

PLANNING ADVISORY COMMISSION AGENDA

August 20, 2018 - 6:00 p.m.
Mason County Building 1 - Commission Chambers
411 N. 5th Street, Shelton, WA 98584

- 1. 6:00pm - Call to Order**
 - a. Roll Call
 - b. Approval of Meeting Summary(s) – July 16, 2018
 - c. Approval of Changes to Agenda by Commissioners or Staff (if any)
 - d. Conflict of Interest Inquiry
 - e. Next Meeting Date – September 17, 2018
 - f. Committee/Staff Updates
 - g. Other Business

- 2. 6:15pm—Commissioner vote** for Chair and Vice Chair of the Planning Advisory Commission

- 3. 6:20pm—Public Comment** on topics associated with the mission of the Planning Commission for which a public hearing is not being held. Please limit comments to 3 minutes.

- 4. 6:30pm –Public Hearings: Continuation of Rezone and Public Benefit Rating System (PBRs)**
 - Staff Presentation/Brief
 - Questions for Staff
 - Public Testimony
 - Commissioner Deliberation
 - Commissioner Vote

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.

Agendas are subject to change, please contact the Planning Office for the most recent version. The agenda was last printed on 8/10/2018 2:36 PM

REQUEST FOR REZONE

APPLICANT PROPOSAL – PROPOSED REZONE OF 3.85 ACRES FROM RURAL RESIDENTIAL 5 (RR5) TO RURAL COMMERCIAL 3 (RC3)

STAFF CONTACT

Kell McAboy, Planning Manager
Ext #286

APPLICANT

Huntington Beach Investments, LLC
PO Box 2727
Olympia, WA 98507

PROPERTY OWNER

Estate of Violet Cole
519 S. 52nd Street
Tacoma, WA 98408

SUMMARY OF PROPOSAL

Rezone parcel 32031-14-00010 from Rural Residential 5 (RR5) to Rural Commercial 3 (RC3). This parcel is located within the rural area of Mason County and does not require an amendment to the Future Land Use Map.

PARCEL INFORMATION

Parcel No. 32031-14-00010: is 3.85 acres in size and is located east of and adjacent to N. US 101, west of and adjacent to SE SR 3 and north of and adjacent to where US 101 and SR 3 merge at W. Golden Pheasant. Directly east and across SR 3 is the location of Mason Transit Authority's Cole Road park & ride lot. This parcel is surrounded by Rural Residential 5 zoning.

ZONING INFORMATION

CURRENT ZONING DESIGNATION:

RR5 – Rural Residential 5

The purpose of the RR5 district is to provide for residential development on parcels of 5 acres or more.

PROPOSED ZONING DESIGNATION:

RC 3 – Rural Commercial 3

There are five types of rural commercial districts and they provide for a variety of commercial uses reflecting the diversity of existing business areas. In RC3, uses include convenience/general store, retail, restaurant, small office, laundry, professional services, personal services, public meeting space, nursery, public facilities – post office/fire station/fish hatchery/library/ranger station, church, local community and recreation centers, lodging facilities, including motels, RV parks, campgrounds and bed and breakfast, marina – sales, service and storage, auto service and repair, medical/dental clinic, animal clinic, winery, commercial/government operated day care, single family residential accessory use or apartment. Uses permitted with a Special Use Permit include gas and self-storage.

BACKGROUND

The applicant (Jeff Holbrook, Huntington Beach Investments, LLC) inquired with the Planning Department about rezoning this undeveloped lot for an unspecified future use, that would be allowed under RC3 zoning district.

ANALYSIS

While the rezone criteria that Mason County uses are not dictated by state code, there remains a necessity that local jurisdictions adopt some type of standards by which to evaluate them. In the absence of local land use regulations that provide an evaluation process or criteria to be met, courts may reverse or uphold a decision by applying general rules as deduced from the GMA goals. Courts have ruled that a site-specific rezone is subject to review standards, regardless of whether any had been adopted of their own. The courts require that the proponents of a rezone must establish that conditions have substantially changed since the original adoption and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare. If a rezone implements the comprehensive plan, a showing that a change of circumstances has occurred is not required. Mason County Code Section 17.05.080(a) describes the eight rezone criteria used to review a rezone proposal. These criteria have been established and adopted specifically for Mason County to establish standards by which each rezone is to be reviewed. The Code requires that each rezone be evaluated considering these standards; however, it does not require that they all be met. Below is *Staff's response* to the proposed request:

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

This criterion is met as the applicant's proposed rezone of the property will not damage public health, safety or welfare. Existing development regulations still apply to future development.

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

Staff believes this criterion has been met as it is consistent with the Comprehensive Plan and future development will be consistent with the RC3 section of the Development Regulations. The unique location of this lot sitting between two highways makes it desirable for Rural Commercial zone designation.

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

This criterion is met as staff believes the rezone of these parcels would not increase sprawl or low-density development or cause it to occur.

