

PLANNING ADVISORY COMMISSION AGENDA

October 15, 2018

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) – September 17, 2018
- c. Approval of Changes to Agenda by Commissioners or Staff (if any)
- d. Conflict of Interest Inquiry
- e. Next Meeting Date – November 19, 2018
- f. Committee/Staff Updates
- g. Other Business

2. 6:15pm— 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.

3. 6:30pm –Public Hearings: Code Amendments to Title 15 and Title 17

- 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 10/2/2018 10:23 AM

STAFF REPORT
A PUBLIC HEARING for proposed amendments
to the Development Code, Section 15.13 relating to ENFORCEMENT

1. Contact Person

Kell Rowen, Planning Manager
Mason County Community Services
615 W. Alder St.; Shelton, WA 98584
360.427.9670 ext. 286

2. Introduction

Mason County Planning Staff is proposing an amendment to the Mason County Code Title 15 (Development Code), Section 15.13, reinstating Hearing Examiner procedures for Code Enforcement cases.

3. Discussion

Title 15, Section 15.13.045 and other related sections were eliminated from the Development Code in 2017 in an effort to streamline code enforcement actions strictly through the administrative process. Mason County Community Services Code Enforcement staff finds that there are many cases that are difficult to achieve compliance without the assistance of the Hearing Examiner process.

Reinstating the Hearing Examiner procedures will give Code Enforcement staff additional resources for code compliance if administrative actions are unsuccessful.

4. Recommendation

Staff asks that the PAC review and discuss the proposed amendments to the Development Code and recommend approval to the Board of County Commissioners for adoption.

5. Attachments

- Title 15, Section 15.13 with markup
- SEPA DNS



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)

SEP2018-00091

Description of Proposal: CODE AMENDMENT TO MASON COUNTY DEVELOPMENT CODE TITLE 15, SECTION 15.13.045 AND OTHER RELATED SECTIONS, ADDING BACK HEARING EXAMINER PROCEDURES FOR CODE ENFORCEMENT ENFORCEMENT CASES.

Proponent: MASON COUNTY DEPT. OF COMMUNITY
Location of Proposal: MASON COUNTY
Parcel Number: MASON COUNTY
Legal Description: All of Mason County
Directions to Site: MASON COUNTY

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 10/15/2018. 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 blue ink.

Authorized Local Government Official

Handwritten date "10/1/2018" in blue ink.

Date

Environmental Checklist (WAC 197-11-960):

A. BACKGROUND

1. Name of Proposed Project:

CODE AMENDMENT TO MASON COUNTY DEVELOPMENT CODE TITLE 15, SECTION 15.13.045 AND OTHER RELATED SECTIONS, ADDING BACK HEARING EXAMINER PROCEDURES FOR CODE ENFORCEMENT CASES.

2. Name of Applicant

MASON COUNTY DEPARTMENT OF COMMUNITY SERVICES

3. Address and phone number of applicant and contact person

MASON COUNTY
615 W. ALDER ST.
SHELTON, WA 98584
(360) 426-0693

4. Date Checklist Prepared:

SEPTEMBER 28, 2018

5. Agency Requesting Checklist

MASON COUNTY DEPARTMENT OF COMMUNITY SERVICES

6. Proposed timing or schedule (including phasing, if applicable):

THIS AMENDMENT WILL BE HEARD BY THE PLANNING ADVISORY COMMISSION IN OCTOBER OF 2018 AND THE BOARD OF COUNTY COMMISSIONERS IN DECEMBER OF 2018.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

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.

No

10. List any government approvals or permits that will be needed for your proposal, if known.

APPROVAL OF THE MASON COUNTY BOARD OF COMMISSIONERS

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.)

THIS PROPOSAL IS TO AMEND MASON COUNTY CODE TITLE 15, SECTION 15.13.045 AND OTHER RELATED SECTIONS, TO ADD BACK THE HEARING EXAMINER PROCEDURES FOR CODE ENFORCEMENT CASES. THIS SECTION PREVIOUSLY EXISTED AND WAS ELIMINATED IN EXCHANGE FOR AN ADMINISTRATIVE "COLLECTIONS" SYSTEM. THIS CHANGE WAS UNSUCCESSFUL AND THE COUNTY WISHES TO REINSTATE THE HEARING EXAMINER PROCEDURES.

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.

COUNTY WIDE

B. ENVIRONMENTAL ELEMENTS

1. Earth:

- a. *General Description of the Site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other...*
N/A
- b. *What is the steepest slope on the site (approximate percent slope)?*
N/A
- 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.*
N/A.
- d. *Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.*
N/A
- 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.*
N/A
- f. *Could erosion occur as a result of clearing, construction, or use? If so, generally describe.*
N/A
- g. *About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?*
N/A
- h. *Proposed measures to reduce or control erosion, or other impacts to the earth, if any:*
N/A

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.*
N/A
- b. *Are there any offsite sources of emissions or odor that may affect your proposal? If so, generally describe.*
N/A
- c. *Proposed measures to reduce or control emissions or other impacts to air, if any:*
N/A

3. Water:

- a. *Surface:*
 - 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.*
N/A
 - 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.*
N/A
 - 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.*
N/A

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

N/A

5) Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.

N/A

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.

N/A

b. Ground:

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.

N/A

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.

N/A

c. Water runoff (including storm water):

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.

