where there is no outdoor storage of raw materials or products, the manufacturing and assembly processes are entirely contained within closed structures, and there is no discernable noise, odor, vibration, glare, dust, or other sensory effect from the manufacturing processes.

"Lumen" means the unit of luminous flux equal to the luminous flux emitted in a unit solid angle by a point source of one candle intensity.

"Lux" means a unit of illumination equivalent to nine hundred twenty-nine thousandths foot-candle and equal to the illumination produced by luminous flux of one lumen falling perpendicularly on a surface one meter square.

"Modulation" means stepping back or projecting forward portions of the building face with specified intervals of building width and depth, as a means of breaking up the apparent bulk of the structure's continuous exterior walls and to some extent, helping to identify individual residential units.

"Multi-family dwelling units" includes any structure that contains more than three dwelling units.

"Net developable acre" means the gross land area of property less critical lands, above-ground stormwater facilities, and public or private road rights of way.

#### **What does this proposed change do?**

Defines a new term not defined in Title 14, 16, or 17 – those primary sections that make up Mason County Development Regulations. \*Note: other definitions proposed have been removed as they are already defined in Mason County Code. Mini-Storage is "Self-Storage Facility" and Critical Lands are "Critical Areas" and RV Parks are "Recreational Vehicle/Trailer Parks" and Mobile Home Parks are "Manufactured Home Parks"

"Pedestrian-oriented facade" means ground floor facades facing a public street or pedestrian-oriented space containing transparent window area or window displays along a minimum of fifty percent of their length and featuring no blank walls.

"Pedestrian-oriented space" means an area that provides pedestrian-oriented amenities and landscaping to enhance the pedestrian use of the space for passive recreational activities such as: resting, reading, picnicking, and socializing. Requirements for pedestrian-oriented space are contained in Chapter 17.25.



"Recycling center" means a drop off station for recycling of household goods such as paper, plastic, cardboard, glass, and cans, but not intended to include permanent storage of recycled materials, processing of materials, or larger scale items such as appliances or construction debris.

"Stepped roofs" means different levels of roofs that are created by stepping back all or a portion of the facade.

"Townhouse" means a dwelling unit, typically two or more stories tall, that exists as part of a set of attached units, each having a unique publicly-accessible entrance.

"Triplex" means a single building that contains three dwelling units.

"Weather protection" means architectural features such as an awning, marquee, or canopy that protects pedestrians from rain and sunlight. To qualify as weather protection, the feature must be at least eight feet above the walking surface and project at least six feet horizontally from the structure.

#### **17.22.010 - "R-4" Low density residential district—Purpose.**

The purpose of the R-4 district is to provide a lower density housing option in the UGA. Locations are restricted to sites containing critical areas and slopes as development is expected to be clustered into the more suitable building areas. Locations should also be away from development nodes and commercially zoned areas but with the intensity of development still relatively low, beyond a normal walking distance of one-half to three-quarters of a mile. The district allows for a maximum density of four dwelling units per gross acre, and a minimum density of three units per net developable acre, except where "critical lands" are present which reduce the permitted density. Clustering of the dwelling units and properties is encouraged to protect open space and water quality, reduce infrastructure needs, and enhance energy efficiency. Multi-family dwelling units are conditionally permitted as long as they do not exceed the density requirement and minimize impacts to adjacent single-family dwelling units.

##### **What does this proposed change do?**

This change clarifies and aligns the zoning requirements and removes the guess work for the developer. The way the section was written - "which reduce the permitted density" – would also leave it to staff to determine what density requirements might be permitted. This change does not reduce the urban densities. This change does not alter requirements in Title 8, Resource Ordinance, to protect critical areas.

#### **17.22.040 - Special uses. [R-4 zone]**

- (a) Churches.
- (b) Schools.
- (c) Commercial child care centers.
- (d) Bed and breakfast inns.
- (e) Multi-family dwelling units.
- (f) Other essential public facilities.
- (g) Townhouses.
- (h) Triplexes.

(i) Recreational Vehicle/Trailer Parks

(j) Manufactured Home Parks

##### **What does this proposed change do?**

Self explanatory. Special use permits would be required for these uses.

### 17.22.050 - Bulk and dimensional standards.

Density:	Maximum average of four dwelling units per <u>gross</u> acre <u>and a minimum density of three units per net developable acre excluding the area of designated wetlands, designated landslide hazard areas (note: building may be allowed in LHA), lakes, ponds, or marine waters.</u>
Intensity:	35% lot coverage on individual lots.
Minimum Lot Area:	None. Development must not exceed density and lot coverage requirements above.
Lot Dimensions:	All lots shall have a minimum width of 25 feet.
Height:	The maximum height of structures in the district shall be as follows: Buildings containing the permitted use: 30 feet. Accessory structure: 20 feet.
Setbacks:	Front yard: 15 feet. Side yard: 5 feet for accessory structures and 10 feet for the dwelling unit. Street side yard: 15 feet. Rear yard: 5 feet for accessory structures and 10 feet for the dwelling unit. Street rear yard: 15 feet.

#### What does this proposed change do?

This change clarifies and aligns the zoning requirements for R-4. It does not reduce urban densities. It does not remove or change our obligations under Title 8 Resource Ordinance to protect critical areas in Mason County. It provides clarity and removes guess work for developers.

### 17.22.060 - "R-5" Medium density residential district—Purpose.

The purpose of the R-5 district is to provide a medium density housing option within the Belfair urban growth area. Locations are restricted to sites not significantly impacted by critical areas and slopes. Locations should generally be away from development nodes and commercially zoned areas, beyond a normal walking distance of one-half to three-quarters of a mile. The district allows for a **maximum** density of five dwelling units per **gross** acre, **and a minimum of four units per net developable acre.**~~except where "critical lands" are present which reduce the permitted density.~~ Clustering of the dwelling units and properties is encouraged to protect open space and water quality, reduce infrastructure needs, and enhance energy efficiency. Multi family dwelling units are permitted as long as they do not exceed the density requirement and minimize impacts to adjacent single family dwelling units.

#### What does this proposed change do?

This change clarifies and aligns the zoning requirements and removes the guess work for the developer. The way the section was written - "which reduce the permitted density" – would also leave it to staff to determine what density requirements might be permitted creating additional uncertainty for developers. This change does not reduce the urban densities. This change does not alter requirements in Title 8, Resource Ordinance, to protect critical areas.

### 17.22.090 - Special uses. [R-5 zone]

- (a) Churches.
- (b) Schools.
- (c) Commercial child care centers.
- (d) Bed and breakfast inns.
- (e) Other essential public facilities.
- (f) Hotels provided the following siting and design conditions are met:
  - (1) Site is identified as a "hotel overlay" on the official zoning map for the Belfair UGA.
- (i) Recreational Vehicle/Trailer Parks
- (j) Manufactured Home Parks

#### What does this proposed change do?

Self explanatory. Special use permits would be required for these uses.