4. No rezone to more intensive land use shall be approved if, either by itself or together with other rezoning and/or development, whether actual or potential, the cumulative impacts

of such zoning would be to materially increase demand for urban services in rural areas, including but not limited to streets, parking, utilities, fire protection, police, and schools.

This criterion is met as the proposed rezone of these parcels totaling approximately 3.85 acres in size will not increase the demand for urban services in rural areas, including, but not limited to, streets, parking, utilities, fire protection, police and schools. Allowed uses within the RC₃ zone are light-commercial in nature and will not support a business that would increase the demand for services already provided.

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

This criterion is met as the proposed rezone of this parcel would not materially interfere with the Growth Management Act goal to encourage development in urban areas where adequate public services and facilities exist or can be provided in an efficient manner.

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

This criterion is met as the proposed rezone of these parcels would not materially interfere with the Growth Management Act goal to encourage retention of open space, to conserve fish and wildlife habitat, and generally to protect the environment, including air and water quality. Future proposed development is required to meet all buffer and setback regulations, however there are no known critical areas on or near the site.

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

This criterion is met as the proposed rezone would not create pressure to change surrounding land uses and will not affect population growth in the rural areas.

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

The proposal is not applicable and not being requested as the result of any mapping errors.

STATE ENVIRONMENT PROTECTION ACT (SEPA)

A SEPA checklist was prepared for this project. A formal SEPA Determinations of Non-Significance was made on June 29, 2018. Comment and appeal periods for these determinations closed on July 13, 2018.

PUBLIC NOTIFICATION

All property owners within 300 feet of the subject parcel was notified by mail informing them of the proposal to rezone the property. In addition, Public Notice of this public hearing was published in the Mason Shelton Journal on July 5, 2018. The Public Notice was posted onsite on July 3, 2018.

PUBLIC COMMENTS

As of the date of this writing, no comments have been received.

SUMMARY AND RECOMMENDATION

Staff recommends that the Planning Advisory Commission recommend approval of this rezone to the Mason County Board of Commissioners.

ATTACHMENTS

- Aerial map of property and vicinity
- Current Zoning Map
- SEPA DNS and Checklist
- Application
- Notice of Hearing
- 60-Day Notice to Commerce
- Property owners within 300' who received notice by mail



MASON COUNTY
Department of Community Services
Planning Division
615 W Alder St, Shelton, WA 98584
(360)427-9670

DETERMINATION OF NONSIGNIFICANCE
(WAC 197-11-340)

SEP2018-00032

Description of Proposal: REQUEST REZONE OF THREE ACRES FROM RURAL RESIDENTIAL 5 TO RURAL COMMERCIAL 3.

Proponent: HUNTINGTON BEACH INVESTMENTS

Location of Proposal:

Parcel Number: 320311400010

Legal Description: SE NE EX LYING ELY OF SR 101

Directions to Site: HWY 3 S TO SITE

Lead Agency: Mason County

The Lead Agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed Environmental Checklist and other information on file with the Lead Agency. This information is available to the public upon request.

Please contact Kell Rowen at ext. 286 with any questions. This DNS is issued under WAC 197-11-340(2). The Lead Agency will not act on this proposal for 14 days from the date shown below, when the determination is final. Comments must be submitted to Dept. of Community Development, 615 W Alder St, Shelton WA 98584 by 7/13/2018. Appeal of this determination must be filed within a 14-day period following this final determination date, per Mason County Code Chapter 15.11 Appeals.

Handwritten signature of Kell Rowen in black ink.

Authorized Local Government Official

Handwritten date "7/29/2018" in black ink.

Date

SEPA Environmental Checklist

- Single Family DNS: \$600.00
- Other DNS: 0 to 9.99 acres: \$730
 10 to 20 acres: \$880
 Over 20 acres: \$1100
- DS / EIS: \$5000 + \$90 per hour

Mason County Permit Center Use:
SEP 2018 - 00032
Parcel #: 320314-00010
Date Rcvd:
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615 W. Alder Street

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants: [\[help\]](#)

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown.

You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

A. BACKGROUND [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#) Estate of Violet J Cole
2. Name of applicant: [\[help\]](#) Estate of Violet J Cole, Huntington Beach, IN
3. Address and phone number of applicant and contact person: [\[help\]](#)
Po Box 2727, Olympia, WA 98557
Jeff Holbrook, 360-402-6400

4. Date checklist prepared: [help] 4/11/18
5. Agency requesting checklist: [help] Mason County Planning Dept
6. Proposed timing or schedule (including phasing, if applicable): [help] N/A
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [help] NO
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [help] NONE
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [help] NO
10. List any government approvals or permits that will be needed for your proposal, if known. [help] NONE
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [help]

3.85 ACRES, Rezone to Rural Commercial 3
(RC 3)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [help]

Parcel #(s): 320311400010
 Address: 0 XXX Highway 3, Shelton, WA 98584
 Legal Description: 3.85 Acres - SE 1/4 of the NE 1/4 of sec 31,
 Twp/Range/Section and/or GPS location: T20N, 3W, N.M

B. ENVIRONMENTAL ELEMENTS [help]

1. Earth

a. General description of the site [help]