N/A

Could waste materials enter ground or surface waters? If so, generally describe.

N/A

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

N/A

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

N/A

4. Plants

a. Check the types of vegetation found on the site:

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?

N/A

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

N/A

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

N/A

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

N/A

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:* N/A

Birds: Hawk, heron, eagle, songbirds, other: Unknown

Mammals: DEER, BEAR, elk, beaver, other: Unknown

Fish: Bass, salmon, trout, herring, shellfish, other: Unknown

- b. *List any threatened and endangered species known to be on or near the site.*

N/A

- c. *Is the site part of a migration route? If so, explain.*

N/A

- d. *Proposed measures to preserve or enhance wildlife, if any:*

N/A

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

N/A

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.*

N/A

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

N/A

- 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:*

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.*

N/A

- 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.*
N/A
- 4) *Describe special emergency services that might be required.* N/A
- 5) *Proposed measures to reduce or control environmental health hazards, if any:*

- b. *Noise*

- 1) *What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?*
N/A.
- 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.*
N/A
- 3) *Proposed measures to reduce or control noise impacts, if any:*
N/A

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.*
N/A
- b. *Has the project site been used as working farmlands or working forest lands? If so, describe. 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? 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?*
NO
- 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:*
- c. *Describe any structures on the site.*
N/A
- d. *Will any structures be demolished? If so, what?*
NO.
- e. *What is the current zoning classification of the site?*
COUNTY WIDE
- f. *What is the current comprehensive plan designation of the site?*
COUNTY WIDE
- g. *If applicable, what is the current shoreline master program designation of the site?*
N/A
- h. *Has any part of the site been classified critical area by the city or county? If so, specify.*
N/A
- i. *Approximately how many people would reside or work in the completed project?*
N/A
- j. *Approximately how many people would the completed project displace?*
N/A.
- k. *Proposed measures to avoid or reduce displacement impacts, if any:*
N/A
- l. *Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:*
N/A
- m. *Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:*
N/A

9. Housing

- a. *Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.*

N/A

- b. *Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.*

N/A

- c. *Proposed measures to reduce or control housing impacts, if any:*

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?*

N/A

- b. *What views in the immediate vicinity would be altered or obstructed?*

N/A

- c. *Proposed measures to reduce or control aesthetic impacts, if any:*

N/A

11. Light and Glare

- a. *What type of light or glare will the proposal produce? What time of day would it mainly occur?*

N/A

- b. *Could light or glare from the finished project be a safety hazard or interfere with views?*

N/A

- c. *What existing offsite sources of light or glare may affect your proposal?*

N/A

- d. *Proposed measures to reduce or control light and glare impacts, if any:*

N/A

12. Recreation

- a. *What designated and informal recreational opportunities are in the immediate vicinity?*

N/A

- b. *Would the proposed project displace any existing recreational uses? If so, describe.*

N/A

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

N/A

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.*

N/A

- b. *Are there any landmarks, features, or other evidence of Indian or historic use or occupation. This may include human burials or old cemeteries. Is 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.*

N/A

- 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.*

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

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.*
N/A
- 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?*
N/A
- c. *How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?*
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).*
N/A
- e. *Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.*
N/A
- 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 non-passenger vehicles). What data or transportation models were used to make these estimates?*
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:*
N/A

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.*
N/A
- b. *Proposed measures to reduce or control direct impacts on public services, if any.*
N/A

16. Utilities

- a. *Circle utilities currently available at the site: 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.*
N/A.

C. SIGNATURE

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.

Kell Rowen 9/28/2018
Signature Date

Name of Signee Kell Rowen

Position Mason County Planning Manager

D. Supplemental sheet for nonproject actions [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

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?

N/A

Proposed measures to avoid or reduce such increases are:

N/A

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

N/A

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

N/A.

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

N/A

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

N/A.

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?

N/A

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

N/A

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?

N/A

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

N/A.

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

N/A

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

N/A

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

CHAPTER 15.13 ENFORCEMENT

15.13.005 SEVERABILITY

This title shall be governed by the laws of the State of Washington. In the event that any portion or section of this title be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of the title shall not be affected and shall remain in full force and effect.

15.13.010 ENFORCING OFFICIAL; AUTHORITY

- A. The Review Authority shall be responsible for enforcing those codes and ordinances to which this title applies, and may adopt administrative rules to meet that responsibility. The Review Authority may delegate enforcement responsibility, as appropriate. An employee of one Review Authority department may commence an enforcement action of violations of codes and regulations of other departments.
- B. Inspections: The purpose of these inspection procedures are to ensure that a property owner's rights are not violated. When it is necessary to make an inspection to enforce the provisions of this Chapter, or when the Director has reasonable cause to believe that a violation has been or is being committed, the Director or his duly authorized inspector may enter the premises, or building at reasonable times to inspect or to perform any duties imposed by this Chapter, provided that if such premises or building be occupied that credentials be presented to the occupant and entry requested. If such premises or building be unoccupied, the Director shall first make reasonable effort to locate the owner or other person having charge or control of the premises or building and request entry. If entry is refused, the Director shall have recourse to remedies provided by law to secure entry.

