

MASON COUNTY PLANNING COMMISSION

November 20, 2017 - 6:00 p.m.
Mason County Building 1 - Commission Chambers

411 N. 5th Street, Shelton, WA 98584

1. **6:00pm - Call to Order**
Roll Call
Approval of Planning Advisory Minutes – October 9, 2017 Special and October 16, 2017 Regular
Changes to Agenda by Commissioners or Staff
Conflict of Interest Inquiry
Next Planning Commission Meeting Date – December 18, 2017
Committee / Staff Updates
Other Business
2. **6:15pm – Public Comment** on topics not covered on this Agenda: Please limit comments to 3 minutes.
3. **6:30pm – Briefing:** Comprehensive Plan Update – Status
4. **7:00pm – Action Item:** Planning Commission Code of Conduct
5. **7:30pm – Worksession:** Public Benefit Rating System
6. **8:30pm – Worksession:** 2018 Long Range Planning - Work Program Development

What is the Planning Commission?

The Mason County Planning Commission is a citizen advisory commission that is appointed by and advisory to the Mason County Commission on the preparation and amendment of land use plans and implementing ordinances such as zoning.

- The actions tonight are not final decisions; they are Commission recommendations to the Board of County Commissioners who must ultimately make the final decision. If you have any questions or suggestions on ways the Planning Commission can serve you better, please contact the Planning Office at 360-427-9670

Americans with Disabilities Act (ADA) accommodations will be provided upon request, with reasonable, adequate notice.



MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health

November 20, 2017

Andy Whitener
Director, Natural Resources
Squaxin Island Tribe
200 SE Billy Frank, Jr. Way
Shelton, WA 98584

RE: Mason County Comprehensive Plan Update – Squaxin Island Tribe Comments

Dear Mr. *Whitener* –

Thank you for sharing your comments and questions related to the Mason County Comprehensive Plan Update as well as your other comments related to our internal operating procedures. We have appreciated the involvement from the Squaxin Island Tribal Nation throughout the Comprehensive Plan update process. We will be conducting a Comprehensive Water Plan in 2018 and hope to get the Memorandum of Understanding (MOU) in place soon based on the draft we sent you to ensure a coordinated effort moving forward. Our goal is to maximize resources and continue to build on current efforts to improve water quality, increase conservation and mitigation, and improve development review processes. Mason County also has a goal of maintaining affordable housing and we are concerned about any potential impacts these new regulations may have to the cost of housing.

In reference to the MOU, we are completely open to discussion and modification of the draft. We also appreciate your input on the first draft Water Planning Framework. The MOU and the draft Framework, as presented, are a starting point for discussion. We received no feedback on the MOU which seems to imply that the tribe is disinclined to participate in a partnership in a meaningful way. You may recall the Tribe asked for a letter of support from us in August for a grant application for additional water studies. I was happy to provide such a letter, but the timeline was too short to get necessary approvals through the County processes. I bring this forward as an example of my commitment to collaboration. I reiterate that it is my sincere hope to establish an MOU and work in earnest to meet the needs of the citizens of Mason County.

Regarding specific comments related to the Comprehensive Plan submitted by the Squaxin Island Tribal Nation, while the 2017 Docket of Amendments does not include an item related to water adequacy, this does not mean your comments or comments by other members of the public will be left un-addressed.

My staff have been working to address and integrate public comments we received on the Comprehensive Plan and Development Regulations that will be heard by the Board of County Commissioners on December 5th, 2017.

Additionally, Mason County revisits the Comprehensive Plan and Development Regulations each year. We produce a docket of amendments requested by external stakeholders, citizens, as well as County initiatives. This is outlined in Mason County Code 15.09.060 and consistent with the Growth Management Act. We welcome your input through this process. Please visit our website for additional detail:

<http://www.co.mason.wa.us/community-services/planning/planning-amendment.php>

Regarding your comments related to Mason County's internal operating procedures, we have developed and are implementing new procedures, *2017 DRAFT Guidelines for Determining Water Availability for Buildings and Subdivisions*.

The Attachments to this letter address your specific comments and questions related to those items you have labeled as "**Recommended fixes**" in your October 6th letter and "**Summary of Deficiencies**" in your November 6th letter. If after reading our responses, you have other questions or would like to discuss the MOU or Water Planning Framework, please feel free to follow up with me or my staff, Paula Reeves, Planning Manager, at 360-427-9670 extension 286.

Sincerely,



David Windom, MSHS, Director
Mason County Community Services Department

615 W Alder St. Building 8
Shelton, WA 98584

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Attachment – Mason County Responses to “Recommended Fixes” – Letter Dated 10/6/2017

Recommended fixes to the County’s Water Adequacy Regulations (MCC 6.68)

Question/Comment #1:

Legal availability (non-interference with senior rights) must apply to all permit-exempt wells (e.g., subdivision approvals, wells serving more than one party), not just individual wells that serve single family homes.

Mason County Code 6.68 has been revised to reflect this. See attached code revisions.

Question/Comment #2:

Regulatory exemptions should not include building modifications/additions that will result in more water being used.

Mason County Code 6.68 has been revised to reflect this. See attached code revisions.

Question/Comment #3:

The "extreme hardship" waiver should be narrowed (or eliminated) so that it can't be used to allow permit-exempt wells to interfere with senior rights.

Mason County Code 6.68 has been revised to reflect this. See attached code revisions.

Question/Comment #4:

There needs to be a process for the County to evaluate an applicant's evidence on whether pumping groundwater will impact senior instream flows, and for making a finding that water is or is not available or is available if certain conditions are met.

This process is outlined in the ***2017 DRAFT Mason County Guidelines for Determining Water Availability for Buildings and Subdivisions.***

Question/Comment #5:

The regulations should require meters for all permit-exempt wells in basins subject to instream flows and/or closures ("compromised basin"). (Attached to this letter is an article that shows how meters not only provide critical information about basin water use and mitigation, but also result in conservation.)

While water metering would provide additional data, accurate estimations of water use are also currently available. The County and State use the EPA Design Manual for Wastewater Treatment and Disposal estimation of 45 gpd per person. For septic system design, an additional margin of 25% is added for 60 gpd. Washington assumes two people per bedroom for design giving a result of 120 gpd per bedroom resulting in a septic system design capacity of 240 gallons for a minimum home size of two bedrooms, 360 gallons for a three bedroom and so on. For actual domestic water consumption, we can estimate 60 gpd per person and an average residential occupancy of 2.57 persons per dwelling resulting in 154.20 gpd per full time occupied dwelling. Please remember that 28% of dwellings in Mason County are seasonally occupied.

Question/Comment #6:

The regulations should have provisions that shift the burden from the landowner proving noninterference with senior rights, to the County, where the County has developed mitigation packages; and that set the process for a landowner using such mitigation.

Mitigation options are outlined in the *2017 DRAFT Mason County Guidelines for Determining Water Availability for Buildings and Subdivisions*.

***Note: Code revisions discussed in this section will be proposed as part of the Comprehensive Plan Update in response to public comment.**

Recommended Fixes on Water Planning Framework

Question/Comment #7:

The framework currently lacks sufficient detail, however, to ensure that the needed changes will actually occur. Also, there is excessive use of qualifying language such as including "possible" provisions for mitigation planning and mitigation; stating that groundwater and surface water are "possibly" connected (when evidence shows that there generally is a connection).

The DRAFT Water Mitigation Planning Framework was intended as a starting point and outline for dialog leading to some agreed upon next steps. It was not intended to contain details, but provide the public background and an opportunity to help develop the Plan.

Question/Comment #8:

The Tribe takes issue with categorizing pervious surfaces, Low Impact Development features, and stormwater management as "mitigation". Mitigation means offsetting the impacts of pumping groundwater on streamflow. Pervious surfaces, LID features and stormwater management are important activities that help sustain the natural hydrologic system, but do not necessarily offset the impacts of pumping groundwater.

Mason County disagrees with this statement that stormwater management is not mitigation that can be used to offset the impacts of pumping groundwater on streamflow, and points to a growing body of research. See the attached Lit Review.

Question/Comment #9:

Erica Marbet is working with you to correct Ecology's map.

Mason County received the DRAFT Water Mitigation Planning Map from Washington State Department of Ecology and will work with Ecology to correct this map.

Question/Comment #10:

Included in the list of legal requirements should be RCW 58.17.110, the Subdivision Code's water availability requirement.

Noted and corrected.

Other Comments on Mason County Operating Procedures (not related to Comprehensive Plan):

Question/Comment #11:

If the proposed well is located in a basin with a stream subject to closures and/or instream flows, the form should request information about estimated water use (potable and non-potable, indoor and outdoor) throughout the year.

Noted and procedures addressing this comment are included in **2017 DRAFT Mason County Guidelines for Determining Water Availability for Buildings and Subdivisions.**

Question/Comment #12:

If the County has not yet developed a mitigation package for that basin, the form should request that the landowner: (1) state whether the groundwater source is or is not in likely hydraulic continuity with the stream; (2) state whether the amount of water desired will be legally available each month of the year; and (3) provide support for those statements.

Noted and procedures addressing this comment are included in **2017 DRAFT Mason County Guidelines for Determining Water Availability for Buildings and Subdivisions.**

Question/Comment #13:

For proposed development relying on permit-exempt wells in areas outside the UGA, the threshold question is whether it is inside or outside of a compromised basin. If it is within one, then the next question is whether there is a groundwater model for that basin that can be used to develop mitigation.

Noted and procedures addressing this comment are included in **2017 DRAFT Mason County Guidelines for Determining Water Availability for Buildings and Subdivisions.**

Question/Comment #14:

In all cases, the County should require meters and impose and/or make available water conserving measures such as rain harvesting, stormwater treatment and re-infiltration to groundwater, and low flow fixtures and appliances. These actions will help ensure long term sustainable growth in Mason County.

See response to Question/Comment #5. Note: rain harvesting, and re-infiltration is stormwater management. Noted and procedures addressing this comment are included in **2017 DRAFT Mason County Guidelines for Determining Water Availability for Buildings and Subdivisions.**

Question/Comment #15:

Where a groundwater model exists, the County would inform the applicant as to whether his or her well would contribute to a cumulative impact for which the County has created a mitigation package, and explain how the applicant takes advantage of the mitigation.

Noted and procedures addressing this comment are included in **2017 DRAFT Mason County Guidelines for Determining Water Availability for Buildings and Subdivisions**. Any groundwater model used for this purpose must be adopted by Mason County Board of County Commissioners.