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other: _____

b. What is the steepest slope on the site (approximate percent slope)? [help]

2% APPROX

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [help]

SAND/Gravel

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [help]

NO

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [help]

NO fill required

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [help]

NO Erosion as result of clearing

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [help]

N/A

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [help]

None

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [help]

NONE - N/A

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [help]

NONE

c. Proposed measures to reduce or control emissions or other impacts to air, if any: [help]

NONE

3. Water

a. Surface Water: [help]

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [help]

NONE

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [help]

NO

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [help]

NONE

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [help]

NO

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [help]

NO

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [help]

NONE

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [help]

NO Plans at this time

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [help]

No plans at this time

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [help]

All storm water contained "on site"

2) Could waste materials enter ground or surface waters? If so, generally describe. [help]

NO

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

NO

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

NONE

4. Plants [help]

a. Check the types of vegetation found on the site: [help]

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

orchards, vineyards or other permanent crops

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

b. What kind and amount of vegetation will be removed or altered? [help]

None

c. List threatened and endangered species known to be on or near the site. [help]

None

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [help]

NO PLANS AT THIS TIME

e. List all noxious weeds and invasive species known to be on or near the site.

None

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: [help]

birds: hawk, heron, eagle, songbirds, other: Songbirds

mammals: deer, bear, elk, beaver, other: deer

fish: bass, salmon, trout, herring, shellfish, other: None

b. List any threatened and endangered species known to be on or near the site. [help]

None

c. Is the site part of a migration route? If so, explain. [help]

NO

d. Proposed measures to preserve or enhance wildlife, if any: [help]

None at this time

e. List any invasive animal species known to be on or near the site.

None

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [help]

electric

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [help]

NO

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [help]

N/A

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [help]

NO

1) Describe any known or possible contamination at the site from present or past uses.

N/A

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

N/A

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

NONE

4) Describe special emergency services that might be required.

None

5) Proposed measures to reduce or control environmental health hazards, if any:

None

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#) traffic

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)

No Plans at this time

3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

NONE

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#) None

b. Has the project site been used as working farmlands or working forest lands? If so, describe.

forest land

How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? [\[help\]](#) Entire Site .

If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#) All 3.85 Acres

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: [\[help\]](#) NO

c. Describe any structures on the site. [\[help\]](#) None

d. Will any structures be demolished? If so, what? [\[help\]](#) NO

e. What is the current zoning classification of the site? [\[help\]](#) R1

f. What is the current comprehensive plan designation of the site? [\[help\]](#) Residential

- g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)
None
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)
NO
- i. Approximately how many people would reside or work in the completed project? [\[help\]](#)
NO Plans decided
- j. Approximately how many people would the completed project displace? [\[help\]](#)
None
- k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)
N/A
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#) None
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: None

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#) N/A
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#) N/A
- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)
N/A

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)
N/A
- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)
None
- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)
N/A - none

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#) N/A
- b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)
NO

c. What existing off-site sources of light or glare may affect your proposal? [help]

None

d. Proposed measures to reduce or control light and glare impacts, if any: [help]

None

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity? [help]

N/A - None

b. Would the proposed project displace any existing recreational uses? If so, describe. [help]

NO

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [help]

None

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [help]

NO

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [help]

NO

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [help]

None - N/A

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

N/A None

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [help]

HWY 3

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)
 0.5
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#) N/A
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#) None
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#) NO
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#) N/A
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
 NO
- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)
 None

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)
 NO
- b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)
 None

16. Utilities

- a. Circle utilities currently available at the site: [\[help\]](#)
 electricity, natural gas, water, refuse service, telephone,
 sanitary sewer, septic system, other _____

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#) NO Plans at this Time

C. SIGNATURE [\[help\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Connie E. Wing P/R Estate of Violet G. Cole

Date Signed: 4-6-18

Print Name of Signee: CONNIE E. WING

If applicable, Position and Agency/Organization: _____

Date Submitted: _____

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APR 12 2018

615 W. Alder Street

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Very Little / none

Proposed measures to avoid or reduce such increases are:

None

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

None

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Unknown at this time

3. How would the proposal be likely to deplete energy or natural resources?

Some tree harvest in future might be necessary

Proposed measures to protect or conserve energy and natural resources are:

Unknown at this time

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Unknown at this time

Proposed measures to protect such resources or to avoid or reduce impacts are:

None known at this time

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

No impact

Proposed measures to avoid or reduce shoreline and land use impacts are:

None

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

NO Impact

Proposed measures to reduce or respond to such demand(s) are:

None at this time

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

No Conflict .