15.13.020 PENALTY

- A. Non-conforming structures and other non-conforming land modifications shall be a continuing violation. Every day of violation shall be a separate violation. It shall be a violation to own, use, control, maintain, or possess a portion of any premises which has been constructed, equipped, maintained, controlled, or used in violation of any of the applicable provisions, MCC Section 15.03.005, in this Title. Structures or activities which were made or conducted without a permit, when a permit was required at the time of first action, do not vest and require current permits. Any person, firm, or corporation who violates or who solicits, aids, or attempts a violation are accountable under this Chapter and are subject to the penalty provisions as well as the Hearing Examiner process.
- B. Compliance with the requirements of those codes and regulations listed under MCC Section 15.03.005 shall be mandatory, and violations of those codes are within the purview of this Chapter.
- C. Any private party who intentionally, recklessly, or negligently violates any of the applicable codes, regulations and ordinances is guilty of a misdemeanor. This includes, but is not limited to, a violation of notice and order, a violation of notice of civil violation, a violation of a warning notice, a violation of a stop work order, violation of a do not occupy order, or failure to comply with orders of the hearings examiner. Any person convicted of a misdemeanor under this section shall be punished by a fine of not more than five hundred dollars, or by imprisonment not to exceed ninety days, or by both, unless otherwise required by state laws. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any of the applicable provisions is committed, continued, permitted, or aided by any such person.
- D. Notwithstanding the provisions of any other code, the Review Authority is authorized to issue civil

infractions for violations of any provision of any code or regulation listed under Section 15.03.005. The enforcement officer may issue a civil infraction ticket of up to two hundred fifty dollars (\$250) for the first violation and up to five hundred dollars (\$500) for the second and subsequent violations. Second and subsequent violations refer to any violation of any provision of Section 15.03.005 within two years of the first violation. A violator is : (1) one who owns the property and knows the violation is occurring, and fails to take action to abate it; (2) one who causes the violation to occur or solicits, commissions, requests, or aids the violation; (3) one who has a virtual exclusive right to possess the land, as in a tenant, equitable title owner, or trust beneficiary, and who aids, abets, commissions, solicits, requests, or knowingly allows a violation to occur on the land; or (4) to the maximum extent allowed under Washington law, any company whose employee or employees violates any provision of Title 15. Proof in District Court shall be by a preponderance of the evidence. To the extent that there is no conflict with this regulation, all such civil infractions under this regulation shall be governed by the standards and procedures set forth in Revised Code of Washington 7.80 (Civil Infractions). Each day of the violation shall be considered a separate offense.

15.13.030 APPLICATION

- A. This Chapter does not apply to enforcing the Shoreline Management Plan regulations. Except when the Review Authority has determined that MCC 17.50.500 and part II of WAC 173-27 do not address a certain aspect of an enforcement procedure.
- B. Actions under this chapter may be taken in any order deemed necessary or desirable by the Review Authority to achieve the purpose of this chapter or of the Development Code.
- C. Proof of a violation of a development permit shall constitute prima facie evidence that the violation is that of the applicant and/or owner of the property upon which the violation exists. An enforcement action under this chapter against the owner and/or applicant shall not relieve or prevent enforcement under this chapter or other ordinance against any other responsible person, which, to the extent allowed by state law, includes an officer or agent of a business or nonprofit organization who, while violating the applicable provisions, is acting on behalf of, or in representation of, the organization.
- D. Where property has been subjected to an activity in violation of this Chapter, the County may bring an action against the owner of such land or the operator who performed the violation. In addition, in the event of intentional or knowing violation of this Chapter, the review authority or Hearing Examiner may deny authorization of any permit or development approval on said property for a period up to ten (10) years from the date of unauthorized clearing or grading. While a case is pending, the County shall not authorize or grant any permit or approval of development on the property.
- E. Nothing in this chapter shall be construed to prevent the application of other procedures, penalties or remedies as provided in the applicable code or ordinance.

15.13.035 WARNING NOTICE

Prior to other enforcement action, and at the option of the Review Authority, a warning notice may be issued. This notification is to inform parties of practices which constitute or will constitute a violation of the development code or other development regulation as incorporated by reference and may specify corrective action. This warning notice may be sent by certified/registered mail, posted on site or delivered by other means. The parties shall respond to the county within twenty (20) days of the postmark, posting on site, or delivery of the notice.

15.13.040 NOTICE OF CIVIL VIOLATION

- A. Authority. A notice of civil violation may be issued and served upon a person if any activity by or at the

direction of that person is, has been, or may be taken in violation of the applicable codes under Section 15.03.005. A landowner, tenant, or contractor may each be held separately and joint and severally responsible for violations of the applicable codes and regulations.

B. Notice. A notice of civil violation shall be deemed served and shall be effective when posted at the location of the violation and/or delivered to any person at the location and/or mailed first class to the owner or other person having responsibility for the location and not returned.

C. Content. A notice of civil violation shall set forth:

1. The name and address of the person to whom it is directed.
2. The location and specific description of the violation.
3. A notice that the order is effective immediately upon posting at the site and/or receipt by the person to whom it is directed.
4. An order that the violation immediately cease, or that the potential violation be avoided.
5. An order that the person stop work until correction and/or remediation of the violation as specified in the order.
6. A specific description of the actions required to correct, remedy, or avoid the violation, including a time limit to complete such actions.
7. A notice that failure to comply with the regulatory order may result in further enforcement actions, including civil fines and criminal penalties.
8. A notice of the date, time and place of appearance before the Hearing Examiner as provided in section 15.13.045.