Mason County's feedback on the Groundwater Model presented at the Conservation District on April 12, 2017:

- The groundwater model as presented uses an incomplete set of variables including variables where current data exists as follows:
 - marine outflows
 - septic recharge
 - influences of development on topography
 - underground topography including perched water tables, aquitards, well depths in relation to aquitards and aquifers, and direction and rate of water flows
- Part-time occupancy of 28% or greater of dwellings in Mason County was not accounted for.
- There is a margin of error in the range of 3-4% making it questionable for use in land use decision making.

Question/Comment #16:

In basins lacking a model, the County should create interim sub-basin by sub-basin mitigation packages based on projected water use on buildable lands. The County can refine the mitigation packages once the model is in place.

Noted and procedures addressing this comment are included in **2017 DRAFT Mason County Guidelines for Determining Water Availability for Buildings and Subdivisions**. Any groundwater model used for this purpose must be adopted by Mason County Board of County Commissioners.

Question/Comment #17:

Until the County devises mitigation packages, the burden remains on the individual landowner to make an impacts analysis and mitigate.

Noted and procedures addressing this comment are included in **2017 DRAFT Mason County Guidelines for Determining Water Availability for Buildings and Subdivisions**.

Mason County Responses to “Summary of Deficiencies” – Letter Dated 11/6/2017

Question/Comment #1:

The draft plan does not reflect the reality, as recognized by the Washington Department of Ecology, that much of the water in WRIA 14 and 15 basins has already been spoken for due to senior instream flows and closures and thus is not legally available year-round. The plan fails to describe this problem and offer concrete measures to ensure that rural development will occur where water is legally available, or towards mitigation that will allow proposed development to proceed in the compromised basins. The draft does not anticipate using the existing groundwater model or future models towards this end. It also fails to acknowledge a process for the County’s inquiring into the legal availability of groundwater before it approves development, and basically perpetuates the County’s longstanding presumption that water is legally available everywhere.

We believe we have addressed these concerns in revisions to the Comprehensive Plan, **Chapter 7 Utilities Element**. We have also consistently referenced partnership with the Tribes and others to conduct studies and strengthen the modeling of water availability as part of the MOU and *Water Planning Framework*. Much of the language of the *Water Planning Framework* has been included in the Comprehensive Plan. Mason County recognizes that water planning is evolving and changing, and we will continue to revise and update this document as resources permit.

Question/Comment #2:

Chapter 1: Citizen’s Guide. The Tribe takes issue with the plan’s statement on p. 8:

By design, on-site sewage systems, also known as septic systems, naturally recycle wastewater by recharging ground water. To ensure on-site sewage systems are treating waste effectively and not polluting the ground water, there must be a strong commitment to regular and ongoing monitoring to ensure these systems are working properly.

Often on-site septic systems are more of a vulnerability than an asset to water recycling and safe shellfish harvests. This is because the County currently lacks a fully staffed on-site septic system and water quality sampling program.

Mason County agrees that a robust and fully staffed water quality sampling program is critical and has in the past six months hired new staff and committed additional resources to this effort. We do not believe on-site septic systems to be the solution to water recycling, but see it as one of many parts of a larger system. In short, we agree with your comment, and believe this paragraph to be consistent with your comment. If you would like to suggest specific wording revisions, we would be interested in understanding what particular language was offensive.

Question/Comment #3:

Chapter 2: Countywide Planning Policies & Objectives. While draft Planning Policies 2.1 and 10.2 paraphrase state statutes concerning water availability and development's compatibility with fish habitat and surface flows, there are no concrete measures to accomplish these policies. Also, it is unclear why Planning Policy 2.1, which relates to fish habitat and protecting surface water flows, is under the heading of "Reduce Sprawl".

- 2.1** Rural areas now exist throughout Mason County and contribute to a large measure of the quality of life enjoyed by residents. These areas are characterized by low housing densities, wilderness and recreational living opportunities, and open space. Other rural qualities include tranquility, low traffic volumes, natural views, privacy, and rural enterprise. Intensive development will be discouraged in these rural areas due to the difficulty of providing cost-effective services, or because the disappearance of rural areas from the landscape would impact the character of the county. Rural areas of Mason County should be designated as such and protected from encroachment by intensive development. Rural area land use development and accompanying water use shall be compatible with fish habitat, and consistent with protection of natural surface water flows and groundwater recharge. Rural areas include those portions of the County that lie outside designated growth areas, master planned communities, and destination resorts, and may have lower standards of infrastructure and service that reflect and maintain this rural character.
- 10.2** Mason County and the cities therein shall protect drinking water supplies from contamination, ensure that water for development is both legally and physically available, and identify and reserve future supplies.

These (2.1 and 10.2) are policy statements that were adopted by Mason County and partner organizations as part of the Countywide Planning Policies. These policies have been largely unchanged since Mason County originally adopted its Comprehensive Plan in 1996. They follow the requirements of RCW 36.70A.210. They correspond to the 13 goals outlined in the Growth Management Act (GMA) in RCW 36.70A.020. It is common to see these policies remain in place in jurisdictions throughout Washington for decades as they are overarching policies mandated by GMA that impact the City, all parts of Mason County and the Special Districts within the County.

Starting on Page 17 of Chapter 2, you will find objectives and procedures that support each of the policies. These have been revised in 2005 and again in 2016.

Question/Comment #4:

Chapter 3: Land Use Element. Table 1 (p. 6) projects a 22% increase in Mason County's rural population growth (10,140 people) from 2016-2036 (as does Table 1 in the Rural Element), but Table 14 (p. 21) states that this growth will be comprised of 9,140 additional people (a 43% increase in share of the total population). There appears to be a 1,000 person discrepancy.

The numbers in Table 1 and Table 4 are consistent. In Table 14, the estimated 1,000 persons will choose to locate in the Rural Activity Centers. These are still in unincorporated rural county, but have access to water systems for the most part.

Question/Comment #5:

Table 7 (p. 13) shows that this growth will occur on 387,300 acres of rural lands that comprise 63% of the County's land area. Assuming a 22% increase in population is inconsistent with the need to provide legally available water, particularly with a lack of water systems available to serve the rural area, or specific steps to implement mitigation through conservation and other measures.

The population growth numbers used in Mason County's Comprehensive Plan Update have been provided by the State Office of Financial Management and City of Shelton forecasts conducted for their Comprehensive Plan. As you know, Mason County has no authority or ability to impact population growth. However, we are planning for the expected growth. The assumptions made do not include inconsistency with the need to provide legally available water. Mason County fully understands the legal requirements and is working diligently to continue to develop more and better mitigation strategies, including conservation and other measures. We continue to hope for a partnership with the Tribal Nations to build a shared understanding and agreed upon solutions over the 20 year planning period.

Question/Comment #6:

Table 15 (p. 22) indicates that from 2000-2014, the County's rural areas experienced between 74-78% of its population growth. It is unclear why the County predicts a drop in growth from 74-78% to 43% (Table 1). Please be aware that this past growth has occurred, to our knowledge, without any inquiry by the County as to whether groundwater was legally available without harming senior instream flows.

Table 15 shows the share of the total growth in population. In other words, of the total growth in population in Mason County between 2000 and 2005, 74% of it occurred in unincorporated Mason County including activity centers. The projection over the next 20 years is that fewer people choose to locate in unincorporated Mason County (47% vs. 74%) and more choose to locate in Belfair, Allyn, Shelton. This trend is consistent with other parts of the region and with a move to urban areas in general. It can be attributed to a number of factors including affordable housing options, transportation connectivity, employment, and growth management policies in general. Water availability may also be a factor. More study including a survey would be necessary to precisely understand statistically significant factors.

Question/Comment #7:

On p. 21 and numerous other pages, the County refers to a “series of maps” located online in the Mason County Planning Map Library. There is a layer that classifies basins by possible requirements for mitigation, but is inconsistent with WAC 173-514 and 073-515 rules because it does not indicate all streams that are subject to instream flows and/or closures.

Mason County received this map layer from Washington State Department of Ecology and is working to correct and validate the maps at this time. The accuracy and reliability of the GIS mapping data will continue to improve as resources become available.

Question/Comment #8:

Chapter 4: Rural Element. Page 15 of the Rural Element conveys the erroneous notion that applicants can show a lawful and adequate water supply simply by using a permit-exempt well. Permit-exempt well users have no right to use groundwater if the use interferes with senior instream rights, whether those senior rights are consumptive rights or instream flows set by rule. The plan’s statement is also inconsistent with Planning Policy 10.2 (Chapter 2, above), which states that the County will ensure that water for development is both legally and physically available.

Moreover, statements on this page leave the reader with the incorrect impression that the County has no role in finding water availability because the state bears the entire burden. The plan needs to explain the county’s obligations under state statutes, as reinforced by the Hirst decision. These are, in essence, matching growth and densities with available water resources, and ensuring that groundwater is legally available before approving development.

Noted and corrected. - Pursuant to RCW 19.27.097 and RCW 58.17.110, Mason County legally cannot issue a permit for a building requiring potable water or approve subdivision applications unless the applicant has a lawful and adequate water supply. Typically, the applicant provides a letter of availability from a public water source such as PUD or otherwise demonstrates that they will not interfere with senior water rights.

Collaborative water planning is underway in Mason County to ensure compliance with state laws and maximize water conservation, reuse, and recycling. See Mason County Comprehensive Plan, Chapter 7 – Utilities, for additional detail.

Watersheds

Land use and land planning is also organized by watersheds. Mason County includes seven watersheds: Case Inlet, Chehalis, Hood Canal, Lower Hood Canal, Oakland Bay, Skokomish, and Totten-Little Skookum. Drainage patterns determine the boundaries of watersheds.

Watershed management plans or action plans have been adopted for three watersheds: Totten-Little Skookum, Oakland Bay, and Lower Hood Canal. Sub-area plans were developed for North Mason County (the Lower Hood Canal), South-East Mason County (the Totten-Little Skookum), and Harstine Island (part of the Totten-Little Skookum). The watershed plans were developed in cooperation with adjoining counties that shared the watershed, the Indian Tribes, state agencies and the public, under the guidance of the Puget Sound Water Quality Authority. Information from these plans and goals and policies developed for them have been used in developing the Comprehensive Plan, its policies, and its implementing regulations.

Question/Comment #9:

The Rural Element also has an incorrect and partial list of instream flows with the wrong date of rule adoption. Please refer to the WRIA 14 rule, WAC Ch. 173-514 for a complete list of streams subject to instream flows and/or closures; the priority date is 1984, not 2001. The Kitsap WRIA 15 rules were adopted in 1981. WRIA 16 has no instream flow rule.

Noted and corrected.