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APR 11 2018

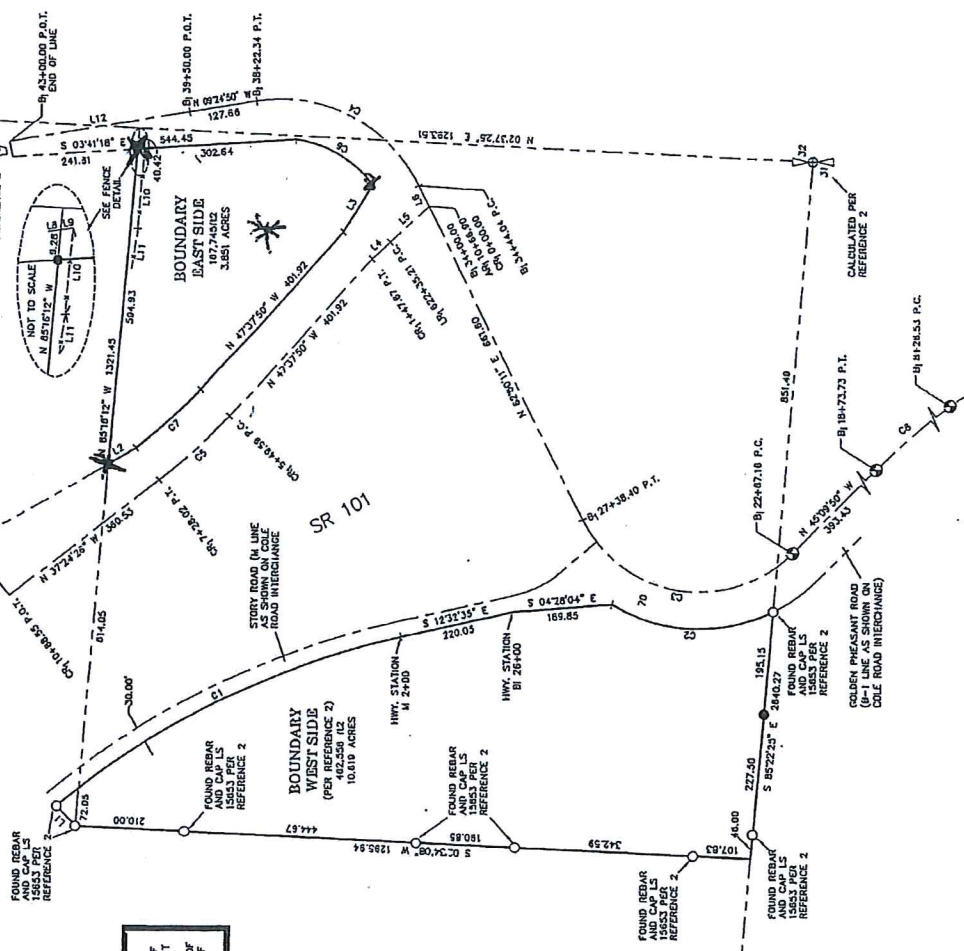
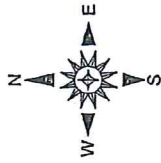
615 W. Alder Street

PF # 2063850 VOL 43 PG 68

2063850 MASON CO WA

BOOK PAGE FILE NO.

RECORD OF SURVEY
A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER &
THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF
SECTION 31, TOWNSHIP 20 NORTH, RANGE 3 WEST, W.M.
MASON COUNTY, WASHINGTON



NOTE:
NORTH OF PROPERTY WEST OF
HIGHWAY 101 IS A REPLACEMENT
OF SURVEY BY DAN HOLMAN
DATED UNDER VOLUME 32 OF
SURVEYS AS RECORDED IN
MASON COUNTY, WASHINGTON.

LEGAL DESCRIPTION
THE SOUTHEAST QUARTER (SE 1/4) OF THE
NORTHEAST QUARTER (NE 1/4) OF SECTION
THIRTYONE (31), TOWNSHIP TWENTY (20)
NORTH, RANGE THREE (3) WEST, W.M.
EXCEPTING FROM ALL THE FOREGOING,
RIGHT-OF-WAY FOR US HIGHWAY 101,
RIGHT-OF-WAY FOR STORY ROAD,
RIGHT-OF-WAY FOR GOLDEN
PHEASANT ROAD, COUNTY ROAD NO. 11700.

REFERENCE SURVEYS
1) MASON COUNTY HIGHWAY
COMMISSION COLE ROAD
INTERCHANGE TO NORTH SHELTON
DATED MARCH, SHEET 5 OF 12
2) RECORD OF SURVEY AS RECORDED
IN VOLUME 32 OF SURVEYS, PAGE 30.

LEGEND
● SET 3/4" REBAR AND PLASTIC
CAP STAMPED "OSE 44645"
○ FOUND AS NOTED
⊗ FOUND CASED MONUMENT
⊕ CALCULATED SECTION CORNER
⊖ CALCULATED QUARTER CORNER
--- EXISTING FENCE

LINE TABLE with columns: LINE, BEARING, DISTANCE

CURVE TABLE with columns: CURVE NO., BEARING, DISTANCE

AUDITOR'S CERTIFICATE
FILED FOR THIS 11th DAY OF APRIL
2018 AT 10:58 AM IN BOOK OF SURVEYS AT PAGE
68. AT THE REQUEST OF DAN HOLMAN
MASON COUNTY AUDITOR

EQUIPMENT/PROCEDURE:
CONFORMING WITH TYPICAL LOGS A SHOWN SET TO TOTAL
STATION.
NOTE:
THIS SURVEY MEETS OR EXCEEDS THE ACCURACY
STANDARDS AS SET FORTH IN WAC 352-133-020
NOTE:
THIS SURVEY DOES NOT INTEND TO SHOW ALL EXISTING WHICH
SHOULD BE SHOWN AND SETTING THE MARKS UP
WHEREAS AS TO MAKE EASINGS NOT SET FORTH.