~~A notice of opportunity to appeal the administrative decision to the hearings examiner consistent with Section 15.11.020.~~

D. Remedial Action. The Review Authority may require any action reasonably calculated to correct or abate the violation, including but not limited to replacement, repair, supplementation, revegetation, or restoration.

15.13.045 HEARING BEFORE THE HEARING EXAMINER

A. A person to whom a notice of a civil violation is issued will be scheduled to appear before the Hearings Examiner after the notice of civil violation is issued. Extensions may be granted at the discretion of the appropriate Review Authority.

B. **Correction of Violation.** The hearing will be canceled if the applicable Review Authority determines that the required corrective action has been completed or is on schedule for completion as set by the Review Authority at least 48 hours prior to the scheduled hearing.

C. **Procedure.** The Hearings Examiner shall conduct a hearing on the civil violation pursuant to the rules of procedure of the Hearings Examiner. The applicable Review Authority and the person to whom the notice of civil violation was directed may participate as parties in the hearing and each party may call witnesses. The county shall have the burden of proof to demonstrate by a preponderance of evidence that a violation has occurred or imminently may occur and that the required corrective action will correct the violation. A Hearing Examiner's order may prohibit future action, and violations of that order may lead to penalties under this ordinance. The determination of the applicable Review Authority shall be accorded substantial weight by the Hearings Examiner in determining the reasonableness of the required corrective action.

D. **Decisions of the Hearings Examiner.**

1. The Hearing Examiner shall determine whether the county has established by a preponderance of the evidence that a violation has occurred and that the required correction will correct the violations and shall affirm, vacate, or modify the county's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.
2. The Hearing Examiner shall issue an order to the person responsible for the violation which contains the following information:
 - a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;
 - b. The required corrective action;
 - c. The date and time by which the correction must be completed;
 - d. The civil fines assessed based on the criteria in subsection (D)(3) of this section.
3. Civil fines assessed by the Hearing Examiner shall be in accordance with the civil fine in Section 15.13.050.
 - a. The Hearing Examiner shall have the following options in assessing civil fines:
 - i. Assess was issued and thereafter; or
 - ii. Assess civil fines beginning on the correction date set by the applicable Review Authority or alternate correction date set by the Hearings Examiner and thereafter; or
 - iii. Assess less than the established civil fine set forth in Section 15.13.050 based on the criteria of subsection (D)(3)(b) of this section; or
 - iv. Assess no civil fines.
 - b. In determining the civil fine assessment, the Hearing Examiner shall consider the following factors:
 - i. Whether the person responded to staff attempts to contact the person and cooperated with efforts to correct the violation;
 - ii. Whether the person failed to appear at the hearing;
 - iii. Whether the violation was a repeat violation or if the person has previously violated the applicable codes, regulations, and ordinances;
 - iv. Whether the person showed due diligence and/or substantial progress in correcting the violation;
 - v. Whether a genuine code interpretation issue exists; and
 - vi. Any other relevant factors.
 - c. The Hearing Examiner may double the civil fine schedule if the violation was a repeat violation or the person has previous violations of the applicable codes, regulations, or ordinances. In determining the amount of the civil fine for repeat violations the Hearing Examiner shall consider the factors set forth in subsection (D)(3)(b) of this section.
4. **Notice of Decision.** Upon receipt of the Hearing Examiner's decision. the Review Authority shall send by first class mail and by certified mail return receipt requested a copy of the decision to the person to whom the notice of a civil violation was issued. The decision of the Hearing Examiner shall be rendered within 10 working days of the hearing.

E. Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the Hearing Examiner will enter a default order with findings pursuant to

subsection (D)(2) of this section and assess the appropriate civil fine pursuant to subsection (D)(3) of this section. The county will enforce the Hearing Examiner's order and any civil fine from that person.

F. **Appeal to Superior Court.** See Section 15.11.040 Judicial Appeal

15.13.050 CIVIL FINES

- A. Authority. A person who violates any provision of the Development Code, or who fails to obtain any necessary permit, who fails to comply with the conditions of a permit, or who fails to comply with a notice of civil violation shall be subject to a civil fine.
- B. Amount. The civil fine assessed shall not exceed one thousand dollars (\$1,000.00) for each violation except where the hearings examiner is authorized under this ordinance to double the fine. Each separate day, event, action or occurrence shall constitute a separate violation.
- C. Notice. A civil fine shall be imposed by an order of the review authority or Hearing Examiner, and shall be effective when served or posted as set forth in 15.13.040(B).
- D. Collection.
 - 1. Civil fines shall be immediately due and payable upon issuance and receipt of order of the review authority or Hearing Examiner. The Review Authority may issue a stop work order until such fine is paid.
 - 2. If remission or appeal of the fine is sought, the fine shall be due and payable upon issuance of a final decision.
 - 3. If a fine remains unpaid thirty (30) days after it becomes due and payable, the Review Authority may take actions necessary to recover the fine. Civil fines shall be paid into the County's abatement fund unless otherwise provided by ordinance. The Review Authority, in its discretion, may determine that assessments in amounts of five hundred dollars (\$500) or more shall be payable in not to exceed three equal annual installments. The payments shall bear interest equal to that charged on delinquent taxes under RCW 84.56.020. Such an account in good standing shall not be considered as delinquent unpaid fines as provided in subsection (d)(4) of this section.
 - 4. Unpaid fines shall be assessed against the property and be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property, provided that fines in excess of the assessed value shall be a personal obligation of the property owner, and fines assessed against persons who are not the property owner shall be personal obligations of those persons.
- E. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.
- F. All such assessments remaining unpaid after thirty (30) days from the date of recording on the assessment roll shall become delinquent and shall bear interest at such rates and in such manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes.
- G. If the County Assessor and the County Treasurer assess property and collect taxes for this jurisdiction, a certified copy of the assessment shall be filed with the County Treasurer. The descriptions of the parcels reported shall be those used for the same parcels on the County Assessor's map books for the current year.
- H. The amount of the assessment lien shall be billed annually by the Treasurer's Office on the date of the