### 17.22.100 - Bulk and dimensional standards.

Density:	Maximum average of 5 dwelling units per <u>gross</u> acre, <u>and a minimum density of four units per net developable acre.</u> <del>excluding the area of designated wetlands, designated landslide hazard areas (note: building may be allowed in LHA), lakes, ponds, or marine waters.</del>
Intensity:	40% lot coverage.
Minimum Lot Area:	None. Development must not exceed density and lot coverage requirements above.
Lot Dimensions:	All lots shall have a minimum width of 25 feet.
Height:	The maximum height of structures in the district shall be as follows: Buildings containing the permitted use: 35 feet. Accessory structure: 20 feet.
Setbacks:	Front yard: 10 feet. Side yard: 5 feet for accessory structures and 10 feet for the dwelling unit. Street side yard: 10 feet. Rear yard: 5 feet for accessory structures and 10 feet for the dwelling unit. Street rear yard: 10 feet.

#### What does this proposed change do?

This change clarifies and aligns the zoning requirements for R-5. It does not reduce urban densities. It does not remove or change our obligations under Title 8 Resource Ordinance to protect critical areas in Mason County. It provides clarity and removes guess work for developers.

### 17.22.110 - "R-10" Multi-family residential district—Purpose.

The purpose of the R-10 district is to provide a high-density residential-area housing option within the Belfair urban growth area. Locations should be within or adjacent to development nodes and commercially zoned areas within a normal walking distance of one-half to three-quarters of a mile. Locations generally are areas not significantly impacted by critical areas and slopes. The district allows for a density of ten dwelling units per gross acre, and a minimum density of ten dwelling units per net developable acrea. ~~except where "critical lands" are present which reduce the permitted density.~~ Clustering of the dwelling units and properties is encouraged to protect open space and water quality, reduce infrastructure needs, and enhance energy efficiency. Design standards are important to minimize environmental and visual impacts of developments and provide amenities for residents. Protection of creeks and wetlands is critical—these features should be preserved and integrated into the development as an asset and amenity for residents. Open space and play areas will be important, particularly for young families. Pedestrian access—between developments and to provide access to parks, open space, commercial, and civic uses—is also very important.

#### What does this proposed change do?

This change clarifies and aligns the zoning requirements and removes the guess work for the developer. The way the section was written - "which reduce the permitted density" – would also leave it to staff to determine what density requirements might be permitted creating additional uncertainty for developers. This change does not reduce the urban densities. This change does not alter requirements in Title 8, Resource Ordinance, to protect critical areas.

### 17.22.140 - Special uses.

- (a) Churches.
- (b) Schools.
- (c) Bed and breakfast inns.
- (d) Commercial child care center.
- (e) Other essential public facilities.
- (f) All uses permitted in the festival retail district (FR) provided the following conditions are met:
  - (1) Site is identified as a "retail overlay" on the official zoning map for the Belfair UGA;
  - (2) Development must comply with all bulk, dimensional, and design standards and guidelines of the festival retail district.

#### (i) Recreational Vehicle/Trailer Parks

#### (j) Manufactured Home Parks

#### What does this proposed change do?

Self explanatory. Special use permits would be required for these uses.

### 17.22.150 - Bulk and dimensional standards.

Density:	Maximum average of 10 dwelling units per <u>gross</u> acre, <u>and a minimum density of ten units per net developable acre.</u> <del>-excluding the area of designated wetlands, designated landslide hazard areas (note: building may be allowed in LHA), lakes, ponds, or marine waters.</del>
Intensity:	50% lot coverage.
Minimum Lot Area:	None. Development must not exceed density and lot coverage requirements above.
Lot Dimensions:	All lots shall have a minimum width of 25 feet.
Height:	The maximum height of structures in the district shall be as follows: Buildings containing the permitted use: 45 feet. Accessory structure: 20 feet.
Setbacks:	Setbacks: Front yard: 10 feet. Side yard: 5 feet for accessory structures and 10 feet for the dwelling unit. Street side yard: 10 feet. Rear yard: 5 feet for accessory structures and 10 feet for the dwelling unit. Street rear yard: 10 feet.

#### What does this proposed change do?

This change clarifies and aligns the zoning requirements for R-10. It does not reduce urban densities. It does not remove or change our obligations under Title 8 Resource Ordinance to protect critical areas in Mason County. It provides clarity and removes guess work for developers.

### 17.23.040; 17.23.140; 17.24.100 - Special uses. [Festival Retail, Mixed Use, Business Industrial Zones ]

The following uses, subject to applicable licensing and development regulations, shall be allowed only with approval of a conditional use permit. Consideration shall be given to the purpose and development standards of the district including any adopted design standards or guidelines.

- (1) Antique malls over ten thousand square feet.
- (2) Building material sales.
- (3) Churches.
- (4) Clinics, including veterinary.

- (5) Commercial parking lots not associated with an on-site use.
- (6) Funeral parlors, cremation and mortuary services.
- (7) Gyms, fitness and aerobic studios.
- (8) Laundromats.
- (9) Live entertainment except between the hours of 12:00 AM and 7:00 AM.
- (10) Private transportation depot.
- (11) Schools.
- (12) Public sidewalk food and merchandise vendors including espresso and newsstands.
- (13) Commercial recreation facilities including game arcades, batting cages, shooting galleries and skating rinks.
- (14) Dance and music studios.
- (15) Dance floors over three hundred square feet in area.
- (156) ——— Out-door storage of merchandise and/or more than one vehicle.

(17) Self-Storage Facilities

**What does this proposed change do?**

This change adds another use, Self Storage Facilities, in the category of Special Uses in Mixed Use zones in the Belfair UGA. This use would require a Special Use Permit. Many urban areas include self-storage in mixed use zones. I have included several images to help you visualize these facilities. They are a necessity in our communities and if designed well can make use of vacant lots inconspicuously providing a needed service.





## 17.26.020 - Standards.

The following standards apply to all multi family residential development unless noted otherwise:

- (1) All multi-family developments shall provide usable open space per the following:
  - (A) Three hundred square feet per unit for ground based units such as townhomes,
  - (B) ~~Fifteen percent~~ Ten percent of the site-net developable area for all other multi-family developments such as apartment buildings,
  - (C) For residential development within a mixed-use building, provide a usable open space or spaces equal to or greater than ~~twenty-ten~~ percent the size of the applicable building's gross floor area. Calculations for gross floor area shall exclude area used for mechanical equipment, accessory parking, and outdoor decks and balconies. Onsite ground floor pedestrian oriented space may be used in the calculations for required usable open space;
- (2) Configure buildings to create usable open space by providing one or more of the following:
  - (A) Landscaped courtyards, gardens, or commons usable by residents and visible from dwelling units to enhance security,
  - (B) Individual outdoor spaces for all ground floor units. This is most appropriate for new townhouses or other ground-related housing,
  - (C) Balconies, well-defined patios, terrace open spaces, and rooftop decks. ~~These spaces will only be counted towards meeting this requirement only on sites under an acre.~~ Rooftop decks are the least preferred type of open space,
  - (D) Play areas for children, visible from dwelling units and located away from arterial streets, parking lots and on-site drainage facilities;

Note: Required landscape buffer areas shall not be considered usable open space.