SURVEYOR'S CERTIFICATE
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY
ME OR UNDER MY DIRECTION IN CONFORMANCE WITH
THE SURVEY RECORDING ACT FOR CONNIE WING IN
AUGUST 2018
DATE: 8/11/18
REGISTERED PROFESSIONAL LAND
SURVEYOR LICENSE NUMBER 44645

DR LAND SURVEYING
PROFESSIONAL LAND SURVEYING
222 SE SNIDER ROAD
SHELTON, WA 98584
PHONE: (360) 427-8392

RECORD OF SURVEY
FOR
CONNIE WING
AUDITOR'S INDEXING DATA
SE 1/4 NE 1/4 & NE 1/4 NE 1/4
SECTION 31, TOWNSHIP 20 NORTH,
RANGE 3 WEST, W.M.

DDR-201800037

FEE: \$2,220.00

RECEIVED

APR 11 2018

615 W. Alder Street



MASON COUNTY COMMUNITY SERVICES

Building, Planning, Environmental Health, Community Health
615 W. Alder St. - Bldg. 8, Shelton, Wa 98584
Phone: (360) 427-9670 ext. 352 ♦ Fax: (360) 427-7798

APPLICATION FOR AMENDMENT TO COMPREHENSIVE PLAN POLICY OR DEVELOPMENT REGULATION

One application per parcel or contiguous group of parcels. This application does not guarantee approval. You should discuss your proposal with the County Long Range Planner prior to application. Burden is on applicant to show compliance with the Comprehensive Plan or Growth Management Act policies and other planning ordinances.

Applicant: Huntington Beach Investments, LLC (Estate of Violet J Cole)
Jeff Holbrook

Mailing Address: P.O. Box 2727

City: Olympia State: wa Zip: 98507

Telephone No.: 360 462-0400

Parcel Number(s): 320311400010

Parcel Size and Legal Description: 3.851 acres, SE 1/4 of the NE 1/4, of
Sec 31, T20N, 3W, W.M

What kind of change in Comprehensive Plan Policy or Development Regulation information is requested? (Attach additional pages, if needed.)

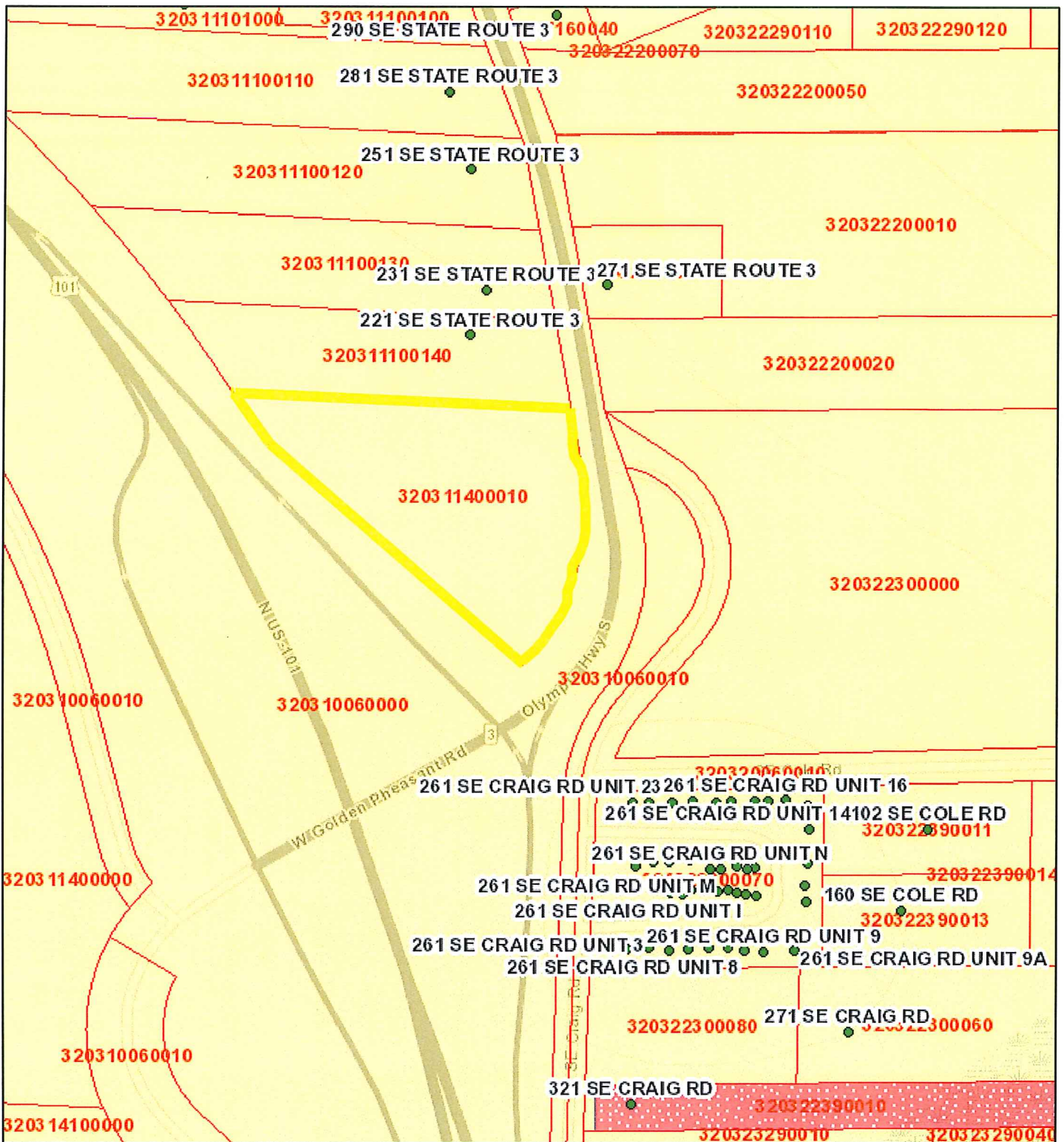
Request zoning change from ^{Rural} Residential (R15)
to Rural Commercial 3 (RC3)