assessment lien until paid and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment. Notwithstanding the previous provisions, the foreclosure process and sale process may be commenced within a year of the creation of a lien when the Review Authority or the Hearing Examiner make a written request to the Treasurer's Office to commence the process.

15.13.055 COST RECOVERY

- A. Authority. Notwithstanding any other code provision, a person who violates any provision of any code or regulation under MCC Section 15.03.005, or who fails to obtain any necessary permit, or who fails to comply with a notice of civil violation shall be subject to enforcement, Hearings Examiner, and abatement costs.
- B. Amount. The Review Authority shall keep an itemized account of the time spent by employees of the county in the enforcement or abatement of any code or any regulation under Section 15.03.005.
- C. Notice. Upon completion of the work for which cost recovery is proposed, the Review Authority shall provide notice by certified mail return receipt requested to the property owner or other person on whose behalf the costs were incurred.
- D. Collection. Costs may be collected as provided in MCC Section 15.13.050 (D) through (H) inclusive.
- E. Civil fines and funds collected shall be deposited in the abatement fund of the county. If the Director decides to close the fund, the remaining fund balance shall revert back to the general fund.

15.13.060 ABATEMENT

- A. The Review Authority may abate the violation if corrective work is not commenced or completed within the time specified in a notice of civil violation.
- B. If any required work is not commenced or completed within the time specified, the Review Authority may proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and any other property owned by the person in violation and as a personal obligation of any person in violation.

15.13.070 REVIEW OF APPROVED PERMITS

- A. Review: Any approval or permit issued under the authority of the Development Code may be reviewed for compliance with the requirements of the Development Code, or to determine if the action is creating a nuisance or hazard, has been abandoned, or the approval or permit was obtained by fraud or deception.
- B. Review Authority Investigation: Upon receipt of information indicating the need for, or upon receiving a request for review of permit or approval, the Review Authority shall investigate the matter and take one or more of the following actions:
 - 1. Notify the property owner or permit holder of the investigation; and/or
 - 2. Issue a notice of civil violation and/or civil fine and/or recommend revocation or modification of the permit or approval; and/or
 - 3. Refer the matter to the County Prosecutor; and/or
 - 4. Revoke or modify the permit or approval, if so authorized in the applicable code or ordinance; and/or
 - 5. Refer the matter to the Hearing Examiner with a recommendation for action.

STAFF REPORT
A PUBLIC HEARING for proposed amendments
to the Development Regulations, Section 17.12 relating to the
VILLAGE COMMERCIAL zone in the Allyn UGA

1. Contact Person

Kell Rowen, Planning Manager
Mason County Community Services
615 W. Alder St.; Shelton, WA 98584
360.427.9670 ext. 286

2. Introduction

Mason County Planning Staff is proposing an amendment to the Mason County Code Title 17 (Development Regulations), Section 17.12, adding “Duplex” and “Triplex” as allowed uses on certain sized lots in the Village Commercial (VC) District of the Allyn Urban Growth Area (UGA).

3. Discussion

Currently, the VC zone for the Allyn UGA allows “Multi-Family dwelling units (min 4 units)” as the only allowed residential development. This allowance requires that a single structure have at least 4 units and should not be confused with “units per acre”.

Although the VC zone in the Allyn UGA does not address the minimum or maximum “units per acre”, the typical Growth Management standard for residential development within an Urban Growth Area is a minimum of four (4) units per acre.

There are several undeveloped lots within the VC zone that are suitable for residential development but are too small to accommodate a minimum of four (4) units. Staff recommends amending the code to allow “Duplexes” on lots ½ acre or smaller and “Triplexes” on lots ¾ acre or smaller. Subject uses will still need to satisfy all other prescribed zoning regulations and performance standards as required.

4. Recommendation

Staff asks that the PAC review and discuss the proposed amendments to the VC zone and recommend approval to the Board of County Commissioners for adoption.

5. Attachments

- Title 17, Section 17.12 with markup
- SEPA DNS
- Maps of the VC Zone in Allyn UGA



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)

SEP2018-00090

Description of Proposal: CODE AMENDMENT TO MASON COUNTY DEVELOPMENT REGULATIONS TITLE 17, SECTION 17.12, ADDING "DUPLEX" AND "TRIPLEX" AS ALLOWED USES (IN LIMITED INSTANCES) IN THE VILLAGE COMMERCIAL (VC) ZONE FOR THE ALLYN UGA

Proponent: MASON COUNTY COMMUNITY SERVICES
Location of Proposal: MASON COUNTY
Parcel Number: MASON COUNTY
Legal Description: All of Mason County
Directions 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 10/15/2018. 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.