Question/Comment #10:

Also on p. 15, the plan states that Mason County is complying with state law through “collaborative water planning”, but does not describe what this planning is or how it ensures compliance with state law, particularly as to water availability.

Noted and corrected.

Question/Comment #11:

The County also incorrectly implied that the Squaxin Island Tribe approved watershed management plans for WRIA 14 and 15. The Tribe did not approve those plans because of insufficient recommendations on protecting stream flow quantity.

Noted and corrected.

Question/Comment #12:

The plan does not explain the results of numerous tables, or the source of data used to compile them. Moreover, there are inconsistencies. Table 3 (p. 12) is entitled “Land Use Inventory in Rural Mason County.” Adding up the total acreage in each of the categories results in 456,128 acres, which exceeds the 387,300 total acres of rural lands in Table 7 as described in the Land Use chapter above.

All tables include sources of data. RCW 36.70A.070 outlines the requirements of the Rural Element. Mason County is consistent with these requirements. The County has tracked these two data sets – Assessors Data and County Zoning Data since 1996 when the Comprehensive Plan was adopted. The Methods discussion on the same page explains more about the data sets and why they differ.

Methods

By comparing two different data sets, the Assessor’s data and the County zoning data, we see a clearer picture of trends in land use. **It should be noted that the Assessor’s data and the County zoning data are two different data sets used for different purposes. While the categories are similar, the total acreage will differ. For example, the County zoning data will not include Tribal lands or Olympic National Forest, but may count some acres of water.** In order to get to a general capacity for dwelling units, parcel data was first organized by current land use in accordance with the codes as provided by the County Assessor’s Office.

Zoning district data obtained from Mason County Geographic Information Systems (GIS) was also compiled in order to determine the number of parcels and amount of acreage in each area that is currently devoted to various land uses, land use codes were grouped into broader land use categories (i.e. Residential, Commercial, Transportation, etc.). Once divided by existing land use, the zoning classification of each parcel was determined. This shows the current land use

and what its potential residential use was according to its zoning district. This type of calculation and analysis was conducted for each of the districts and zones.

Question/Comment #13:

Additionally, Table 3 shows that of the County's total rural acreage devoted to "Residential" is 40,201 acres, or 8.8% of the total rural acreage. Of this, 90% is "Improved" acreage, defined as having a building value greater than \$20,000. There is no accompanying explanation. Does this mean that 90% of the rural acreage already has houses so that only 10% remains available for new houses? If so, this doesn't jive with Table 4 (see below). And, where is this buildable acreage located? Also in Table 3, is potential residential use planned on acreage categories labelled "Forest/Water", "Vacant" or "Agriculture/Aquaculture"? This should be made clear and also supply maps that indicate where the development will occur.

Improved land is a classification system used by the County Assessor. This may include wells and on-site septics, dwellings, out buildings, roads, etc..

Zoning, parcel maps, and many other maps are downloadable from the Mason County website:
<https://www.co.mason.wa.us/gis/data.php>

We also make much of this data available through the new Planning Map Library interactive webtool at:
<https://gis.co.mason.wa.us/planning/>

Question/Comment #14:

The Tribe also asks that the County supply the Arc GIS geodatabase or attribute table that is the source of Table 3.

Zoning, parcel maps, and many other maps are downloadable from the Mason County website:
<https://www.co.mason.wa.us/gis/data.php>

We also make much of this data available through the new Planning Map Library interactive webtool at:
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Question/Comment #15:

Table 4 on p. 14 is entitled "Rural Land Capacity Summary" and shows current and potential residential use according to its zoning district. This table shows a total of 586,402 acres. This is inconsistent with the acreage information described above. Please explain how this table relates to Table 3 on the preceding page. We are similarly puzzled about what Table 4 indicates. It appears to say that a total of 61,854 people can be accommodated on the County's rural lands. The Tribe reiterates its requests that the plan show potential dwelling units spatially in an Arc GIS layer, and then using critical areas along with other information as GIS overlays, forecast more specifically where expected dwelling units will be located.

Methods

By comparing two different data sets, the Assessor’s data (shown in Table 3) and the County zoning data (shown in Table 4), we see a clearer picture of trends in land use. It should be noted that the Assessor’s data and the County zoning data are two different data sets used for different purposes. While the categories are similar, the total acreage will differ. For example, the County zoning data will not include Tribal lands or Olympic National Forest, but may count some acres of water. In order to get to a general capacity for dwelling units, parcel data was first organized by current land use in accordance with the codes as provided by the County Assessor’s Office.

Zoning district data obtained from Mason County Geographic Information Systems (GIS) was also compiled in order to determine the number of parcels and amount of acreage in each area that is currently devoted to various land uses, land use codes were grouped into broader land use categories (i.e. Residential, Commercial, Transportation, etc.). Once divided by existing land use, the zoning classification of each parcel was determined. **This shows the current land use and what its potential residential use was according to its zoning district. This type of calculation and analysis was conducted for each of the districts and zones.**

Table 1. Land Use Inventory in Rural Mason County (Acres)

Land use	Total Acres	Percent Total	Improved (building value >\$20k)	Percent Total	Unimproved (building value <\$20k)	Percent Total	Total Acres 2005	Percent Change
Forest/Water	276,848	60.70%	5,051	2%	271,796	98%	353,676	-22%
Vacant	111,912	24.50%	4,813	4%	107,099	96%	52,656	112%
Residential	40,201	8.80%	36,008	90%	4,193	10%	33,137	21%
Government	8,638	1.90%	1,910	22%	6,728	78%	na	
Agriculture/ Aquaculture	7,633	1.70%	3,260	43%	4,373	57%	9,845	-22%
Commercial	4,361	1.00%	3,192	73%	1,169	27%	3,538	23%
Transportation	2,440	0.50%	502	21%	1,938	79%	2,368	3%
Utilities	1,980	0.40%	461	23%	1,519	77%	2,079	-5%
Parks	1,968	0.40%	832	42%	1,136	58%	na	
Mining	147	0.03%	43	29%	104	71%	152	-3%

Source: Mason County Assessor’s Office, 2016

Table 2. Rural Land Capacity Summary

Zone	Total Acres	Total Undeveloped Acres	Dwelling Units/Acre	Potential Units	Times 2.5 persons/unit
Inholding Lands	13,474	10,364	1/5	2,073	5,172
Rural Residential 2.5	976	527	1/2.5	211	527
Rural Residential 5	107,283	68,471	1/5	13,694	34,236
Rural Residential 10	35,875	32,974	1/10	3,297	8,244
Rural Residential 20	114,206	108,374	1/20	5,419	13,547
Agricultural Resource	7,019	4,205			
Long Term Commercial Forest	301,430	297,540			
Rural Tourist	4,457	1,658			
Rural Tourist Campground	372	256			
Rural Commercial 1	59	7			
Rural Commercial 2	110	46	1/lot	25	63
Rural Commercial 3	139	22	1/lot	26	65
Rural Commercial 5	17	0			
Rural Industrial	309	69			
Rural Natural Resource	676	367			
Totals	586,402	524,880		24,745	61,854

Source: Mason County GIS Data, 2016

Question/Comment #16:

Chapter 7: Utilities Element. On p. 24, the plan erroneously states that water conservation, recycling and reuse is becoming more important due to “increases in . . . regulations requiring greater flows for streams, which reduces irrigation sources.” Instream flows for WRIs 13 and 14 have been in place since the 1980’s, so there is no “increase” in instream flow regulations. Moreover, these senior instream flows limit all junior uses, not only irrigation.

This point is noted. No changes made. In context, this is one point among a list of general reasons why counties in the State are increasing water conservation, wastewater recycling and reuse. See content of this section below...

A. Projecting Water Demand

Table 6. shows an estimate of current and water consumption. Estimating demand for water is more complex than other utilities as we know much less about the amount of water in ground water stores and have a limited ability to estimate potential impacts of water conservation, recycling, reuse and recharge. A collaborative study is necessary to help the County and partner agencies learn more about future supply and demand.

System-level Impacts of Recharge

Water conservation, wastewater recycling, and reuse is becoming more important due to increases in:

- Demand on potable water resources,
- The cost of treating wastewater,
- Regulations requiring greater flows for streams and rivers, which reduces irrigation sources, and
- The demand for sustainable building options.

By design, on-site sewage systems, also known as septic systems, naturally recycle wastewater by recharging ground water. To ensure on-site sewage systems are treating waste

Table 3. Mason County Water Demand 2016

Source	2016	
	2016 Gallons per Year (millions)	2016 Connections
Group A Systems	2100	24,000
Group B Systems	930	3,000
Exempt Wells	790	11,000
TOTALS	3,820	38,000

Source: PUD No.1, Washington State Department of Health, and Mason County

effectively and not polluting the ground water, there must be a strong commitment to regular and ongoing monitoring to ensure these systems are working properly.

Under existing Washington State Law, several types of water conservation, recycling and reuse are currently permitted and regulated as shown in Table 7. However, additional State policy innovation and flexibility for Washington Counties promoting water

conservation, recycling and reuse will be critical over the 20 year planning horizon in order to support projected growth and development in the way Mason County envisions, a way that maintains rural character, quality of life, and unique natural environment.

Question/Comment #17:

On p. 19, the plan describes the number of Group A, B and exempt wells, and amount of water they consume. What is the County's definition of an exempt well? Many Group B wells are permit-exempt. Moreover, 1,490 permit-exempt wells appears too small for the entire County based on the Tribe's experience. Please share the data from which you generated these numbers and where the wells are located. For purposes of determining water availability, the comprehensive plan should show the location of these existing wells. Information on well locations and depths is needed for groundwater modeling.

The definitions of terms in WAC 246-290, WAC 246-291, RCW 90.03, RCW 90.44 are adopted in Mason County Code, Title 6. The sources for this data are Washington State Department of Health and Washington State Department of Ecology. Washington State Department of Ecology also makes a map of well logs publicly available.

Question/Comment #18:

Table 4 (p. 22) shows a predicted need for 8,000 additional housing units between 2016-2036, a 30% increase. The plan should show where those housing units will be placed.

Washington State Office of Financial Management makes estimates for projected growth in housing units by jurisdiction and for small areas like Allyn, Belfair, Shelton UGA. Trying to specifically identify where housing units will be placed would require a lot of additional study and data that we do not currently have. Mason County is not able to conduct a study of this nature at this time due to budget constraints. While Mason County is not one of the jurisdictions required to produce a buildable lands report, we have done analysis to attempt to quantify some of these performance measures. You referenced Table 14 in the Land Use element – this is a further breakdown.