Rationale for the Request: (include information on the property features, land use, and maps that will be used in considering your application) (see the attached information sheet)

This property highest and best use is Commercial
as it's bordered by 3 major Arterial Roads.
Current zoning of residential is a incompatible
use -

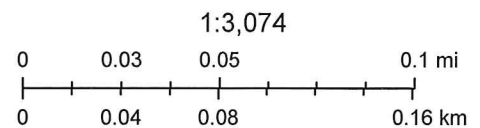
Connie E. King P/R Estate of Violet J. Cole
Signature and date
4-6-18

Mason County WA GIS Web Map



6/29/2018, 3:54:46 PM

- County Boundary
- Site Address (Zoom in to 1:5,000)
- Tax Parcels (Zoom in to 1:30,000)
- Rural Residential 2.5 Acres
- Rural Residential 5 Acres
- Rural Residential 10 Acres
- Rural Residential 20 Acres
- Rural Multi Family
- Inholding Lands
- Agricultural Resource Lands



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

DRAFT

Chapter 17.18 – Mason County Public Benefit Rating System

Sections:

- 17.18.010 ~~---~~ Purpose and intent.
- 17.18.020 ~~---~~ Definitions.
- 17.18.030 ~~---~~ Operation of the county public benefit rating system.
- 17.18.035 ~~---~~ Eligibility of high, medium and low priority public benefit resources.
- 17.18.040 ~~---~~ Ineligible lands.
- 17.18.050 ~~---~~ Assessed valuation schedule—Public benefit rating system.
- 17.18.060 ~~---~~ Outreach to Eligible Landowners
- 17.18.070 ~~---~~ Basis of assessment.
- 17.18.080 ~~---~~ Application to the county under the public benefit rating system.
- 17.18.090 ~~---~~ Application fees.
- 17.18.100 ~~---~~ Time to file.
- 17.18.110 ~~---~~ Application review.
- 17.18.120 ~~---~~ Board decision.
- 17.18.130 ~~---~~ Unincorporated lands.
- 17.18.140 ~~---~~ Incorporated lands.
- 17.18.150 ~~---~~ Monitoring for compliance.
- 17.18.160 ~~---~~ Removal of land classification by county assessor.
- 17.18.170 ~~---~~ When removal of land is not subject to additional tax, interest, and penalties.
- 17.18.180 ~~---~~ Transfer of lands between certain current use taxation classifications.
- 17.18.190 ~~---~~ Owner may request withdrawal from classification.
- 17.18.200 ~~---~~ Action on withdrawal from classification.
- 17.18.210 ~~---~~ Owner to notify assessor of change in use in classification.
- 17.18.220 ~~---~~ Sale of open space classified land.
- 17.18.230 ~~---~~ Review of previously approved open space applications.
- 17.18.240 ~~0~~ ~~---~~ Duties of the Planning Commission.
- 17.18.250 ~~---~~ Severability.

17.18.010 - 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.

17.18.020 - 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 8.34.020(8).
- (5) "Planning Commission" means the Mason County Planning Advisory Commission.
- (6) "Planning Department" means the Mason County Planning Department under the Community Services Division.
- (7) "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) "Urban Areas" are those designated in Urban Growth areas around the incorporated area of Shelton and the two unincorporated areas of Allyn and Belfair.

17.18.030 - 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 six (6) or more open space resource points listed below as defined in MCC Section 17.18.035 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 ten (10) points each, medium priority open space resources receive six (6) points each, and low priority open space resources receive two (2) points each. Properties can receive a maximum of thirty (30) points. Portions of property may also qualify for open space designation.