Authorized Local Government Official



Date

Environmental Checklist (WAC 197-11-960):**A. BACKGROUND****1. Name of Proposed Project:**

CODE AMENDMENT TO MASON COUNTY DEVELOPMENT REGULATIONS TITLE 17, SECTION 17.12, ADDING "DUPLEX" AND "TRIPLEX" AS ALLOWED USES (IN LIMITED INSTANCES) IN THE VILLAGE COMMERCIAL (VC) ZONE FOR THE ALLYN URBAN GROWTH AREA (UGA).

2. Name of Applicant

MASON COUNTY DEPARTMENT OF COMMUNITY SERVICES

3. Address and phone number of applicant and contact person

KELL ROWEN, PLANNING MANAGER
MASON COUNTY COMMUNITY SERVICES
615 W. ALDER ST.
SHELTON, WA 98584
(360) 427-9670 EXT. 286

4. Date Checklist Prepared:

SEPTEMBER 28, 2018

5. Agency Requesting Checklist

MASON COUNTY DEPARTMENT OF COMMUNITY SERVICES

6. Proposed timing or schedule (including phasing, if applicable):

THIS AMENDMENT WILL BE HEARD BY THE PLANNING ADVISORY COMMISSION IN OCTOBER OF 2018 AND THE BOARD OF COUNTY COMMISSIONERS IN DECEMBER OF 2018.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

NO

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

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.

NO

10. List any government approvals or permits that will be needed for your proposal, if known.

APPROVAL OF THE MASON COUNTY BOARD OF COMMISSIONERS

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.)

THIS PROPOSAL IS TO AMEND MASON COUNTY CODE TITLE 17, SECTION 17.12. VILLAGE COMMERCIAL (VC) DISTRICT IN THE ALLYN UGA, SPECIFICALLY 17.12.120 TO ADD AS ALLOWED USES; "DUPLEX (RESTRICTED TO PARCELS ½ ACRE OR LESS)" AND "TRIPLEX (RESTRICTED TO PARCELS ¾ ACRE OR LESS)" IN ORDER TO ALLOW ADDITIONAL HOUSING CHOICES WITHIN THE DISTRICT ON SMALL LOTS.

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.

B. ENVIRONMENTAL ELEMENTS

1. Earth:

- a. *General Description of the Site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other...*
N/A
- b. *What is the steepest slope on the site (approximate percent slope)?*
N/A
- 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.*
N/A.
- d. *Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.*
N/A
- 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.*
N/A
- f. *Could erosion occur as a result of clearing, construction, or use? If so, generally describe.*
N/A
- g. *About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?*
N/A
- h. *Proposed measures to reduce or control erosion, or other impacts to the earth, if any:*
N/A

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.*
N/A
- b. *Are there any offsite sources of emissions or odor that may affect your proposal? If so, generally describe.*
N/A
- c. *Proposed measures to reduce or control emissions or other impacts to air, if any:*
N/A

3. Water:

- a. *Surface:*
 - 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.*
N/A
 - 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.*
N/A
 - 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.*

N/A

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

N/A

- 5) *Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.*

N/A

- 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.*

N/A

b. Ground:

- 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.*

N/A

- 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.*

N/A

c. Water runoff (including storm water):

- 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.*

N/A

Could waste materials enter ground or surface waters? If so, generally describe.

N/A

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

N/A

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

N/A

4. Plants

a. Check the types of vegetation found on the site:

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?

N/A

c. *List threatened and endangered species known to be on or near the site.*

N/A

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

N/A

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

N/A

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:* N/A

Birds: Hawk, heron, eagle, songbirds, other: Unknown

Mammals: DEER, BEAR, elk, beaver, other: Unknown

Fish: Bass, salmon, trout, herring, shellfish, other: Unknown

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

N/A

c. *Is the site part of a migration route? If so, explain.*

N/A

d. *Proposed measures to preserve or enhance wildlife, if any:*

N/A

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

N/A

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.*

N/A

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

N/A

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:*

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.*

N/A

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.*

N/A

4) *Describe special emergency services that might be required.* N/A

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

b. **Noise**

- 1) *What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?*
N/A.
- 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.*
N/A
- 3) *Proposed measures to reduce or control noise impacts, if any:*
N/A

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.*
N/A
- b. *Has the project site been used as working farmlands or working forest lands? If so, describe. 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? 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?*
No
- 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:*
- c. *Describe any structures on the site.*
N/A
- d. *Will any structures be demolished? If so, what?*
No.
- e. *What is the current zoning classification of the site?*
COUNTY WIDE
- f. *What is the current comprehensive plan designation of the site?*
COUNTY WIDE
- g. *If applicable, what is the current shoreline master program designation of the site?*
N/A
- h. *Has any part of the site been classified critical area by the city or county? If so, specify.*
N/A
- i. *Approximately how many people would reside or work in the completed project?*
N/A
- j. *Approximately how many people would the completed project displace?*
N/A.
- k. *Proposed measures to avoid or reduce displacement impacts, if any:*
N/A
- l. *Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:*
N/A
- m. *Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:*
N/A

9. Housing

- a. *Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.*

N/A

- b. *Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.*

N/A

- c. *Proposed measures to reduce or control housing impacts, if any:*

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?*

N/A

- b. *What views in the immediate vicinity would be altered or obstructed?*

N/A

- c. *Proposed measures to reduce or control aesthetic impacts, if any:*

N/A

11. Light and Glare

- a. *What type of light or glare will the proposal produce? What time of day would it mainly occur?*