Question/Comment #19:

Table 6 is entitled "Mason County Water Demand 2016-2036", but only shows water use (gpd) and number of connections for 2016 broken down by Group A, Group B and permit-exempt wells. There is no projected demand through 2036. Additionally, the plan should indicate the source data, and how many Group B wells are permit-exempt.

Noted and correction made to table heading. Unlike many of the other data sets in the Plan, a straight-line projection for water connections is not likely to be a solid planning resources and we do not have adequate data to forecast at this time, we also see new technology and other advances in groundwater recharge impacting any forecast. As noted in this section and explained throughout this response letter, Mason County continues to develop information related to water demand and availability. In 2018 Mason County will conduct a Comprehensive Water Plan that will help to provide a better foundation for planning and development. Note: Source data is provided for all tables.

Question/Comment #20:

On P. 24, the plan makes the same statement about septic systems as described in Chapter 1 above; the Tribe reiterates its comment.

Mason County agrees that a robust and fully staffed water quality sampling program is critical and has in the past six months hired new staff and committed additional resources to this effort. We do not believe on-site septic systems to be the solution to water recycling, but see it as one of many parts of a larger system. In short, we agree with your comment, and believe this paragraph to be consistent with your comment. If you would like to suggest specific wording revisions, we would be interested in understanding what particular language was offensive.

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.



MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health

DRAFT MEMORANDUM OF AGREEMENT

Date: XXXXXX

From: Mason County Board of County Commissioners

David Windom, Director, Mason County Community Services Division

Subject: Water Mitigation Planning

To: Sharon Hensley, Attorney, Squaxin Island Legal Department

PARTIES

This is an agreement between the Squaxin Island Tribal Nation and Mason County, Washington.

PURPOSE

This Memorandum establishes a good faith agreement between the PARTIES to collaborate on water mitigation planning studies for Mason County.

BACKGROUND

In Mason County, groundwater and surface water may be connected in places. Mason County Government, ensures that water is both legally and physically available for buildings and subdivisions. The County is working proactively with the Tribal Nations, Washington State Department of Ecology, public utility districts, home owners associations and others with interest and expertise to serve development without interfering with basin closures or senior water rights.

Where water is regulated for domestic use under the State's Groundwater Permit Exemption (RCW 90.44.050) for new year-round water supply, the County is using best available science and proven mitigation strategies. These strategies include pervious surfaces and Low Impact Development features already commonly included in both residential and commercial developments in compliance with the 2012 Stormwater Manual for Western Washington and consistent with the Comprehensive Plan Update. Additionally, available water reserves are being evaluated along with innovative water storage and recharge options.

Both PARTIES, Mason County and the Squaxin Island Tribal Nation, are working proactively to support cost effective development while protecting water quality and in-stream flows. (SEE **Mason County Mitigation Planning Map Attached**)

GUIDING PRINCIPLES

- (1) Provide for protection of the quality and quantity of groundwater used for public and private water supplies (RCW 36.70A.070(1))
- (2) Include measures that apply to rural development and protect the rural character of the area, as established by the county, by:...protecting critical areas... and surface water and groundwater resources (RCW 36.70A.070(5)(c)(iv))
- (3) Where water is regulated for domestic use under the State's Groundwater Permit Exemption (RCW 90.44.050) for new year-round water supply, use best available science and proven mitigation strategies.

GOALS AND OBJECTIVES

The primary goal of this alliance is to pool very limited resources to maximize benefit for all residents of Mason County by developing a better understanding of water quality and water availability. It is the shared desire of the PARTIES to support cost effective, sustainable development while protecting water quality and in-stream flows throughout Mason County.

COMMITMENTS

1. The PARTIES agree to share in the expenses of developing new and improved data related to water quality and availability.
2. The PARTIES agree to share information gathered through independent efforts to improve data related to water quality and availability.
3. Each PARTY shall designate a representative to serve as the primary contact for communications related to matters associated with this Memorandum.
4. Mason County representative shall be the Director of Community Services and Squaxin Island Tribal Nation representative shall be XXXXXX (Sharon?).
5. The PARTIES request a quarterly update of progress made by the alliance created in the Memorandum of Agreement toward achieving the GOALS AND OBJECTIVES under the GUIDING PRINCIPLES.
6. The PARTIES agree that areas designated as non-regulated under the State Groundwater Permit (RCW 90.44.050) are areas where development can proceed in accordance with Mason County Code and compliance with other state and federal regulations.
7. The PARTIES agree that areas regulated under the State Groundwater Permit (RCW 90.44.050) are areas where the PARTIES will focus efforts to improve data; focus application of best available data; and focus water mitigation planning efforts.

TERMS

Signatory parties are required to give 90 days advance notice of their intent to withdraw from the alliance. At this time the term of this Memorandum of Agreement is open-ended and will remain so until either of the signatory parties decide to terminate the partnership>

Squaxin Island Tribal Nation

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Kevin Shutty, Chair

Terri Drexler, Commissioner

Randy Neatherlin, Commissioner



MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health

Planning Commission Code of Conduct

Action Item
November 20, 2017

Staff Contact

Paula Reeves, AICP CTP
Ext #286

Summary

The Planning Commission's primary function involves annual preparation and revision of the Mason County Comprehensive Plan and Development Regulations found in Title 14, 15, 16, and 17 of the Mason County Code. This includes the zoning or subdivision code. This role is advisory to the Board of County Commissioners (BOCC), with the Planning Commission forwarding a recommended plan (or ordinance) to the BOCC for consideration.

RCW 35.63 provides Counties and other jurisdictions the authority to establish Planning Commissions for this primary function. It is also under this authority that Planning Commissions may adopt bylaws and code of conduct rules governing their meeting operations and procedures. Adopting a good code of conduct is a responsible action that can assist officials with their role, protect them from liability, and avoid the appearance of impropriety before the general public.

A code of conduct clearly spells out the basic responsibilities and expectations of all members of the planning commission. It also informs the public of what is expected of their officials. The code is developed to ensure that officials conduct themselves consistently, following the laws and making proper, informed decisions while carrying out the duties of their positions.

Although not required by law, a code of conduct is essential to quality governance. In situations where needed, referring to a code of conduct makes procedures clear.

Recommendation

Staff recommend that the Planning Advisory Commission adopt a Code of Conduct to ensure effective public meetings and provide guidance to new Commissioners as a compliment to the Planning Commission Bylaws.



MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health

FIRST DRAFT Mason County Planning Commission – Rules of Conduct

November 20, 2017

These rules support the Mason County Planning Commission Bylaws established under RCW 35.63 and set the standard of conduct to guide the Planning Commission and the public ensuring productive and respectful meetings and communications.

Rules of Conduct:

1. The Chair of the Planning Commission conducts the meetings and exercises authority to assure compliance with the meeting agenda and orderly and civil conduct by all present.
2. If the Chair is uncertain how a Planning Commission member has voted, he or she may require a roll call vote.
3. Citizens are invited to participate in each Planning Commission Meeting by observing proceedings in a manner that does not disrupt the conduct of the meeting or interfere with the ability of others to observe the meeting and offer comments during public hearings on specific topics or proposals.

Planning Commission Duties and Responsibilities:

The Mason County Planning Commission is a citizen advisory commission that is appointed by and advisory to the Mason County Board of County Commissioners on the preparation and amendment of land use plans, development regulations, and implementing ordinances such as zoning. Their primary duties and responsibilities include:

- Accepting responsibility to represent the Mason County Planning Commission dignity and pride by being a positive role model.
- Conducting committee business in a formal manner as outlined here and in the Bylaws by respecting the rights and opinions of other members and of the public. Abusive, insulting, profane or excessively argumentative language or conduct should not be tolerated.
- Accepting the responsibility to promote and support an effective County planning and zoning program.
- Attending the meetings of the Planning Commission on a regular basis and provide prior notification of any necessary absences.
- Reading the plans, zoning ordinances, other ordinances, rules of procedure, bylaws, and other pertinent documents which pertain to the business of the Mason County and continuing to gain knowledge and understanding through self-study and inquiries.
- Attending training programs on planning and zoning in order to stay current on issues of concern for the County and in planning and zoning law.

- Respecting, adhering to, and helping enforce the rules, policies, and guidelines established by the Planning Commission.
- Reading meeting packet materials ahead of time, providing input, and otherwise being prepared for the meetings.
- Refraining from deciding cases before the meeting discussion.
- Participating in the Planning Commission deliberations at the meetings when appropriate.
- In public forums, after a vote by the Planning Commission has been taken, I will represent the adopted majority position when speaking on behalf of the Planning Commission.

Rules for Public Hearing Participation:

Public Hearings offer the public the opportunity to express their views and opinions about specific topics or proposals before the Planning Commission. Participation in Public Hearings shall be subject to the following conditions:

- Participants shall identify themselves by name and address prior to offering comment. A sign-up sheet will be provided for those persons wishing to offer comment.
- Comments and observations shall be directed to the Planning Commission and not the audience.
- Comments will be limited to three minutes; extensions may be granted at the discretion of the Chair.
- At no time will anyone present be allowed to confront the applicant or members of the Planning Commission with derogatory language or in an unprofessional manner. The Chair shall have the discretion to require a person to leave the hearing if this occurs.

Rules for Public Hearing Participation:

The Chair of the commission shall serve as the hearing officer conducting Public Hearings. All Public Hearings shall be conducted in a civil and orderly manner as follows:

- The Chair shall open the hearing; identify the time; state the topic/purpose of the hearing; instruct the Planning Commission members and others present representing the County to introduce themselves; and instruct the applicant and representative agents thereof to introduce themselves.
- County Staff or designated representative shall present relevant staff reports.
- Interested persons and applicants shall be invited individually to address the Commission and provide comments about the particular topic/purpose of the hearing.
- After all new facts and information have been heard, the Chair shall identify the time and close the Public Hearing.

These rules were adopted XXXXXX and may be modified upon majority vote at any regular or special meeting of the Mason County Planning Commission.



MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health

Public Benefit Rating System
Worksession
November 20, 2017

Staff Contact

Paula Reeves, AICP CTP
Ext #286

Summary

The State Open Tax Act (84.34 RCW) authorizes counties to establish a Public Benefit Rating System (PBRS) for the purpose of encouraging preservation of specified open space resources by providing a tax incentive for private land owners within their jurisdictions. This Act was originally established by the State Legislature in 1986 and updated in 1993 to institute additional rules.

A section of the state law is included in this briefing to provide additional information and direction. **At this time, Mason County does not have a Public Benefit Rating System.**

RCW 84.34.055

Open space priorities—Open space plan and public benefit rating system.