A. **High priority open space resources.** Ten (10) points each:

1. Public recreation area;
2. Trail linkages and recreational corridors;

3. Natural shoreline environments;
 4. Aquifer protection areas;
 5. Special plant or ecological sites, and wetlands ~~as defined in MCC 8.52.110 and delineated by a licensed wetland biologist;~~
 6. Significant fish and wildlife habitat conservation areas;
 - ~~67.~~ Historic landmarks/archeological sites;
 - ~~78.~~ Private lands within designated federal lands (Olympic National Park or Olympic National Forest); ~~and-~~
 9. Farm and agricultural conservation lands.
- B. **Medium priority open space resources.** Six (6) points each:
1. Conservancy shoreline environments;
 2. Scenic natural resources, viewpoints, and view corridors;
 3. Urban ~~growth area~~-open space;
 4. Rural ~~area~~-open space.
- C. **Low priority open space resources.** Two (2) point each:
1. ~~Exempt and artificial wetlands~~Restored lands;
 2. Other shoreline environments.
- D. Properties with at least one (1) high priority open space resource, ~~and~~ which allows unlimited public access, or limited public access if due to resource sensitivity, shall be automatically eligible for current use value at ten (10) percent of market value.
- E. Special exceptions to this priority framework that do not violate state (RCW 84.34) law and that have the support of either the ~~State or County Conservation Agency~~Washington State University Cooperative Extension Service, the Washington State Department of Natural Resources, the USDA, Natural Resource Conservation Service, Mason County Conservation District, or any other agency with knowledge or expertise regarding any open space reclassification or other current use application will be considered on a case by case basis.

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

- A. High priority ~~open space~~-resources.
1. **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, disabled, or similar groups. An eligible site is then identified by ~~an appropriate park~~the planning department ~~or its designee~~ as meeting the definition of an active or passive recreation area.
 - a. ~~Ineligible examples include:~~
 - ~~(1) Properties with public or private trails: These are covered under the privately owned trails resource;~~

- ~~— (2) Recreational vehicle park portions of sites and related improvements to the land, including parking;~~
- ~~— (3) Indoor recreation centers, gambling establishments, arcades, fun centers, etc.~~

2. **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.

3. **"Natural" shoreline environment** means a marine, lake, or river shoreline and its "associated wetlands" designated as "natural" in-under the County's Shoreline Management Master Program ~~for the county~~. To qualify there must be no structures or buildings from the ordinary high water mark (OHWM) to the established common-line plus 50-feet. To be eligible, this area shall be covered with native vegetation.

4. ~~**Significant fish and wildlife habitat conservation areas, aquifer recharge protection areas, species and habitats of local importance, wetlands and special plant sites.**~~ means those areas which are determined to have an important recharging effect on aquifers used as a source for potable water and vulnerable to contamination from recharge. To be eligible, this area shall remain undeveloped, free from domestic animals, the storage of materials, including parking, etc. and must have a plant community in which native plants are dominant. At least one acre of open space shall be designated as a critical aquifer recharge area.

~~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;~~

5.h. **Special plant or ecological sites** ~~means sites with naturally occurring concentrations of those plants defined as being monitor species and meeting the criteria for native plant communities by the Washington State Department of Natural Resources; or an old growth forest stand at least five (5) acres in size. An eligible site must be listed in the Natural Heritage Data Base or be identified by an expert acceptable to the department confirming that qualified species are present on the property. Wetlands means wetlands as defined by MCC 8.52.110 and shall be delineated and categorized by a qualified wetland professional. To be eligible, wetland buffers, including buffer averaging, shall be greater than at least 10 percent of the regulatory requirement.~~

6. **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; and streams; ~~To be eligible, this area shall be at least 10,000 square feet in size and stream buffers shall be greater than at least 10 percent of the regulatory requirement. Buffers shall be covered with native vegetation, commercial and recreational shellfish areas; kelp and eelgrass beds; herring and smelt spawning areas; state natural area preserves, and state natural resource conservation; or The Planning Department shall may~~

require preparation and submittal of a biological site assessment or habitat management plan . The BSA or HMP shall ~~that 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.

~~b.~~

~~c. 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:~~

~~(1) The species or habitat is native to the county;~~

~~(2) Locally declining populations that are in danger of extirpation;~~

~~(3) Sensitivity to habitat manipulation; and~~

~~(4) Commercial, game, other special value.~~

~~(5) 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.~~

~~(6) 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;~~

~~(7) 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;~~

~~d. 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;~~

~~e. State natural area preserves and natural resource conservation areas;~~

~~f. 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.~~

~~g. Wetlands means wetlands as defined by MCC 8.52.110.~~

~~Items a. through h. 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.~~

~~5-7. Historic landmarks/archaeological sites means lands which constitute or upon which is situated a 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, State or~~

~~other local list~~ or **Federal** 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.