N/A

- b. *Could light or glare from the finished project be a safety hazard or interfere with views?*

N/A

- c. *What existing offsite sources of light or glare may affect your proposal?*

N/A

- d. *Proposed measures to reduce or control light and glare impacts, if any:*

N/A

12. Recreation

- a. *What designated and informal recreational opportunities are in the immediate vicinity?*

N/A

- b. *Would the proposed project displace any existing recreational uses? If so, describe.*

N/A

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

N/A

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.*

N/A

- b. *Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Is 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.*

N/A

- 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.*

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

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.*
N/A
- 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?*
N/A
- c. *How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?*
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).*
N/A
- e. *Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.*
N/A
- 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 non-passenger vehicles). What data or transportation models were used to make these estimates?*
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:*
N/A

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.*
N/A
- b. *Proposed measures to reduce or control direct impacts on public services, if any.*
N/A

16. Utilities

- a. *Circle utilities currently available at the site: 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.*
N/A.

C. SIGNATURE

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.

Kell Rowen 9/28/2018
Signature Date

Name of Signee Kell Rowen

Position Planning Manager - Mason County

D. Supplemental sheet for nonproject actions [[HELP](#)]

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

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?

Not Likely

Proposed measures to avoid or reduce such increases are:

Use existing development regulations.

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

Not likely

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

Use of existing development regulations.

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

Not likely

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

Use of existing development regulations.

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?

Not likely

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

Use of existing development regulations

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?

Not likely

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

Use of existing Shoreline Master Program regulations.

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

Not likely

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

The amount of land impacted is minimal. Even full buildout of all small parcels would not increase demand.

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

CHAPTER 17.12
Commercial Zoning Districts in the Allyn UGA

17.12.100
“VC” - VILLAGE COMMERCIAL DISTRICT

Sections:

17.12.110	Purpose
17.12.120	Permitted Uses
17.12.130	Accessory Uses
17.12.140	Use permitted subject to obtaining a Special Use permit
17.12.150	Bulk and dimension standards
17.12.160	Additional Development and Design criteria
17.12.170	Signs
17.12.180	Parking
17.12.190	Applicability

17.12.110 Purpose: The Village Commercial District is a pedestrian and transit oriented mixed use district primarily designed as a location for neighborhood, community wide and tourist retail, office, restaurant, entertainment and service uses including transient accommodations and residential uses. The district will provide opportunities for transit routes and stops and to provide shared parking opportunities. Physically the district will retain the pedestrian oriented scale and intensity of use of the rest of the Village core area. Because of its nature the Village Commercial District zone may only be located in the village center.

1. Goals of the district are:
 - a. Promote private development and uses, which complement public streetscape, infrastructure and governmental improvements and uses.
 - b. Foster civic pride in the area and thereby stabilize and improve property values and stimulate business investment.
 - c. Encourage new uses and services consistent with the downtown, pedestrian oriented, character of the area to achieve a viable and sustainable commercial district.
 - d. Prohibit new uses that are incompatible with the function and purpose of the district and encourage the relocation to other locations in the community, of existing non-conforming uses.
 - e. Encourage efficient land use and investment in the rehabilitation, expansion and use of existing structures and in-fill sites through increased zoning densities and parking allowances and flexibility.
 - f. Encourage the concept of “mixed” commercial, residential and civic uses in order to, provide affordable housing opportunities, provide a diverse market for retail goods and services, promote alternative modes of transportation, maximize the use of public infrastructure investments and foster a greater sense of “neighborhood” within the district.
 - g. Encourage a sense of “ownership” of the village core within all members of the community as the social and cultural heart of the village by providing opportunities for cultural and celebratory events and development of public spaces and buildings.

- h. Promote a physical environment through architectural, streetscape and open space improvements that are evocative of the historic and natural character of the community.
- i. Provide shared parking opportunities.
- j. Promote tourist oriented market opportunities including water-related activities.

17.12.120 Permitted Uses. The following uses, subject to applicable licensing and development regulations, shall be allowed outright within the “VC” district.

- 1. Alcoholic beverage sales: package stores and wine shops
- 2. Antique shops
- 3. Appliance and communication equipment repair shop and/or sales
- 4. Art Galleries and artist studios
- 5. Art and craft supplies, retail
- 6. Vehicle parts store
- 7. Bakery, with on site sales
- 8. Bicycle shops
- 9. Book stores
- 10. Banks and financial institutions
- 11. Barbers and beauty shops
- 12. Camera Shop
- 13. Catering
- 14. Clothing sales and rentals and shoe stores
- 15. Delicatessen
- 16. Dry cleaners and laundries not including Laundromats
- 17. Duplex (restricted to parcels one-half (1/2) acre or less)
- 17-18. Fabric and yarn goods
- 18-19. Florists
- 19-20. Food Stores, retail including groceries, bakers, butchers, health, candy
- 20-21. Furniture stores
- 21-22. Grocery stores
- 22-23. Hotels / motels
- 23-24. Household fixtures including plumbing, lighting, heating/cooling
- 24-25. Hardware stores
- 25-26. Hobby shops
- 26-27. Jewelry store
- 27-28. Locksmith
- 28-29. Medical offices, clinics, equipment and services (i.e. labs)
- 29-30. Multi-Family dwelling units (min 4 units)
- 30-31. Music stores, recordings and instruments
- 31-32. Offices
- 32-33. Paint and glass shops
- 33-34. Pharmacy, dispensing
- 34-35. Photographic studio
- 35-36. Printing, publishing and reproduction
- 36-37. Radio and Television broadcasting station
- 37-38. Restaurants, cafes and food stands: sit down and walk up
- 38-39. Retail shops not otherwise named similar in size, character and impacts
- 39-40. Second hand stores and pawn shops
- 40-41. Sports related service businesses such as kayak rentals, boat tours, scuba instruction
- 41-42. Sporting goods store including equipment rental and repair
- 42-43. Stationary and office supply stores