- (3) Usable open spaces should be positioned in areas with significant pedestrian traffic to provide interest and security;
- (4) ~~Consider views and sunlight in the design and location of usable open space [spaces should face east, west or (preferably) south when possible];~~
- (~~5~~4) Integrate natural features into usable open space, when feasible;
- (~~6~~5) Paths, seating, lighting and other pedestrian amenities should be utilized to make open spaces more functional and enjoyable;
- (~~7~~6) Minimum required landscaped buffer areas shall not be included in calculations for the required usable open space.

### What does this proposed change do?

This change recognizes that Mason County has a rigorous critical areas review process established in Title 8, Resource Ordinance of Mason County Code that results in buffers and preserve of other open space and critical areas. These changes do not reduce minimum open space provisions for buffers or other critical area requirements in any way. Additionally, Belfair UGA has zoning regulations that specify cluster development to preserve open space and these proposed code revisions maintain maximum densities. These changes ensures that we are not applying additional open space provisions to development plans making them cost prohibitive and reducing options to provide affordable housing options. Additionally, if developers provide features like patios, terraces, roof top decks, these features may count toward reasonable open space requirements that are consistent with many other jurisdictions in our area of Washington State.

**Table 3. Required buffers for side and rear yards.** Landscape Types A, B, and C refer to the landscaping types referenced in subsection (4) above.

		Applicable Use (Buffer must occur within)			
		Category 3* (includes multi family housing and group care facilities)	Category 4* (includes lodging and small scale retail and office)	Category 5* (includes retail and light industrial uses)	Category 6* (includes heavy industry and related uses)
Use of Adjacent Property	Category 1* (includes passive recreational uses and some agriculture uses)	10' <del>20'</del> Type A 20' <del>30'</del> Type B or 25' <del>40'</del> Type C	10' <del>20'</del> Type A 15' <del>30'</del> Type B or 20' <del>40'</del> Type C	10' <del>20'</del> Type A 15' <del>30'</del> Type B or 20' <del>40'</del> Type C	10' <del>30'</del> Type A 15' <del>40'</del> Type B or 20' <del>50'</del> Type C
	Category 2* (includes most single family housing, public institutions, and public parks)	10' <del>20'</del> Type A 15' <del>25'</del> Type B or 20' <del>30'</del> Type C	10' <del>20'</del> Type A 15' <del>25'</del> Type B or 20' <del>30'</del> Type C	10' <del>20'</del> Type A 15' <del>25'</del> Type B or 20' <del>30'</del> Type C	15' <del>30'</del> Type A 20' <del>40'</del> Type B or 30' <del>50'</del> Type C
	Category 3*	X	10' <del>15'</del> Type A 15' <del>20'</del> Type B or 20' <del>25'</del> Type C	10' <del>20'</del> Type A 15' <del>25'</del> Type B or 20' <del>30'</del> Type C	10' <del>30'</del> Type A 20' <del>40'</del> Type B or 30' <del>50'</del> Type C
	Category 4*	X	X	10' <del>20'</del> Type A 15' <del>25'</del> Type B or 20' <del>30'</del> Type C	10' <del>30'</del> Type A 20' <del>40'</del> Type B or 30' <del>50'</del> Type C
	Category 5*	X	X	X	10' <del>20'</del> Type A 15' <del>25'</del> Type B or 20' <del>30'</del> Type C
	Category 6*	X	X	X	X

- (4) The design plan should use planting strips or areas as barriers and/or screens to separate land uses or specific activities and provide visual relief from large expanses of parking areas or buildings.

Specifically:

- (A) Planting areas should be a mix of evergreen and deciduous shrubs whose height and width will be proportionate to the area being planted;
- (B) Trees, shrubs, ground covers, and/or grasses that are native to the Puget Sound basin and are appropriate to the conditions of the site are preferred;
- (C) Care must be taken not to visually block lines of sight for vehicles or pedestrians or obscure businesses with landscape material that will be too large at maturity for the site;

...

- (12) Provide landscaping to screen parking lots from adjacent or neighboring properties. Specifically, screen parking lots with over fourteen stalls and within ~~ten-five~~ feet of adjacent property lines with Landscape Type A or ~~twenty-ten~~ feet of Type B or C landscaping. Mason County may waive this requirement if parking is shared by the adjacent uses.

### What does this proposed change do?

This table provides guidance to developers on types of plantings and vegetation required for side and rear yard setbacks. This \*does not\* include buffers of critical area or open space that may be required by Title 8, Resource Ordinance, Mason County Code. It does not impact the requirements of Title 8. Those requirements still apply. This change revises the side and rear yard buffers to be more consistent with what is typically required in other jurisdictions in the greater Puget Sound often competing for development. Developers are accustomed to developing site plans and cost figures based on some of these general requirements. This creates more certainty and consistency for developers while still maintaining all the requirements for type of vegetation and resulting in good designs that ensure quality of life and affordable housing options for residents.

## Neighborhood Design in Belfair UGA

### 17.35.010 - Purpose.

The purpose of this section is to:

- (1) Enhance pedestrian and vehicular connectivity between residential areas and to surrounding uses and amenities;
- (2) Provide safe and attractive streets for residents;
- (3) Create cohesive neighborhoods designed around centralized park or open spaces;
- (4) Create walkable neighborhoods;
- (5) Create community open space amenities which lend identity to a neighborhood and are used by its residents in many ways;
- (6) Create a system of parks that are accessible and interconnected, providing a greater amenity to the community;
- (7) Retain sensitive natural areas and other unique natural features as community open space.

### 17.35.020 - Standards.

The following standards apply to all residential subdivisions and development unless otherwise noted:

- (1) ~~Neighborhood Units. Large new developments (more than twenty acres) should be designed with cohesive neighborhood units where all residents are no more than one-quarter mile walking distance from a central neighborhood park or square and if permitted, neighborhood service uses. Such neighborhood units should be connected to other neighborhood units by residential streets and pedestrian paths so that several smaller areas can support communitywide services, such as an elementary school. Neighborhood units should not be bisected by a collector or arterial road. Traffic speeds should be no higher than thirty-five miles per hour on residential streets. Main pedestrian paths or streets into a neighborhood should be treated as gateways with special landscaping, signage, or other identifiable features;~~

### What does this proposed change do?

This change removes this guidance language recognizing that it creates uncertainty, site planning challenges, and potentially duplicative requirements for developers. This change has no impact on Title 8, Resource Ordinance. It has not impact on urban densities. Many of these requirements are replicated in the Comprehensive Plan Land Use and Housing and Health and Human Services chapters where it would be more common to find it.

opments

- (A) Design driveways with minimum amounts of impervious surface and minimum presence on the street to retain green-space and reduce surface water runoff. Driveways must meet the following standards:

- (i) ~~Except for driveways shared by two residences, the maximum width of driveway at the front property line is twelve feet. If automobile access is from the alley, the maximum width at the rear property line is eighteen feet,~~
- (ii) Driveways and vehicle circulation pavements shall be the minimum size, necessary to accommodate vehicle storage and circulation **[for two vehicles proposed – recommend omitting - unnecessary]**. The county may require that pavement dimensions be modified to reduce impervious surface. Applicants are encouraged to use pervious materials, where feasible, such as split pavements with lawns or unit pavers in the center of the driveway,
- ~~(iii) Developments of more than ten dwelling units shall feature shared driveways for at least fifty percent of the residential lots;~~

#### **What does this proposed change do?**

This change removes this guidance language recognizing that it creates uncertainty, site planning challenges, and potentially duplicative requirements for developers. This change has no impact on Title 8, Resource Ordinance. It has not impact on urban densities. Many of these requirements are replicated in the Comprehensive Plan Land Use and Housing and Health and Human Services chapters where it would be more common to find it. Images show 20' driveway.



- (B) Design homes that minimize the impact of garages on the street and enhance the sense of neighborhood. Specifically:
- (i) All homes should include a porch or covered entry facing the street,
  - (ii) Garages visible from the street shall be setback at least five feet further than the front wall of the house facing the street;
- (3) Street Network. The following standards apply to new developments with more than four lots:
- (A) The street pattern for new residential development shall emphasize a connected network of streets rather than long irregular loops with dead-ends and cul-de-sacs. Such a network will provide better traffic flows, orientation, and shorter trips through the neighborhood. Intersections should occur at no more than four hundred foot intervals;

- (B) The street pattern should be adjusted for existing topography and other natural features, while maintaining interconnections and function;
  - (C) Streets should interconnect neighborhoods ~~\_. At least thirty-three percent of streets should be through streets;~~
  - (D) Allow for future connections where topography permits a street to be extended in the future;
  - (E) Consider alleys in the design of a street system—which have proven useful in reducing on-street parking pressure and pedestrian/driveway conflicts. Alleys are also the most appropriate location for utilities and other service facilities. Alleys also enhance the appearance of the street since garages will be located at the rear of homes;
- (4) Street Design. The following standards are consistent with the American Association of State Highway Transportation Officials (AASHTO) Green Book and apply to all public streets in residential areas with traffic volumes less than 4,000 average daily traffic and speeds less than 30 mph:
- (A) Residential streets shall be designed per Table 4;

**Table 4**

**Residential street design standards**

	LOCAL NEIGHBORHOOD STREETS		
Classification	<u>Primary</u> Collector	<u>Secondary or</u> Sub-Collector	Access Street
Characteristics	Principal <del>traffic</del> <del>arterial</del> <u>collector</u> within residential areas. Conveys traffic from arterials to lower order streets. Collectors are often key streets for bicycle access.	Conveys traffic from collectors to access streets.	Carries very little or no through traffic.
Usual Average Daily Traffic	1,000-3,000	<del>250</del> <u>400</u> -1,000	0- <del>400</del> <u>250</u>
Lane Configuration	At least two 12' lanes and two <u>5' shoulders</u> . 8' parking lanes <u>and/or</u> 5' bicycle lanes <u>are desirable</u> .	<del>One 12'</del> <u>Two 11'</u> travel lanes (accommodating two lanes of traffic) and two <u>4' shoulders</u> . 8' parking lanes; or two 10' travel lanes and one 8' parking lane <u>are desirable</u> .	<del>One 12'</del> <u>Two 11'</u> travel lanes (accommodating two lanes of traffic) and two <u>2' shoulders</u> . 6' or 7' parking lanes <u>or shoulders are desirable</u> . <u>May go to 10' lanes</u> .

<b>Curb to Curb Width</b>	<del>30'-40' depending upon whether there are parking or bicycle lanes included.</del> <u>34'</u>	<del>28</del> <u>30'</u>	<del>22'-24'</del> <u>24' -26'</u>
<b>Recommend R.O.W. Including Sidewalks on Both Sides</b>	60'	50'	<del>50</del> <u>40'</u>
<b>Level Design Speed</b>	<del>35</del> <u>30</u> mph	20 mph	20 mph
<b>Range of Desirable Centerline Curb Radius</b>	300'-500'	150'-300'	100'-150'
<b><del>Planting Strips</del></b>	<del>6'-with trees</del>	<del>3'-without trees 6'-with trees</del>	<del>3'-without trees 6'-with trees</del>
<b><del>Sidewalks or Separated Paths</del></b>	<del>4'-sidewalk on both sides</del> <u>5' on at least one side</u>	<del>4'-sidewalk on both sides</del> <u>5' on at least one side</u>	<del>4'-sidewalk on at least one side (except for new streets serving six or fewer homes)</del> <u>5' on at least one side</u>

#### What does this proposed change do?

These changes differ slightly from what was submitted by the consultant in order to be consistent with national best practice, but road widths, planting strip revisions, and sidewalk/path revisions have been made as suggested. The changes align the Mason County Code with the AASHTO Green Book and NCHRP Report on Low Volume Roads, the standard references for low volume road design. These revisions reflect best safety practices.

- (B) The county may approve an alternative street design where the applicant can demonstrate that such alternative design achieves the following:
- (i) Enhances safety for pedestrians and vehicles,
  - (ii) Provides durable construction but reduces environmental impacts (i.e., ~~more~~-less impervious surface),