68. Private lands within ~~designated National Reserves~~ **federal lands or long-term commercial forests** means officially designated areas under private ownership located within ~~National Reserves or long-term commercial forests~~ **federal lands** that remain undeveloped and are maintained to protect the landscape of the ~~reserve~~ **park or forest**. 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.~~

9. Farm and agricultural conservation lands means either: (a) Land that was previously classified under "farm and agricultural land" (84.34.020 (2) RCW) that no longer meets the criteria for that program and is reclassified as open space land under the criteria of the public benefit rating system; or (b) Land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture. To be eligible, land area must be at least five (5) acres in size.

B. Medium priority ~~open space~~ resources,

1. **"Conservancy" shoreline environment** means a marine, ~~and~~ lake or river shoreline and associated wetlands designated as "conservancy environment" in an adopted under the County's shoreline management master plan program. To qualify there must be no structures or buildings from the ordinary high water mark (OHWM) to the established common-line plus 50-feet. To be eligible, this area shall be covered with native vegetation.

2. **Scenic natural resources, viewpoints, and view corridors** means areas of ten (10) or more acres of natural features which are 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.

a. **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.

b. **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.

3. **Urban ~~growth area open space~~** means land located within the boundaries of an urban growth area that has a plant community in which native plants are dominant and that under the applicable zoning is eligible for more intensive development or use. To be eligible as urban open space, the enrolling area must be at least one acre or be at least one-half acre if the area is protecting a critical area with at least 10 percent greater buffer than required by MCC 8.52 or MCC 17.50, 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.

4. **Rural open space** means an area of five (5) or more contiguous acres that has a plant community in which native plants are dominant and that is located outside of the urban growth area as identified in the Mason County Future Land Use Map, except that an eligible site may include former open farmland, woodlots, scrublands or other lands that are in the process of being replanted with native vegetation.

C. Low priority resources.

1. **Restored lands** means an area of at least one-half acre (21,780 square feet) of previously disturbed land that has been restored with native vegetation. To be eligible, restoration shall be determined as established and thriving native plant community. Disturbed lands include lands previously cleared and/or lands dominated by invasive plants and/or noxious weeds. Additional points can be given for every one-half acre restored up to a total of five (5) acres (10 points).

2. **Other shoreline environments** means a marine, lake or river shoreline and associated wetlands designated as "rural, residential or commercial environment" under the County's shoreline master program. To qualify there must be no structures or buildings from the ordinary high water mark (OHWM) to the established common-line or standard buffer plus 50-feet. To be eligible, this area shall be covered with native vegetation.

17.18.040 - Ineligible lands.

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

- A. Properties less than one (1) acre ~~in size or eligible areas less than one-quarter acre (10,890 square feet) in size~~ unless otherwise specified herein.
- B. Properties that do not contain an open space resource identified as either high, medium, or low priority ~~or meet the criteria under 17.18.030 E.-~~
- C. Open space areas ~~or buffers~~ required by zoning, subdivision conditions, mitigation or other land use regulations, unless the owner provides additional public benefit as described in section 17.18.035, 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. ~~Commercial nurseries, arboretums or other maintained garden sites with native or nonnative plantings. Buffer areas required as part of a development, subdivision, zoning, or other regulatory requirement are not eligible, unless other conditions beyond those required by regulation are imposed.~~
- E. Properties with outstanding code violations as tracked and reported by the county as an open enforcement case.

17.18.050 - 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 – 5 points)	100% of assessed value
(6 – 9 points)	80% of assessed value
(10 - 19 points)	60% of assessed value
(20 – 29 points)	40% of assessed value
30+ points	20% of assessed value
30+ points and public access	10% of assessed value

17.18.070 - 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 priority resource and accompanying tax reduction.

17.18.080 - 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 Planning Department](#) by filing an application with the [County's](#) Permit Assistance Center. 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.

17.18.090 - 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 Planning Permit Fee Schedule. Upon adoption, application fees shall be set at five hundred (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 Benefit Rating System, 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.

17.18.100 - Time to file.

Applications shall be made to Mason County by ~~December 31~~March 30 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.

17.18.110 - 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 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.

17.18.120 - 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.

17.18.130 - 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.

17.18.140 - 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.

17.18.150 - 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 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.

17.18.160 - 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.

17.18.170 - 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 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.

17.18.180 - 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 17.18.090 of this chapter. If the type of transfer is not listed in this section, it is a new application for which the applicable fees will be applied.

17.18.190 - Owner may request withdrawal from classification.

- A. After ~~eight ten (810) 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.

17.18.200 - 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.

17.18.210 - 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.

17.18.220 - 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.

17.18.230 - 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]).

17.18.240 – Duties of the Planning Commission.

The Planning Commission shall review participation in the public benefit rating system ~~when the first additional 300 acres have been approved~~ for open space classification under the county's current use assessment program ~~or, after the first two (2) years after of 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, open space resource definitions, and ~~the other PBRS~~ procedures defined in this chapter, ~~open space resource definitions, etc.;~~ and
- B. The overall administrative process, including ~~such~~ issues such as staffing, outreach to prospective applicants, application forms, ~~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.

17.18.250 - 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.