(1)(a) The county legislative authority may direct the county planning commission to set open space priorities and adopt, after a public hearing, an open space plan and public benefit rating system for the county. The plan shall consist of criteria for determining eligibility of lands, the process for establishing a public benefit rating system, and an assessed valuation schedule. The assessed valuation schedule shall be developed by the county assessor and shall be a percentage of market value based upon the public benefit rating system. The open space plan, the public benefit rating system, and the assessed valuations schedule shall not be effective until approved by the county legislative authority after at least one public hearing: PROVIDED, That any county which has complied with the procedural requisites of chapter 393, Laws of 1985, prior to July 28, 1985, need not repeat those procedures in order to adopt an open space plan pursuant to chapter 393, Laws of 1985.

(b) County legislative authorities, in open space plans, public benefit rating systems, and assessed valuation schedules, shall give priority consideration to lands used for buffers that are planted with or primarily contain native vegetation.

(c) "Priority consideration" as used in this section may include, but is not limited to, establishing classification eligibility and maintenance criteria for buffers meeting the requirements of (b) of this subsection.

(d) County legislative authorities shall meet the requirements of (b) of this subsection no later than **July 1, 2006**, unless buffers already receive priority consideration in the existing open space plans, public benefit rating systems, and assessed valuation schedules.

(2) In adopting an open space plan, recognized sources shall be used unless the county does its own survey of important open space priorities or features, or both. Recognized sources include but are not limited to the natural heritage database; the state office of historic preservation; the recreation and

conservation office inventory of dry accretion beach and shoreline features; state, national, county, or city registers of historic places; the shoreline master program; or studies by the parks and recreation commission and by the departments of fish and wildlife and natural resources. Features and sites may be verified by an outside expert in the field and approved by the appropriate state or local agency to be sent to the county legislative authority for final approval as open space.

(3) When the county open space plan is adopted, owners of open space lands then classified under this chapter shall be notified in the same manner as is provided in RCW [84.40.045](#) of their new assessed value. These lands may be removed from classification, upon request of owner, without penalty within thirty days of notification of value.

(4) The open space plan and public benefit rating system under this section may be adopted for taxes payable in 1986 and thereafter.

Recommendation

Staff recommend that the Planning Commission review and recommend adoption of a Public Benefit Rating System to the Mason County Board of County Commissioners to ensure public benefit of tax relief provided under RCW 84.34 consistent with state law.

Chapter 3.25 – Mason County Public Benefit Rating System

Sections:

- 3.25.010 - Purpose and intent.
- 3.25.020 - Definitions.
- 3.25.030 - Operation of the county public benefit rating system.
- 3.25.035 - Eligibility of high, medium and low priority and bonus public benefit resources.
- 3.25.040 - Ineligible lands.
- 3.25.050 - Assessed valuation schedule—Public benefit rating system.
- 3.25.060 – Outreach to Eligible Landowners
- 3.25.070 - Basis of assessment.
- 3.25.080 - Application to the county under the public benefit rating system.
- 3.25.090 - Application fees.
- 3.25.100 - Time to file.
- 3.25.110 - Application review.
- 3.25.120 - Board decision.
- 3.25.130 - Unincorporated lands.
- 3.25.140 - Incorporated lands.
- ~~3.25.150 – Length of time in classification.~~
- 3.25.160 - Monitoring for compliance.
- 3.25.170 - Removal of land classification by county assessor.
- 3.25.180 - When removal of land is not subject to additional tax, interest, and penalties.
- 3.25.190 - Transfer of lands between certain current use taxation classifications.
- 3.25.200 - Owner may request withdrawal from classification.
- 3.25.210 - Action on withdrawal from classification.
- 3.25.220 - Owner to notify assessor of change in use in classification.
- 3.25.230 - Sale of open space classified land.
- 3.40.240 - Review of previously approved open space applications.
- 3.25.250 – Duties of the Planning Commission.
- 3.25.260 - Severability.

3.25.010 - Purpose and intent.

- A. Purpose. It is in the best interest of the county to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops, and to assure the use and enjoyment of natural, historic and cultural resources and scenic beauty for the economic and social well-being of the county and its citizens. Additionally, it is in the county's interest to provide incentives that encourage the retention of open space in compliance with Growth Management Act principles.
- B. Intent. It is the intent of this chapter to implement Revised Code of Washington (RCW) RCW, as amended, by establishing procedures, rules, and fees for the consideration of applications made by land owners for public benefit rating system assessed valuation on "open space land" as defined in RCW 84.34.020(1) and (8). The provisions of Chapter 84.34 RCW, and the regulations adopted thereunder shall govern the matters not expressly covered in this chapter.

3.25.020 - Definitions.

For the purposes of this chapter, unless otherwise required by the context, words and phrases shall have the following meaning:

- (1) "Assessor" means the Mason County assessor or his or her designated representative.
- (2) "Board" means the board of county commissioners of Mason County.
- (3) "County" means Mason County, state of Washington.
- (4) "Open space land" means any land area so designated by the Mason County comprehensive land use plan adopted by the County and zoned accordingly, or any land area, the preservation of which in its present use would
 - (i) conserve and enhance natural or scenic resources, or
 - (ii) protect streams or water supply, or
 - (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or
 - (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or
 - (v) enhance recreation opportunities, or
 - (vi) preserve historic sites, or
 - (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or
 - (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification, or any land meeting the definition of farm and agricultural conservation land in RCW 8.34.
- (5) "Planning Commission" means the Mason County Planning Advisory Commission.
- (6) "Public Benefit" means any activity or activities that accomplish a public purpose and/or provide for a community's social, economic, and cultural well-being, public health, and safety.
- (7) "Rural Lands" means those areas outside of the designated Resource Lands and Urban Growth Areas.
- (8) "Timberland" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of timber for commercial purposes. Timberland means the land only and does not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.
- (9) "Urban Areas" are those designated in Urban Growth areas around the incorporated area of Shelton and the two unincorporated areas of Allyn and Belfair as well as those areas defined as Limited Areas of More Intense Rural Developments (LAMRIDs) consistent with RCW 36.70A.

3.25.030 - Operation of the county public benefit rating system.

To be eligible for open space classification under the county's public benefit rating system, property must contain one (1) or more open space resource listed below as defined in MCC Section 3.25.035 of this Chapter. These resources are defined in this chapter and ranked as high, medium or low priority open space resources. High priority open space resources receive five (5) points each, medium priority open

space resources receive three (3) points each, and low priority open space resources receive one (1) point each. Properties can receive a maximum of thirty (30) points from no more than six (6) open space priority resources. In addition, bonus points and super bonus points may be awarded pursuant to this chapter and a property can achieve a maximum of fifty-seven (57) points through the rating system and the bonus system. Portions of property may also qualify for open space designation.

- A. **High priority open space resources.** Five (5) points each:
 - 1. Public recreation area.
 - 2. Resource and rural agricultural lands;
 - 3. Trail linkages and recreational corridors;
 - 4. Rural forest lands/woodlots;
 - 5. Natural shoreline environments;
 - 6. Significant fish and wildlife habitat conservation areas, aquifer protection areas, special plant sites, and category "I" or "II" wetlands as defined in MCC 8.52.110;
 - 7. Historic landmarks/archeological sites;
 - 8. Private lands within designated national reserves;
- B. **Medium priority open space resources.** Three (3) points each:
 - 1. Conservancy shoreline environments;
 - 2. Flood hazard buffer areas;
 - 3. Geologic hazard buffer areas;
 - 4. Scenic natural resources, viewpoints, and view corridors;
 - 5. Urban growth area open space;
 - 6. Category "III" or "IV" wetlands.
- C. **Low priority open space resources.** One (1) point each:
 - (1) Exempt and artificial wetlands.
- D. **Bonus system.** Properties qualifying in the specific high, medium, or low priority open space resource categories may receive up to twenty-seven (27) bonus points if the following additional qualifications are met:
 - 1. Community priority—Five (5) points.
 - 2. Voluntary resource or critical area restoration—Five (5) points.
 - 3. Water quality buffer—One (1), three (3), or five (5) points.
 - 4. Contiguous parcels under separate ownership—Three (3) points per contiguous parcel.
 - 5. Conservation/historic/trail easement in perpetuity—Five (5) points.
- E. **Bonus public access points.**
 - 1. Unlimited public access—Five (5) points.
 - 2. Limited public access—Sensitive area—Five (5) points.
 - 3. Privately owned tidelands access—Five (5) points.
 - 4. Limited public access—Three (3) points.
- F. Properties with at least one (1) high priority open space resource and which allow unlimited public access, or limited public access if due to resource sensitivity, and which convey a

conservation, historic, or trail easement in perpetuity, in a form approved by the county, shall be automatically eligible for current use value at ten (10) percent of market value.

3.25.035 – Eligibility of high, medium and low priority and bonus public benefit resources.

A. **Public recreation area** means property which is currently devoted to providing active or passive non-motorized recreation use or which complements or substitutes for government facilities. The facility must be open to the public and, if charging a use fee, that fee shall be no higher than the fee charged by a like public facility and the facility must provide recreation or other services to youth, senior citizens, the handicapped, or similar groups. An eligible site is that identified by an appropriate parks department as meeting the definition of an active or passive recreation area.

Eligible examples include:

1. Sports fields on private property that are open to the public;
2. Golf courses open to the public with fees comparable to local public golf courses and which adhere to best management PRACTICES (as determined by Mason County Planning and Community Development). Annual monitoring reports are required;
3. A community garden; and
4. Other recreational uses determined to be consistent with the definition of active or passive recreation areas as determined by the Mason County Parks Department.

Ineligible examples include:

5. Properties with public or private trails: These are covered under the privately owned trails resource;
6. Recreational vehicle park portions of sites and related improvements to the land, including parking;
7. Golf courses which do not adhere to best management practices or charge a fee not comparable to public golf courses; and
8. Indoor recreation centers, gambling establishments, arcades, fun centers, etc.

B. **Resource and rural agricultural lands** means Land primarily devoted to the current non-commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and which has significance for agricultural production. Or, land that has been traditionally in or is still capable of production for the above and which could be returned to productive commercial agriculture. Eligible sites are those that are currently not enrolled in existing current use assessment programs and meet any of the following criteria:

1. Lands of at least five (5) acres which are on prime or unique soils as identified in the data source; or
2. Lands of at least five (5) acres which meet the definition of resource and rural agricultural lands above; or
3. Lands that have been traditionally in or is still capable of production of the above as demonstrated by sales receipts, income tax statements, or other materials which the county accepts as proof that farming once occurred on the property and that the property could be returned to productive commercial agriculture.