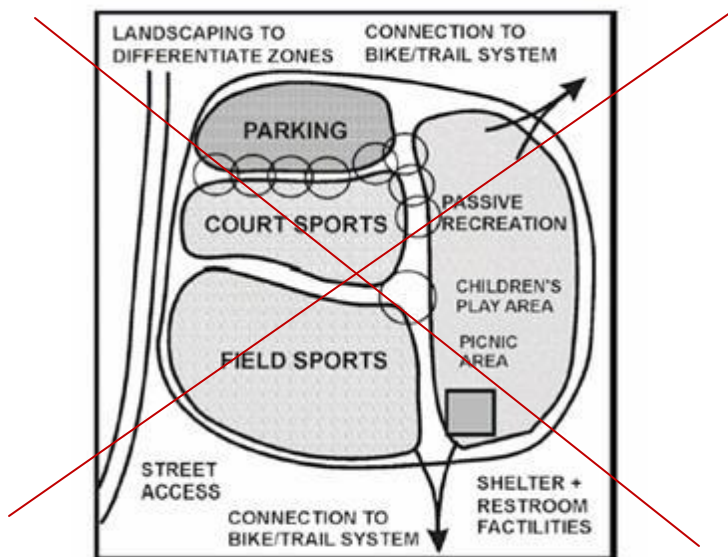


- (iii) Street design is appropriate for site given existing topography and vegetation,
  - (iv) Street design is consistent with the purpose of this section and is sufficient to accommodate the projected traffic;
- (5) Sidewalks and Trails. The following standards apply to all new residential development with more than four lots unless otherwise noted:
  - (A) New development should be integrated with, and expand Belfair's system of community-wide trails (see Figure 6);
  - (B) Sidewalks or pathways should be provided along public streets per Table 4 above;
  - (C) The paving surface on all pedestrian paths should be appropriate to their use:
    - (i) Concrete for sidewalks,
    - (ii) Seamless materials like asphalt for bike/skating trails,
    - (iii) Crushed gravel for nature trails,
    - (iv) The county will consider alternative materials where the applicant can demonstrate that the material is appropriate for the projected use, durable, and easily maintainable;
  - (D) All multi-lot developments over twenty acres should provide bicycle pathways or routes—especially if they connect with the planned community wide trail system;
- (6) Parks and Open Space. The following guidelines apply to all residential subdivisions with more than twenty-five lots and all multi-family development unless otherwise noted:
  - (A) ~~Develop a variety of public open-recreation spaces shall be provided in residential subdivisions. The minimum recreation area required is 350 square feet per unit or lot. The recreation spaces should be evenly distributed where possible throughout the subdivision, as follows: in every community to provide for a variety of natural conditions and neighborhood uses. Recreational open space is critical for the needs of a community, particularly for its youth. All neighborhood units identified in subsection (1) above should integrate facilities for sports and recreation, bike trails and tot playgrounds. Specifically:~~
    - (i) ~~Pocket parks or squares. These active recreation areas should be a minimum of 5,000 square feet in size and should incorporate a children's play area, landscaping, and seating at a minimum. At least one side of the park perimeter shall front on a street are generally at least one-half acre in size and should be set aside for every seventy-five dwelling units, in addition to neighborhood parks noted below. These spaces should have neighborhood landmarks such as a fountain, monument, bandstand, and/or other similar element to create a focal point and organize other park elements like lighting, landscaping, and furniture. Landscaping elements should generally not restrict gathering and circulation. Integrate the pocket park or squares into the pattern of neighborhood streets around it. At least sixty-six percent of the perimeter should to be visible and accessible from the streets to makeing them safer places. Parking should be on adjacent streets and not within the park itself,~~
    - (ii) ~~Passive recreation areas. Passive recreation areas such as pathways and trails, seating areas and viewing areas are encouraged. No more than 50% of the total recreation area can be passive recreation.~~
    - (ii) ~~Neighborhood parks required for larger developments of over one hundred units. These parks are generally over an acre, but less than two acres in size and support informal recreational needs such as small fields for kicking a soccer ball or playing Frisbee. Other uses could include more passive recreation such as strolling and reading. Neighborhood parks should also include a small children's play area. At least thirty percent of its edges should front on, and be accessible from local streets with sidewalks. Neighborhood parks should be accessible by side walk or walking path from all residences served. The parks should be within one-quarter mile walk or bike~~



~~from all residences in its neighborhood and should be sited at highly visible locations from within the neighborhood. Local streets should accommodate parking,~~

- ~~(iii) Community parks serve several neighborhoods and up to five thousand residents. These parks demand greater care in siting and can adjoin schools or amenities like lakes. Such parks should include sports courts, field sports, children's play area, picnic area, public restrooms, passive recreational areas, landscaping, and walkways. Most access should come by walking or bicycling, but provisions for off-street parking should also be made.~~



~~Figure 27. An example of a community park.~~

**What does this proposed change do?**

These changes differ slightly from what was submitted by the consultant to correct a few minor errors. They are intended to be less prescriptive providing a greater degree of flexibility to the developer in site planning, while keeping requirements in place to assure recreation and open space. The forms of recreation areas and open space included are more aligned with today's public demand for these areas.

- (iv) The county will consider alternate means of providing parks and recreation as long as they meet the intent of the standards:
- Providing off-site facilities for smaller developments,
  - Contributing to county park and recreation funds,
  - Setting aside land for future park development;
- (A) The county may require retention of existing natural features such as high points, ponds, wetlands, or streams as community open space. Concentrate development on the land of least natural value. Preserve existing natural landmarks such as significant trees to the extent possible. Incorporate passive recreational features such as footpaths into natural areas, except where access conflicts with important habitat resources.

## LOW IMPACT DEVELOPMENT

### 17.80.010 - Purpose.

The goal of low impact development is to conserve and use existing natural site features, to integrate distributed, small-scale stormwater controls, and to prevent measurable harm to streams, lakes, wetlands, and other natural aquatic systems from commercial, residential, or industrial development sites by maintaining a more hydrologically functional landscape. The purpose of this chapter is to establish the ~~development guidelines, requirements and standards~~ for low impact development projects. ~~While the use of individual low impact development (LID) techniques does not necessarily fulfill the requirements for a LID project, all projects are encouraged to use LID techniques.~~ As part of meeting these purposes and goals, this chapter is intended to fulfill the following purposes:

- (1) Manage stormwater through a land development strategy that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic conditions;
- (2) Encourage creative and coordinated site planning, the conservation of natural conditions and features, the use of appropriate new technologies and techniques, and the efficient layout of streets, utility networks and other public improvements;
- (3) Minimize impervious surfaces and effective impervious surfaces;
- (4) Encourage the creation or preservation of permanent forested open space;
- (5) Encourage development of residential environments that are harmonious with on-site and off-site natural and built environments;
- (6) Further the goals and the implementation of the policies of the comprehensive land use plan.

### 17.80.020 - Applicability.

This chapter shall apply to all new development in all zones within the Allyn and Belfair urban growth areas. These standards shall not apply to the construction of a single-family unit on a legal lot of record. These standards are in addition to other development regulations. If there are any conflicts between this chapter and other development regulations, the provisions of this chapter shall apply.

### 17.80.030 - Design and development standards.

~~Stormwater facilities shall be designed in accordance with the 2012 Stormwater Management Manual for Western Washington, as amended in 2014 and hereafter, consistent with the Mason County Shoreline Master Program (MCC 8.52). The thresholds, definitions, minimum requirements and exceptions, adjustment and variance criteria found in Appendix I of the NPDES Phase II Municipal Stormwater Permit, and including the mandatory incorporated provisions of the Stormwater Management Manual are included. Conformance to the following criteria is required for all development reviewed under the provisions of this chapter:~~

- ~~(1) LID projects shall meet the minimum peak and duration flow control standards per the Department of Ecology Stormwater Management Manual for Western Washington, current edition.~~
- ~~(2) Through the use of LID integrated management practices identified in the Puget Sound Action Team's Low Impact Development Technical Guidance Manual for Puget Sound, flow control facilities may be reduced in size as calculated under the Department of Ecology's 2005 Stormwater Management Manual for Western Washington.~~
- ~~(3) Water quality treatment BMPs shall be provided to treat ninety-five percent of the annual runoff volume per the Department of Ecology standards.~~

- ~~(4) All areas subject to clearing and grading that have not been covered by impervious surfaces, incorporated into a drainage facility or engineered as structural fill or slope shall, at project completion, shall comply with Section 17.80.090 MCC.~~
- ~~(5) After the certificate of occupancy is issued, there shall be no net increase in effective impervious surfaces for all LID projects. The maximum impervious surfaces allowed for each lot shall be added to the face of the plat.~~
- ~~(6) All projects with Type A (outwash) soils shall infiltrate one hundred percent of runoff.~~
- ~~(7) All projects shall provide a maintenance plan/program that has been approved by the county, including source control BMPs.~~
- ~~(8) LID projects shall reduce the size of conventional detention facilities (e.g., ponds) as follows:~~
- ~~(A) Calculate the pond volume of a conventional project by using the conventional modeling assumptions in Table 17.80.030-2: Impervious Surface Maximum Limits and Modeling Assumptions.~~
  - ~~(B) Reduce the conventional volume by the percentage shown in Table 17.80.030-1: Pond Reduction and Native Vegetation Requirements to find the allowed LID pond size.~~
  - ~~(C) Apply sufficient LID techniques to the project so that when the techniques are modeled using guidance from Chapter 7 of the LID Technical Guidance Manual for Puget Sound the conventional pond volume is reduced to the required pond reduction percentage found in Table 17.80.030-1. LID projects shall preserve native vegetation area according to the percentages shown in Table 17.80.030-1. If the site has already been disturbed, the site shall be revegetated to meet the percentages shown in Table 17.80.030-1.~~
- ~~(9) LID projects shall not exceed the maximum impervious surface limits shown in Table 17.80.030-2 under the column "LID Project."~~

**TABLE 17.80.030-1: Pond Reduction and Native Vegetation Requirements**

	Minimum Pond Reduction (Infiltration < 0.30 in/hr or less) <sup>1,2</sup>	Minimum Pond Reduction (Infiltration of = 0.30 in/hr or more) <sup>1,2</sup>	Native Vegetation Area <sup>3</sup>	Maximum Impervious Surface
Rural Residential	100%	100%	65%	10%
Non-Multifamily Residential 1.4 du/ac	50%	60%	35%	15%
Non-Multifamily Residential 1.5 — 2.4 du/ac	50%	60%	35%	15%
Non-Multifamily Residential 2.5 — 3.4 du/ac	50%	60%	35%	20%

<del>Non-Multifamily Residential 3.5—4.9 du/ac</del>	50%	60%	35%	30%
<del>Non-Multifamily Residential 5.0—6.9 du/ac</del>	50%	60%	20%	35%
<del>Non-Multifamily Residential 7.0—9.9 du/ac</del>	50%	60%	20%	40%
<del>Non-Multifamily Residential ≥ 10.0 du/ac</del>	50%	60%	20%	60%
Multifamily <sup>4,5</sup>	40%	80%	20%	70%
Commercial <sup>5</sup>	40%	80%	10%	70%
Roads <sup>6</sup>	50%	50%	n/a	n/a

-

~~1. The volume reduction in the table represents a reduction as compared to the volume needed for a detention pond serving a standard development.~~

~~2. Infiltration rates are as measured in the field at the proposed LID location using techniques recommended in the Stormwater Management Manual for Western Washington and the Low Impact Technical Guidance Manual for Puget Sound.~~

~~3. Native vegetation area includes native, undisturbed areas or rehabilitation of previously disturbed areas. Native vegetation areas may integrate passive recreation facilities. Active recreation areas shall not count towards native vegetation areas total.~~

~~4. Multifamily projects are those projects containing more than four dwelling units attached in a single structure, regardless of ownership mechanism.~~

~~5. Multifamily and commercial projects must use pervious pavement for at least twenty percent of all paved surfaces.~~

6. County roads should provide ecology embankment or bio-retention facilities along a minimum of seventy five percent of the total road length.

**Table 17.80.030-2: Impervious Surface Maximum Limits and Modeling Assumptions<sup>1</sup>**

Dwelling Units Per Acre <sup>2</sup>	Conventional % Impervious: Modeling Assumption	Conventional % Turf: Modeling Assumption
Non-Multifamily Residential = 1.4 du/ac	15%	85%
Non-Multifamily Residential 1.5—2.4 du/ac	25%	75%
Non-Multifamily Residential 2.5—3.4 du/ac	35%	65%
Non-Multifamily Residential 3.5—4.9 du/ac	40%	60%
Non-Multifamily Residential 5.0—6.9 du/ac	50%	50%
Non-Multifamily Residential 7.0—9.9 du/ac	60%	40%
Non-Multifamily Residential = 10.0 du/ac	80%	20%
Multifamily Residential	90%	10%
Commercial	90%	10%

-

1. Impervious area includes all hard surfaces that impede infiltration of rainfall into the underlying soil profile. Many LID techniques improve the ability of water to infiltrate into the soil. These techniques count against the impervious surface totals only to the extent indicated by Chapter 7 of the LID Technical Guidance Manual.

2. Dwelling units per acre is based on gross density.

**What does this proposed change do?**

These changes differ slightly from what was submitted by the consultant to correct a few minor errors and reflect the 2017 adoption of the 2012 Stormwater Manual for Western Washington as part of the Shoreline Master Program/Critical Areas Ordinance Update. Mason County was one of only a few jurisdictions across the state that had not adopted this manual and its revision before this date. This document reflects best available science related to Low Impact Development and Stormwater Management. It provides flexibility and certainty to developers. This section of code is now outdated after the adoption of the SMP Update and CAO and in conflict in places with Mason County adopted policies in MCC 8.52. Additionally, it is not common to find content other than requirements in municipal code.

## **Rural Natural Resource Zoning**

### **17.04.502 - Uses permitted.**

- (a) Uses. Processing of native natural materials, including forest products, mining, aquaculture, agriculture. Nonagricultural uses should be limited to lands with poor soils or otherwise not suitable for agricultural purposes.
- (b) Accessory Uses. Storage of finished products, retail sales of products up to ten percent of building area.

## **Belfair – Long Term Agricultural Zoning**

### **17.21.010 - Purpose.**

The purpose of the LTA district is to support commercial agriculture and provide open space within the Belfair UGA. Locations are restricted to sites viable for commercial agricultural uses. This district allows for a base density of one dwelling unit per ten acres. However, density credits of up to three dwelling units per acre are permitted provided that this density shall only be used if transferred to lands outside the LTA district and within the Belfair UGA. Nonagricultural uses should be limited to lands with poor soils or otherwise not suitable for agricultural purposes.

## **Resource Ordinance**

### **8.52.061 - Agricultural resource lands.**

The purpose of this section is to maintain and enhance natural resource based industries, to encourage the conservation of commercial agricultural lands, and to discourage incompatible land use.