- C. **Trail linkages and recreational corridors** means privately owned trails and corridors that are publicly accessible and used for hiking, biking, walking, horseback riding, and jogging. The trails may vary in scale and surfacing and may also be used as a means of non-motorized transportation connecting one (1) destination point to another. Streets, roads, and highways with widened shoulders or bike lanes are not included in this category. Eligible lands must be used as a public trail or corridor that remains in private ownership. Public access on the trail from a public road or public trail is required.
- D. **Rural forest lands/woodlots** means rural forest lands/woodlots shall mean any parcel of land that is greater than two (2) acres but less than five (5) acres which is devoted primarily to the growth and harvest of forest crops for commercial purposes. A timber management plan shall be filed with the county legislative authority at the time application is made for classification as timber land pursuant to this chapter. Eligible sites are those that are currently not enrolled in existing current use assessment programs and meet the definition for forestlands/woodlots, above.
- E. **"Natural" shoreline environment** means a marine, lake, or river shoreline and its "associated wetlands" designated "natural" in the Shoreline Management Master Program for the county. Eligible lands are those identified as natural shoreline environments and their associated wetlands in the adopted shoreline master plan governing the area in which the shoreline is located. Eligible land must be adjacent to the water. To qualify there must be no structures or buildings within 200 feet upland from the ordinary high water mark (OHWM); this area is within the shoreline jurisdiction, and is based on the Shoreline Master Program; and there must be no structures within 200 feet from the edge of an associated wetland boundary. If there is a bluff, any buildings must be at least 200 feet back from the edge of the bluff in a "natural" shoreline environment. Eligibility for this resource category cannot overlap with the "conservancy shoreline environment" category or other wetland categories of the public benefit rating system.
- F. **Significant fish and wildlife habitat conservation areas, aquifer recharge areas, species and habitats of local importance, category I and II wetlands and special plant sites.**
1. Significant fish and wildlife habitat conservation areas means areas identified as being of critical importance to the maintenance of fish and wildlife species including areas with which endangered, threatened, and sensitive species have a primary association; habitats and species of local importance; streams; commercial and recreational shellfish areas; kelp and eelgrass beds; herring and smelt spawning areas; state natural area preserves, and state natural resource conservation; or
 2. Aquifer recharge areas means the undisturbed area beyond that required by an applicable regulation that has a plant community in which native plants are dominant adjacent to a groundwater-bearing geologic formation or formations that contain enough saturated permeable material to yield significant quantities of water to wells or springs consistent with WAC 173-100 and MCC 8.52. Eligible sites are those where the buffer is a least fifty percent wider than the buffer required by any applicable regulation and longer than twenty (20) feet. The quality of the buffer area must be preserved from clearing and intrusion by domestic animals and protected from grazing or the use by livestock;
 3. Species and habitats of local importance means areas containing vascular plant species as identified and listed in the Natural Heritage Program as being either endangered, threatened, or sensitive and areas identified in the Natural Heritage Program as high quality ecosystems and consistent with MCC 8.52. Eligible sites include:
 - a. The species or habitat is native to the county;
 - b. Locally declining populations that are in danger of extirpation;
 - c. Sensitivity to habitat manipulation; and
 - d. Commercial, game, other special value.

- e. A habitat management plan shall be submitted which identifies the area to be protected and appropriate mitigation, management and/or protection strategies that will be employed.
 - f. Streams, provided that the stream buffer is at least twice the size of that required under MCC 8.52. Buffer averaging shall not be used;
 - g. Commercial and recreational shellfish areas, provided that the fish and wildlife habitat conservation area buffer is at least twice the size of that required under MCC 8.52. Buffer averaging shall not be used;
4. Kelp and eelgrass beds; herring and smelt spawning areas, provided that the fish and wildlife habitat conservation area buffer is at least twice the size of that required under MCC 8.52. Buffer averaging shall not be used;
 5. State natural area preserves and natural resource conservation areas;
 6. Sites listed in the Natural Heritage Database as containing endangered, threatened, or sensitive vascular plant species or high quality ecosystems, or which are verified by an expert in the field as containing the same plants or communities and which are acceptable by the state agency for addition to the database. A habitat management plan shall be submitted which identifies the area to be protected and appropriate mitigation, management and/or protection strategies that will be employed.
 7. Category I and II wetlands means wetlands that are classified category "I" or "II" by MCC 8.52.110.
 8. Special plant sites means sites where preservation, restoration or enhancement of native plant communities is maintained subject to an approved management plan. Eligible sites have a primary association with federally- or state-listed endangered, threatened, or sensitive species of fish or wildlife, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. A habitat management plan shall be submitted which identifies the area to be protected and appropriate mitigation, management and/or protection strategies that will be employed.

Items 1. through 8. listed above require protection through easements, or voluntary buffers in those cases where buffers are not established through MCC 8.52 and, in certain cases, shall require preparation and submittal of a biological site assessment or habitat management plan. The BSA or HMP shall provide a description of the fish and wildlife habitat conservation area, the location of the protected features, the location of buffers and a description of efforts to protect the fish and wildlife habitat conservation area, or a description of restoration efforts in those instances where the critical area has been damaged.

- G. **Historic landmarks/archaeological sites** means lands which constitute or upon which is situated an historic landmark formally designated by the county or a local jurisdiction, including buildings, structures or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites and landscapes, or traditional cultural properties and landscapes. Eligible properties must be listed on the county or other local list or register of historic places or landmarks for which there is local regulatory protection. Eligible properties include contributing properties within designated historic districts. Improvements to the land are not eligible for other federal or state tax credits. Additionally, land that has been verified through an archaeological report prepared by a qualified archaeologist that contains archaeological resources. The county will review and make determinations on eligibility.
- H. **Private lands within designated National Reserves or long term commercial forests** means officially designated areas under private ownership located within National Reserves or long term commercial forests that remain undeveloped and are maintained to protect the

landscape of the reserve. Eligible lands are privately owned parcels five (5) acres or greater in size, that remain undeveloped and are maintained to protect the landscape of the reserve.

- I. **"Conservancy" shoreline environment** means marine and lake shoreline and associated wetlands designated as "conservancy environment" in an adopted shoreline management master plan. Conservancy shoreline areas are intended to preserve their existing character. The area must consist of native vegetation. Eligible sites must be identified as "conservancy shoreline environment" in an adopted shoreline master plan. The property must not be in another shoreline category of the PBRs. The area to be considered eligible is a maximum of 200 feet upland from the ordinary high water mark, within the 100-year floodplain, or the edge of the associated wetland, whichever is greater. To qualify there must be no structures or buildings within 150 feet upland from the ordinary high water mark (OHWM); this area is within the shoreline jurisdiction, and is based on the shoreline master plan; and there must be no structures within 150 feet from the edge of an associated wetland. If there is a bluff, any buildings must be at least 150 feet back from the edge of the bluff in a "conservancy" shoreline environment. Eligibility under this resource category cannot overlap with the "natural shoreline environment" category or other wetland categories of the PBRs.
- J. **Flood Hazard Areas Buffers** means land buffering a floodplain within the county subject to a one (1) percent or greater chance of flooding in any given year consistent with MCC 14.22. These areas include, but are not limited to, streams, lakes, coastal areas, and wetlands. Eligible sites are those buffer areas located adjacent to or in the immediate vicinity of and which provide at least two (2) times the additional buffer width beyond that required by regulation for areas located within a 100-year floodplain as identified on the FEMA flood insurance program maps.
- K. **Geologic hazard area buffers** means land buffering areas not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns due to their susceptibility to sliding or other slope failures, erosion, earthquake, or other geologic events. Eligible sites are those areas of undisturbed vegetation located adjacent to or in the immediate vicinity of geologically hazardous areas and which provide at least two (2) times the additional buffer/setback width beyond that required by regulation for areas indicated in the Washington Department of Ecology's Coastal Zone Atlas; USDA Mason County Soil Survey; or areas with slopes forty (40) percent or greater and with a vertical relief of ten (10) feet or more, except areas of consolidated rock.
- L. **Scenic natural resources, viewpoints, and view corridors** means areas of ten (10) or more acres of natural features which is visually significant to the aesthetic character of the county or contains features which otherwise qualifies as a historic landmark or archaeological site. No lands that have been subject to commercial logging or mineral extraction within twenty-five (25) years of the date of the open space classification application are eligible under the public benefit rating system. Eligible sites must be significant to the identity of the local area and be visible to a significant number of the general public from public rights-of-way. Such lands must be of sufficient size to substantially preserve the scenic resource value and must be at least ten (10) acres in size.
 1. **Viewpoint** means property that provides a view of an area which is visually significant to the aesthetic character of the county and which provides unlimited public access identified by a permanent sign readily visible from a road or other public right-of-way. Eligible sites must provide a view of a scenic natural resource in the county or other visually significant areas and must provide for unlimited public access.
 2. **View corridor** means an area of adjoining parcels which individually may be less than one (1) acre but which, when combined, total at least one (1) acre and create a view corridor critical to maintaining a view of a scenic resource area or other visually significant area.
- M. **Urban growth area open space** means five (5) or more acres of land, open to the public, and located within the boundaries of an urban growth area designated by the county. For purposes

of this definition, land shall be considered open to the public if it qualifies for receiving any points for public access under the public access section of this open space taxation program.