- (1) Classification. The following criteria shall be used in identifying lands appropriate for agricultural resource lands:
  - (A) The property has an existing commercial agricultural use (as of the date of designation) or where the property was used for agricultural purposes as of January 1991, where identified by property tax classification in the open space-agriculture property tax classification program pursuant to Chapter 84.34 RCW or where agricultural use has been identified as the principal use of the property, are presumed to meet this criteria; and
  - (B) The property has a minimum parcel size often acres; and
  - (C) The parcel has prime farmland soils; or
  - (D) The property is surrounded by or adjacent to lands qualifying under classification criteria (1) to (3) above, where adjacent to means at least fifty percent of the property line adjoins resource lands per criteria (1) to (3) above, not including water bodies (rivers, lakes, or salt water), provided this creates a more regular or logical boundary; or
  - (E) The property is an upland fin-fish hatchery; provided that property owners may apply to have their land designated as agricultural resource lands upon a showing that the property is eligible for and participates in the open space-agricultural property tax classification program pursuant to Chapter 84.34 and upon a showing that either that the property has prime farmland soils or that, in some other fashion, the agricultural use has long-term commercial significance. Such applications shall be reviewed by the county as provided for



in the annual amendment process for the county comprehensive plan and development regulations.

- (2) Designation. Lands of Mason County which have been identified as meeting the classification criteria for agricultural resource lands, and are so specified on the official Mason County map, available at the Mason County planning department, titled, "Mason County Agricultural Resource Lands" or as thereafter amended, are hereby designated as agricultural resource lands.
- (3) Land Uses. Development and land uses and activities allowed in the agricultural resource lands or on adjacent lands are as specified in the Mason County development regulations and other applicable ordinances, codes and regulations. Nonagricultural uses should be limited to lands with poor soils or otherwise not suitable for agricultural purposes.
- (4) Preferential Right to Manage Resources and Resource Use Notices.
  - (A) For landowners who have land designated as agricultural resource lands, provisions of "Right to Farm" provided under Section 8.52.040(c)(5) shall fully apply.
  - (B) All plats, short plats, large lot subdivision, development permits, and building permits issued for activities on, or within three hundred feet of lands designated as agricultural resource lands shall contain the following notification: "This property is within or near designated agricultural resource lands on which a variety of commercial activities may occur at times and that are not compatible with residential development. Residents of this property may be subject to inconvenience or discomfort associated with these activities including, but not limited to: dust, odor, noise, and chemical applications."

(Ord. 52-00, Attachment B, 2000; Res. 91-99 (part), 1999; Ord. 152-97 (part), 1997).

#### 15.07.030 - Notice of public meetings and public hearings.

All notices for public meetings and hearings shall follow the provisions of R.C.W. 36.70A.035 Public Participation — notice provisions. Notice of a public meeting or public hearing for all development applications and appeals shall be given as follows:

- (1) Time of Notices. Except as otherwise required, public notification of meetings, and hearings, and on pending actions shall be made by:
  - (A) Publication at least ten days before the date of a public meeting, hearing, or pending action in the official newspaper if one has been designated or a newspaper of general circulation in the county; and
  - (B) Mailing at least ten days before the date of a public meeting, or public hearing to all adjacent property owners of the boundaries of the property that is the subject of the meeting or pending action. Addressed, pre-stamped envelopes shall be provided by the applicant; and
  - (C) Posting at least ten days before the meeting, hearing, or pending action in one public place (for example, a post office) and at least two notices on the subject property.
  - (D) Provided that, if the notice is for the purpose of an open record pre-decision hearing, the notice of application shall be provided at least fifteen days prior to the open record hearing.
  - (E) Provided that, if a SEPA threshold determination has been made, that determination shall be issued at least fifteen days prior to the hearing date.
  - (F) Written notice of application shall also be provided to any organization or individual who has requested, in writing, to receive notice of all land use applications encompassed by this chapter. Provided that, the county may charge a reasonable fee for such notice, as approved by resolution of the board.
- (2) Content of Notice. The public notice shall include (a) a general description of the proposed project, (b) action to be taken, (c) a non-legal description of the property or a vicinity map or sketch, (d) the time, date and place of the public hearing, and (e) the place where further information may be obtained.
- (3) Continuations. If for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required.
- (4) Emergency amendments to Mason County Comprehensive Plan. Public notice and an opportunity for public comment must precede the adoption of emergency amendments to the comprehensive plan. Provisions in RCW 36.70A.390 apply only to moratoria or interim development regulations. They do not apply to comprehensive plans amendments. If an emergency comprehensive plan amendment is necessary, a moratoria or interim zoning control should be adopted. The county should then consider the comprehensive plan amendment concurrently with the consideration of permanent amendments and only after public notice and an opportunity for public comment.

## New Section

### 17.03.022 Electric Vehicle Infrastructure

#### A. Purpose.

This section provides opportunities for electric vehicle infrastructure for all zoning districts in the county. These regulations are intended to:

1. Provide adequate and convenient electric vehicle charging stations to serve the needs of the traveling public;
2. Provide opportunities for Mason County residents to have safe and efficient personal electric vehicle charging stations located at their place of residence; and
3. Provide the opportunity for commercial and industrial projects to supply electric vehicle charging station services to their customers and employees.

#### B. Applicability.

1. Electric vehicle infrastructure is permitted, as follows:
  - a. Electric vehicle charging stations equipped with Level 1 or Level 2 charging equipment as an accessory use in all zoning districts.
  - b. Rapid charging stations also known as Level 3 charging in Urban Growth Areas within Village Commercial, Tourist Commercial, Highway Commercial, Business Park, Public Facility, Planned Development, Festival Retail, Mixed Use, General Commercial, Business Industrial, Low Intensity Mixed Use, Commercial-Industrial, Airport Industrial, Industrial, Public Institutional, zones.
  - c. Battery exchange stations in Urban Growth Area Industrial Zones including: Business Industrial, Commercial-Industrial, Airport Industrial, and other industrial zones.

#### C. Definitions.

For the purposes of this section, the following definitions shall apply:

Battery exchange station	"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.
Charging levels	"Charging levels" means the standardized indicators of electric force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common electric vehicle charging levels, and include the following specifications. <ul style="list-style-type: none"><li>• Level 1 is considered slow charging (120-volt AC).</li></ul>

	<ul style="list-style-type: none"> <li>• Level 2 is considered medium charging (208- or 240-volt AC).</li> <li>• Level 3 is considered fast or rapid charging (480-volt AC).</li> </ul>
Electric vehicle	<p>“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for locomotive purpose. “Electric vehicle” includes:</p> <ul style="list-style-type: none"> <li>• battery electric vehicle;</li> <li>• plug-in hybrid electric vehicle;</li> <li>• neighborhood electric vehicle; and</li> <li>• medium-speed electric vehicle.</li> </ul>
Electric vehicle charging station	<p>“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle, consistent with RCW 46.08.185.</p>
Rapid charging station	<p>“Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.</p>

#### D. General Requirements.

Installation of electric vehicle infrastructure must be consistent with the rules for electric vehicle infrastructure requirements adopted by the State Building Code Council and the Department of Labor and Industries for the installation of electric vehicle infrastructure. All wires and equipment that convey electric current and any equipment to be operated by electric current must be consistent with the standards in RCW 19.27.540 and 19.28.281.

#### E. Process.

1. An application to establish electric vehicle infrastructure must obtain an electrical permit through Washington State Department of Labor and Industries.
2. Battery exchange stations that are an addition to an existing use require a site plan review process consistent with Mason County Code Section 17.05.046.
3. New battery exchange stations require a review process consistent with Mason County Code Section 8.48.050.

*(Added: Ord. XXXXXXXXX)*

## Chapter 6.68 – MASON COUNTY WATER ADEQUACY REGULATIONS

### Sections:

- 6.68.010 - Purpose.
- 6.68.020 - Scope of coverage.
- 6.68.030 - Definitions.
- 6.68.040 - Determination of adequacy for building permits.
- 6.68.050 - Determination of adequacy for division of land.
- 6.68.060 - Waiver of regulations.
- 6.68.070 - Appeals.

#### 6.68.010 - Purpose.

- (a) The purpose of these rules is to define basic water adequacy in accordance with ~~Section 63, Section 51, and Section 52 of~~ the Growth Management Act (RCW 36.70A) for new construction and to each lot in a proposed subdivision or a short subdivision prior to approval.
- (b) It is the express purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter.

#### 6.68.020 - Scope of coverage.

- (a) The provisions of this chapter shall apply to all territories contained within the jurisdictional boundaries of the Mason County department of health services. The provisions of these rules and regulations shall apply to all new residences, places of business, or other buildings or places where persons congregate, reside or are employed which requires potable water and to land segregation regulated under Title 16 of this code.
- (b) Any building necessitating potable water shall provide proof of potable water as delineated in this code and approved the health services director or designee(s) prior to issuance of the permit. Exemptions to this code are listed as follows:
  - (1) Buildings identified by the building official which do not require potable water facilities;
  - (2) Improvements, replacement structures, or additions to buildings which already contain potable water and will not result in increased water usage;
  - ~~(3) Replacement structures that are similar or in-kind; and~~
  - ~~(4) Replacement structures for mobile home parks or recreational parks.~~

#### 6.68.030 - Definitions.

The definitions of terms in WAC 246-290, WAC 246-291, RCW 90.03, RCW 90.44, and Title 16 of this code are adopted and incorporated by reference.

#### **6.68.040 - Determination of adequacy for building permits.**

(a) Group B or Two-Party Public Water Systems.

- (1) Prior to issuance of a building permit, the water system manager provides, in writing, verification that the water system is able and willing to provide water to the new connection and that doing so will not exceed limits imposed upon the system by any state and local regulation. Verification in writing will be accomplished by signing a statement on an application form; and
- (2) Upon receipt of the application, the Group B public water system file is reviewed for the following:
  - (A) Quality.
    - (i) Public water sources must meet all the standards set forth by state regulation and be current on monitoring requirements.
    - (ii) In areas of water quality concern, water quality may be required to be further evaluated for any or all of the following:
      - A. Primary contaminants,
      - B. Secondary contaminants,
      - C. Volatile organic compounds (VOC), and/or
      - D. Synthetic organic compounds (SOC).
  - (B) Quantity. The minimum quantity of available water supply shall be eight hundred gallons per connection per day and a pumping rate of one gallon per minute per connection.
  - (C) Compliance.
    - (i) Water systems must be in compliance with state and local design and construction requirements and with on-going requirements set forth by state regulation.
    - (ii) Source wells must be constructed according to the requirements set forth by WAC 173-160. Proper permitting and notification to state and local departments shall be adhered to.
    - (iii) A water right permit or certificate of surface water right shall be obtained from the Washington State Department of Ecology where required by RCW 90.03 and 90.44.

(b) Group A Public Water Systems.

- (1) Prior to issuance of a building permit, the water system manager provides, in writing, verification that the water system is able and willing to provide water to the new connection and that doing so will not exceed limits imposed upon the system by any state and local regulation. Verification in writing will be accomplished by signing a statement on an application form; and
- (2) Upon receipt of the application form, the Washington State Department of Health is consulted and the Washington State Department of Health determines that the water system is adequate.

(c) Individual Sources.

- (1) Prior to issuance of the building permit, a copy of the water well report, a satisfactory bacteriological report, and a capacity test is attached to the application; and
- (2) Upon receipt of the application, documentation will be reviewed for the following:
  - (A) Quality.
    - (i) A satisfactory bacteriological analysis is required.
    - (ii) In areas of water quality concern, the same requirements apply as described in subsection (a)(2)(A)(ii) of this section.

- (B) Quantity. The same requirements apply as described in subsection (a)(2)(B) with the exception that appropriate conservation in conjunction with adequate storage measures may be used to justify a daily volume of less than eight hundred gallons.
- (C) Compliance. The same requirements apply as described in subsections (a)(2)(C)(i) and (ii) and assurance that the water source will not interfere with existing water rights;
- (3) A surface water source will be determined to be adequate or issuance of a building permit upon receipt of a copy of the certificate of surface water right and evidence of an appropriate disinfection method is attached to the application.

#### **6.68.050 - Determination of adequacy for division of land.**

- (a) Group B or Two-Party Public Water Systems.
  - (1) New Water System.
    - (A) The water system is completely installed and meets all state and local regulations; or
    - (B) Moneys, under the name of Mason County health services, totaling one hundred thirty-five percent of a bid obtained from an appropriate contractor for the entire cost of drilling the well, obtaining approvals, and installing the system, is placed either into an escrow account or a bond to secure completion of the work after the well site location is passed.
  - (2) Existing Water System. The same requirements apply as described in subsection 6.68.040(a).
- (b) Group A Public Water System. The same requirements apply as described in subsection 6.68.040(b).
- (c) Individual Water Sources.
  - (1) Individual water sources will be adequate for land division when the lots meet the sizing criteria in WAC 246-272-20501. The following disclaimer shall be placed on the face of the plat when potable water is not available for each parcel at the time of subdivision approval:
 

"The lots, parcels or tracts contained within this land segregation have been created ~~without after~~ establishing a potable water supply meeting all state and local regulations. ~~No building permit necessitating potable water will be issued without first satisfying potable water requirements as required by the Mason County Health Services Director.~~"
  - (2) In areas where a water quantity or quality problem may exist, the following may be required:
    - (A) Well logs of adjacent properties;
    - (B) One or more well drilled;
    - (C) Water study by a qualified hydrogeologist.

#### **~~6.68.060 - Waiver of regulations.~~**

~~Whenever a strict interpretation of this chapter would result in extreme hardship, the director of health services may waive such regulations or portion thereof; provided, that the waiver is consistent with the intent of this chapter and that no public health hazard will result.~~



**6.68.070 - Appeals.**

Decisions of the director of health services may be appealed to the Mason County board of health. Appeals must be made in writing within twenty working days of the decision which is being disputed. A hearing date shall be scheduled with the board for their next regular meeting. All appeals shall be sent to the board in writing via certified mail with return receipt requested.