- N. **Category "III" and "IV" wetlands means** wetlands classified as category "III" or "IV" consistent with MCC 8.52.
- O. **Bonus system.** Additional point values may be applied for the following eligible lands:
1. **Public priority** means land containing one (1) or more of the following community natural lands priorities of county residents:
 - a. Critical aquifer recharge areas which materially protect watersheds for drinking water sources and supply;
 - b. Significant undisturbed natural communities and ecosystems; or
 - c. Natural shoreline systems, including lagoons, saltwater tidal flats, marshes and accretion beaches that serve a diversity of ecological functions.
 2. **Voluntary resource or critical area restoration** means restoration of any high, medium or low open space resource defined above. Emphasis shall be placed on restoration of anadromous fish-rearing habitat, wildlife and plant habitat areas, and upland, stream, and wetland habitats. Eligible sites are those that qualify for (A) through (N) resource classification as defined in this Section. The property owner must have an implemented restoration plan developed in cooperation with, or approved by appropriate federal, state, county, or local agency.
 3. **Water quality buffer areas** means an undisturbed zone of native growth vegetation adjacent to a lake, pond, stream, wetland, or marine waters of a sufficient buffer width, but no less than fifty (50) feet that will contribute to the protection of water quality in a surface water body. Bonus points are awarded for a streamside or wetland buffer width of at least one and a half (1½) that required by the applicable local critical areas ordinance or for a streamside or wetland buffer, of no less than fifty (50) feet, in agricultural lands otherwise exempted from buffering requirements. The buffer width is measured upland from the ordinary high water mark or the outer edge of a regulated wetland. The buffer does not include the body of water waterward of the ordinary high water mark or the wetland itself. Sites qualifying under the "water quality buffer area" or shorelines classifications would receive additional points through the provision of additional buffer which is preserved from clearing and from livestock intrusion. All such lands in or adjacent to pasture land must be fenced to prevent intrusion by domesticated animals. Eligibility requires property use and access restriction beyond those specified in the critical areas ordinance or other surface water protection regulations. The bonus points are awarded as follows:
 - a. One and a half (1½) times additional buffer width beyond that required by regulation—One (1) point.
 - b. Two (2) times additional buffer width beyond that required by regulation—Three (3) points.
 - c. Three (3) times additional buffer width beyond that required by regulation—Five (5) points.
 - d. At least seventy-five (75) feet of buffer width in agricultural lands otherwise exempted from buffering requirements—Five (5) points.
 4. **Contiguous parcels under separate ownership means** contiguous parcels of land with the same open space resources are eligible for treatment as a single parcel if open space classification is sought under the same application. "Contiguous parcels" are defined as parcels abutting each other or abutting a publicly owned open space without any significant manmade barrier that materially restricts the free movement of wildlife or interferes with the visual continuity between the two (2) or more properties. Treatment as contiguous parcels shall include the requirement to pay only a single application fee. The

total area of all parcels combined must equal or exceed any required minimum (rather than each parcel being required to meet such minimums). This contiguous parcel bonus must be accepted by all the applicants within the configuration under identical terms and conditions of access, easements, and restrictions. Individual parcels may be withdrawn from open space classification consistent with all applicable rules and regulations without affecting the continued eligibility of all other parcels accepted under the same application, provided that the combined area of the parcels remaining in open space classification must equal or exceed any minimum size requirement established in the PBRs and that access to the remaining parcels is not affected. Contiguous parcels must meet the following conditions:

- a. The application must include two (2) or more parcels;
 - b. Each parcel included in the application must contain qualifying open space resources as defined by the public benefit rating system;
 - c. The owner(s) of parcels included in the application must agree to such terms and conditions for inclusion in the program that are consistent with the open space resource of the property.
5. **Conservation/historic easement in perpetuity** means an easement that restricts in perpetuity, further potential development, or other uses of a property, and which may include a requirement for native growth protection. Eligible lands are those that qualify for any high, medium or low open space resource classification. The conservation/historic easement will be in a form, and with such conditions, as are acceptable to the county.
6. **Public access** means access to the county's open space lands by the general public should be encouraged for all lands unless it is determined that such access would damage or endanger the resource. Property owners who allow access to the property, beyond that which is otherwise required by the open space resource category, should be afforded consideration in the level of tax reduction they receive depending on the level of access allowed and the conditions under which access is permitted. Properties shall be awarded additional points to the extent that such public access is available to the open space site, to a maximum of five (5) points. For open space resource categories which either contain public access requirements in the definition or eligibility criteria, no public access bonus points shall be awarded.

Signage. For properties allowing public access and receiving access points under [subsections] a. and d. above, the county shall furnish and maintain, at its own expense, signage according to county specifications which designates the property as part of the open space taxation program and states the conditions of access.

Accessibility. For properties allowing access and being considered for receiving access points under [subsections] a. through c. above, no points will be allowed if the property is not reasonably accessible. Off-road parking may be required where necessary to provide safe vehicular or pedestrian access. The property owner may, at their own expense and without any deduction in the number of access points awarded, limit access to the property to a reasonable number of locations through the use of fences, berms or other access barriers. Such physical barriers must be approved by the appropriate agency in advance, so as not to defeat the purpose of a resource category - for instance restricting wildlife in a wildlife corridor or construction of a visually incompatible fence near an historic resource.

Limitations on access and use. Reasonable limitations on access and use of properties may be imposed without a deduction in the number of access points a property receives. For example, prohibiting access before a reasonable time in the morning and after a reasonable time in the evening, prohibiting the use of any motorized or wheeled vehicles (except those required by disabled persons), prohibiting the use of the property for any kind of social gathering, prohibiting the consumption of any alcoholic beverages on the property, prohibiting the use of the property for picnics, etc. are all examples of reasonable

limitations on the use of the property by the public which would likely not result in a reduction of points received by the property in the public access category. All such restrictions must be included in such documents or easements that establish the property as eligible for current use taxation.

The applicant shall specify the type of access that will be available in the application. Access points shall be awarded on the following scale:

- a. Unlimited public access means year-round access to the general public is allowed without special arrangement with the property owner.
- b. Limited public access/sensitive area means access may be reasonably limited due to the sensitive nature of the resource, with access provided only to appropriate user groups. The access allowed must generally be for an educational, scientific, or research purpose and available through special arrangements with the owner.
- c. Privately owned tidelands access means public access to tidelands and such portions of the upland property necessary to provide access to the water line. Eligibility for public access points requires that the property is able to provide public access to the tidelands from a public right-of-way. Entry points and uses may be posted so that it does not detract from the resource.
- d. Limited public access means access to the public is allowed, with or without special arrangements with the property owner, for any period of less than the full year, or access is available to any and all of the general public during any period of the year upon special arrangements with the owner or upon the payment of a use fee that may not exceed twice the cost for members of the organization utilizing the facility.

3.25.040 - Ineligible lands.

The following properties shall not be eligible for open space classification:

- A. Properties less than five (5) acres in size unless otherwise specified herein.
- B. Properties that do not contain an open space resource identified as either high, medium, or low priority.
- C. Open space areas required by zoning or other land use regulation, unless the owner provides additional public benefit, such as additional public access, resource restoration, or a native growth protection easement. Ineligible lands include open space areas dedicated under zoning or subdivision conditions or which are used to achieve maximum development potential under zoning.
- D. Buffer areas required as part of a development, subdivision, zoning, or other regulatory requirement are not eligible as a surface water quality buffer area priority open space resource, unless other conditions beyond those required by regulation are imposed.
- E. Properties with outstanding code violations as tracked and reported by the county.

3.25.050 - Assessed valuation schedule—Public benefit rating system.

The public benefit rating system for open space land bases the level of assessed fair market value reduction on the total number of awarded points. The market value reduction establishes the current use value. This current use value will be expressed as a percentage of market value based on the public benefit rating of the property and the valuation schedule below:

Public Benefit Rating Points	Current Use Value
(0—4 points)	100% of assessed value
(5—9 points)	80% of assessed value
(10—14 points)	70% of assessed value
(15—19 points)	60% of assessed value
(20—24 points)	50% of assessed value
(25—29 points)	40% of assessed value
(30—34 points)	30% of assessed value
(35—39 points)	20% of assessed value
(40—52 points)	10% of assessed value

*Note: Bonus points are available for a total of 57 points maximum not to exceed 10% of assessed value.

3.25.060 – Outreach to Eligible Landowners

The Planning Department shall undertake an outreach effort to actively encourage participation by eligible landowners in obtaining open space classification under the Mason County Public Benefit Rating System, with emphasis on public recreation access, farm and agricultural conservation lands, rural stewardship, aquifer protection areas, trails and recreational corridors, natural shoreline environments, and historic and cultural preservation. This outreach must include, among other elements, communication with community groups, civic organizations, volunteer associations, and similar organizations to:

- A. highlight the benefits of the program;
- B. seek participation by qualifying landowners;
- C. seek communications with local media outlets; and
- D. Seek participation in workshops by stakeholders.

3.25.070 - Basis of assessment.

In determining the market value reduction of a tax lot comprised of property qualifying for a current use assessment as an open space priority resource with non-open space land areas, the open space current use value is applicable to only that portion of the lot containing one (1) or more of the priority open space resources defined in this chapter, except in the case of public access and parcels with an approved rural stewardship plan. For each priority resource, the county will determine the appropriate land area that receives credit for a particular priority resource and accompanying tax reduction. ~~Those portions of a tax lot qualifying for a current use tax assessment shall be assigned separate assessor tax lot numbers for tax purposes only and shall not be construed to be a division of land.~~

3.25.080 - Application to the county under the public benefit rating system.

An owner of open space land desiring assessed valuation under the public benefit rating system shall make application to the Board of County Commissioners by filing an application with the County Planning Department. The application shall be upon forms supplied by the county and shall include such information deemed reasonably necessary to properly classify an area of land under Chapter 84.34 RCW.

3.25.090 - Application fees.

- A. Each application for current use open space taxation as defined in RCW 84.34.020, must include an application fee as established in the most current Mason County Permit Fee Schedule. Upon adoption, application fees shall be set at ~~two~~five hundred (~~25~~500) dollars.
- B. If an application is filed to add farm and agricultural conservation land, forest stewardship land, resource restoration or rural stewardship land to a parcel that is already enrolled in the Public ~~B~~enefit ~~R~~ating ~~S~~ystem, no fee shall be charged for the application.
- C. In the case of all farm and agricultural land applications, whether the application is based on land within or outside of an incorporated area, the entire fee shall be collected and retained by the county. In the case of open space or timber land applications based on land in an incorporated area, where the city legislative authority has set no filing fee, the county fee shall govern and the entire fee shall be collected and retained by the county. Where the city legislative authority has established a filing fee, the fee established consistent with Section A of this section shall be collected by the county from the applicant and the county shall pay the city one-half of the fee collected.

3.25.100 - Time to file.

Applications shall be made to Mason County by December 31 of the calendar year preceding the year in which such classification is to begin. Actual tax reduction will not be recognized until one (1) year after the classification of the property has been made.

3.25.110 - Application review.

- A. Applications under the public benefit rating system shall be reviewed by the county and approved directly by the Board of Mason County Commissioners. By Chapter 84.34 RCW such applications are exempt from the comprehensive plan annual review amendment cycle and are SEPA exempt.
- B. In determining whether an application made for open space current use taxation status should be approved or disapproved, pursuant to RCW 84.34.020 and this chapter, the county shall consider whether or not preservation of the current use of the land, when balanced against the resulting revenue loss or tax shift from granting the application under the provisions of this chapter will:
 - 1. Conserve or enhance natural, cultural or scenic resources;
 - 2. Protect streams, stream corridors, wetlands, natural shorelines, and aquifers;
 - 3. Protect soil resources and unique or critical wildlife and native plant habitat;
 - 4. Promote conservation principles by example or by offering educational opportunities;
 - 5. Enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries or other open spaces;

6. Enhance recreation opportunities;
7. Preserve historic and archeological sites; or
8. Affect any other factors relevant in weighing benefits to the general welfare or preserving the current use of the property as delineated in this chapter.

3.25.120 - Board decision.

The Board of County Commissioners shall consider an application to the public benefit rating system as defined by RCW 84.34.037. They shall approve the application, with or without terms and/or conditions, and set the public benefit rating for assessment abatement, or deny the application. In so doing the following provisions will apply:

- A. They shall rate the land applying for classification according to the public benefit rating system;
- B. They may approve the application with respect to only part of the land that is the subject of the application;
- C. If any part of the application is denied or conditions attached the applicant may withdraw the entire application.

3.25.130 - Unincorporated lands.

In all unincorporated areas, the Board of County Commissioners shall act as the granting authority for applications for classification as open space land.

3.25.140 - Incorporated lands.

Applications for open space classification of land in an incorporated area shall be acted upon by a determining authority composed of the three (3) members of the Board of County Commissioners and three (3) members of the city legislative body in which the land is located (RCW 84.34.037). Where the county legislative body concurs with a recommendation of the city council to accept or reject an application for open space classification, such council's recommendation will be adopted as the decision of the determining authority.

~~3.25.150 - Length of time in classification.~~

~~Once land has been classified as an open space resource land under the public benefit rating system, it shall not be applied to any other use for a period of not less than ten (10) years. The land shall continue in classification after the ten-year period until the owner makes a request for withdrawal or until the use of the land has changed or it has been sold and the new owner has not signed a notice of continuance.~~

3.25.150~~60~~ - Monitoring for compliance.

- A. Monitoring of lands for continuing eligibility for current use assessment as open space lands shall include an affidavit, to be submitted annually by the landowner, of continuing compliance with the terms and conditions under which open space classification was granted and the current

uses of the property. The requisite form and contents of the affidavit required for monitoring shall be described more fully in the county guidelines implementing this chapter. The failure of the owner to submit the affidavit of compliance shall be grounds for the county to reevaluate the property under the PBRs.

- B. The Planning Department shall monitor the property to determine the continuing compliance with all of the conditions under which open space classification was granted and the current uses of the property. Where the Planning Department determines that the land is no longer being used for the purpose for which the classification was granted or there has been a change in use, it will report its findings within thirty (30) days to the county assessor.

3.25.~~170~~160 - Removal of land classification by county assessor.

- A. Classified land may be removed from the public benefit rating system classification if it is no longer used for the purpose for which classification was granted or for any other classified use within the current use program. The assessor may determine, after giving the owner written notice and an opportunity to respond, that the land classified as open space is no longer primarily devoted to and used for the purposes for which it was granted classification.
- B. When land is removed from classification an additional tax, applicable interest, and penalties are due unless the removal meets one (1) of the exceptions listed in this chapter. The owner may appeal the removal of classification to the Hearings Examiner consistent with MCC 15.11.020.

3.25.~~180~~170 - When removal of land is not subject to additional tax, interest, and penalties.

Removal of land is not subject to additional tax, interest, and penalties in the following instances:

- A. Land is transferred to a government entity in exchange for other land located in the State of Washington;
- B. Land is taken by power of eminent domain or transferred in anticipation of the exercise of such power;
- C. Land is sold or transferred within two (2) years of the death of the owner of at least fifty-percent interest in the land;
- D. A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of an act of the landowner which changes the use of such property;
- E. Official action by the state, county or city disallows the present use of such land;
- F. The land is transferred to a church, such that the land would qualify for a property tax exemption;
- G. Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purpose of protecting, preserving, maintaining, improving, restoring, limiting the future use of, or otherwise conserving, selected open space land as defined in Chapter 84.34 RCW for public use and enjoyment.

3.25.~~190~~180 - Transfer of lands between certain current use taxation classifications.

Land reclassified between the following current use assessment resource categories pursuant to RCW 84.34.070 are not considered withdrawals and are not subject to the additional tax interest and penalties:

- A. Reclassification between farm and agricultural lands and timber lands;
- B. Reclassification of farm and agricultural lands or timber lands to open space lands;

- C. Reclassification of farm and agricultural lands or timber lands to forest land classified under Chapter 84.33 RCW; and
- D. Reclassification from open space designated farm and agricultural conservation land under RCW 84.34.020(1)(c) to farm and agricultural land under RCW 84.34.020(2) if the land was previously classified as farm and agricultural land.

An application fee must be paid at the time the application is submitted consistent with Section 3.25.090 of this chapter. If the type of transfer is not listed in this section, it is considered to be a new application for which the applicable fees will be applied.

3.25.~~200~~190 - Owner may request withdrawal from classification.

- A. After eight (8) years of the initial ten-year period has passed, the landowner may request that all or part of his/her land be withdrawn from the classification. The landowner must submit the request to withdraw classification to the assessor at least two (2) years prior to the date upon which it is to be removed from the current use assessment classification. The request to withdraw classification may be revoked at any time until the land is withdrawn from classification.
- B. If a portion of a parcel is removed from classification the remaining portion must meet the same requirements, as did the entire parcel when the land was originally granted classification. Following withdrawal from classification, future valuation of such land as open space resource property under the public benefit rating system is contingent upon reapplication and approval under this chapter.

3.25.~~210~~200 - Action on withdrawal from classification.

Upon receipt of a request for withdrawal, the assessor shall notify the legislative authority that originally approved the application, and after one (1) year from the date of the withdrawal request, the assessor shall withdraw the land from classification. The land which is removed shall be subject to a tax equal to the difference between the amount of tax paid under the open space classification and the tax at true and fair value for seven (7) years last past, plus the statutory interest rate charged on delinquent property taxes.

3.25.~~220~~210 - Owner to notify assessor of change in use in classification.

If an owner changes the use of the classified land, the owner must notify the county assessor of the change within sixty (60) days. The assessor shall then impose an additional tax equal to the difference between the tax paid on current use value and the tax that would have been paid on that land had it not been so classified, payable for the seven (7) years last past, plus interest on this additional tax at the same rate as charged on delinquent property taxes, plus a penalty of twenty (20) percent of the total amount.

3.25.~~230~~220 - Sale of open space classified land.

When classified open space land is sold, the seller or transferor becomes liable at the time of sale for the additional tax, interest, and penalty of all or a portion of classified lands, unless the new owner signs the notice of continuance which is attached to or shown on the excise tax affidavit. ~~The county auditor shall~~

~~not accept an instrument of conveyance on any classified land unless the notice of continuance has been signed or the additional tax has been paid.~~

3.40.~~240-230~~ - Review of previously approved open space applications.

- A. Upon adoption of a public benefit rating system, the Planning Department shall review and re-rate the existing open space land current use assessment program parcels according to the public benefit rating system in determining whether to recommend that an application be approved or denied.
- B. Owners of property classified under the existing open space land current use assessment program shall be notified of their new assessed value in the same manner as provided in RCW 84.40.045. These lands may be removed from classification under the existing open space land assessment program, without payment of penalties, back taxes, and interest, upon request of the owner, within thirty (30) days of notification of their newly determined value under the public benefit rating system.
- C. Property which does not qualify under the public benefit rating system and whose owner chooses not to remove the property from the open space land current use assessment program shall be rated according to the public benefit rating system (RCW 84.34.037[3]).

3.25.~~250-240~~ – Duties of the Planning Commission.

The Planning Commission shall review participation in the public benefit rating system when the first additional 1,000 acres have been approved for open space classification under the county's current use assessment program or, after the first two (2) years after adoption of this chapter, whichever occurs sooner, and thereafter once every two (2) years. The planning commission shall make written recommendation to the Board of County Commissioners on the following matters:

- A. The fundamental elements of the public benefit rating system, including such as the assessed valuation schedule and the other PBRS procedures defined in this chapter, open space resource definitions, etc.; and
- B. The overall administrative process, including such issues as staffing, outreach to prospective applicants, application form and application processing, monitoring, etc.; and
- C. The public benefit of the open space designated properties, the magnitude of the tax shift resulting from the designated properties and recommendations for expanding or restricting the program.

3.25.~~260-250~~ - Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or its application to other persons or circumstances is not affected.



MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health

2018 Long Range Planning Work Program

Worksession
November 20, 2017

Staff Contact

Paula Reeves, AICP CTP
Ext #286

Summary

An Annual Long Range Planning Work Program is approved by the Mason County Board of County Commissioners (BOCC) at the beginning of each year. Work Program items may be proposed by the BOCC, Planning Commission, Property Owners and staff. The Work Program includes the County initiated Comprehensive Plan and Development Regulation Amendments that will be part of the 2018 Docket. Additional items may be added to the annual Docket of Amendments by the public. More information about the public submission process is available on the Mason County Website at: <http://www.co.mason.wa.us/community-services/planning/planning-amendment.php>

Recommendation

Review the DRAFT Work Plan form and make any recommendations for inclusion during this worksession. The Planning Commission may request an additional worksession to complete discussion.

2018 MASON COUNTY LONG RANGE PLANNING WORK PROGRAM FORM - To be developed

	PROJECT	STAFF HOURS	PROPOSED BY:	PROJECT DESCRIPTION/COMMENTS
COMPREHENSIVE PLAN AMENDMENT DOCKET				
	<i>2017 - 2018 Comprehensive Plan Update</i>			
1	Joint Planning - Shelton - Mason	200	BOCC	Coordination on Subarea Plan Update and Code Alignment
2	Joint Housing Study Update coordinated by Public Works Department (GMA Update)	200	PAC	Data Collection and Analysis
3	Public Comprehensive Plan Amendments	50	Public	Staff Reports and Analysis as required by MCC 15.06
DEVELOPMENT REGULATION AMENDMENT DOCKET				
4	Belfair Development Regulations - Sign Code	200	BOCC	Update to existing guidelines
5	Public Benefit Rating System	80	BOCC	New Code Amendment
6	Countywide Historic Code Violations/Transitory Housing	160	Planning Staff	Amend zoning definitions and standards
7	Water Planning Framework Development	320	BOCC	TBD
OTHER PLANNING PROJECTS				
10				
11				
12				
13				
14				
15				
16				
17	Planning Staff Requests - unanticipated	160	Various	Support on un-specified projects/inquiries/requests

TOTAL HOURS: 1,370

TOTAL REQUIRED PLANNERS (FTEs): 1.0

TOTAL AVAILABLE PLANNERS (FTEs): 1.7

Approved by the Planning Commission XXXXXX

PROJECT	STAFF HOURS	PROPOSED BY:	PROJECT DESCRIPTION/COMMENTS
BELOW THE LINE PROJECTS (to be considered as projects above are completed and staff time is available)			
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