- ~~43.44.~~ Toy Stores
- ~~44.45.~~ Theater, live stage,
- ~~45.46.~~ Theater, motion picture, one screen and no more than 250 seats
- ~~46.47.~~ Tourism related retail and service businesses such as travel, tour and event agencies
- ~~47.48.~~ Transit stops
- 49. Triplex (restricted to parcels three-quarter (3/4) acre or less)
- ~~48.50.~~ Dance and music studios

17.12.130 Accessory uses. The following uses shall be permitted as ancillary to permitted uses or uses obtaining a Special use permit in the district and shall not be established independent of the primary use.

1. Alcoholic beverage sales: on-site, in association with full menu food uses.
2. Merchandise repair excluding vehicles
3. Micro brewery
4. Hotel Lounge
5. Parking of one delivery vehicle
6. Dance floors
7. Music and electronic game machines up to a total of four
8. Live entertainment except between the hours of 1:30 AM and 7:00 AM
9. Public sidewalk food and merchandise vendors including Espresso carts and newsstands with written consent of all adjacent landowners.

17.12.140 Use permitted subject to obtaining a Special Use Permit. The following uses, subject to applicable licensing and development regulations, shall be allowed within the "Village Commercial" district only with approval of a special use permit except that a special use permit shall not be required where any of the listed uses are included in an approved Planned Development. Consideration shall be given to the purpose and development standards of the district including any adopted design guidelines. The design of the site, structure, and building façade shall be included in the special use permit review which shall consider the widths and heights typically found in the neighboring commercial development to determine the compatibility of the proposal with the existing development. That compatibility might be accomplished through indenting portions of the structure to separate portions of the façade, using a variety of architectural styles and building materials, orienting the building so that larger areas of façade are not visible from public ways or parking areas, or by similar techniques.

1. Antique malls over 10,000 sq. ft.
2. Bars and taverns other than those associated with full menu food service.
3. Churches
4. Veterinary Clinics
5. Commercial parking lots not associated with an on-site use
6. Day care center
7. Drive-through sales, service, pick-up or delivery
8. Gasoline retail sales.
9. Gyms, fitness and aerobic studios
10. Laundromats
11. Private transportation depot
12. Schools

13. Private recreation facilities including game arcades, batting cages, shooting galleries and skating rinks
14. Out-door storage of merchandise
15. Motorized Vehicle Repair

17.12.150 Bulk and dimension standards:

Minimum Lot Area: 9,600 sq. ft.

Maximum Height: The maximum height of any structure in the "VC" district shall be 35 feet (25 feet East of SR 3) except that church spires, bell towers, chimneys and other architectural features may exceed the height limit by 50% and communication facilities by as much as permitted through approval of a special use permit.

Minimum Setbacks:

Front Property Line: 10 ft

Side and Back: 5 ft

Additional setbacks may be required to provide line of site clearance for vehicle drivers for the purpose of public safety.

Maximum Lot Coverage: There shall be no maximum lot coverage standard in the "VC" district.

Floor Area Ratio: There is no maximum floor area ratio and there shall be a minimum ratio of 5:1.

17.12.160 Additional Development and Design criteria: Development criteria are established to ensure compatibility of uses permitted within the district, to encourage good building and landscaping design, and to ensure the protection of the public health, safety and general welfare. In addition to development regulations found elsewhere in this title the following standards shall apply to development projects within the "VC" district. Additional standards for setbacks are in Section 17.10.460.

1. General criteria:

- a. Parking: Required parking for the "VC" district shall be as stipulated in Chapter 17.150 "Off-Street Parking" of this Title.
- b. Signs: Private signage shall be allowed as stipulated in Chapter 17.15, "Signs" of this title.
- c. Trash: Exterior trash containers shall be located within enclosures matching design criteria on file with the Building and Public Works Department except where placed outside at a designated location for collection the same day as the collection is scheduled.
- d. Storage: All exterior storage shall be screened from view behind solid walls or fences no greater than eight (8) feet in height.
- e. Fencing: Fencing shall be decorative and compatible in design and integrated with architecture of the associated use. Fences, except for storage areas, shall be no more than six (6) feet in height and shall not obstruct line of sight clearance or safety exiting.

- f. The address of all buildings and individual units shall be displayed on the exterior of the building, including on alley frontages, in a manner that allows for easy identification by the public and emergency response personnel.
- g. Entries: Each building and commercial units within buildings, shall have at least one primary entry on any street frontage unless units with a building share a common entry from which the unit may be accessed during all business hours. Entries shall be clearly defined, oriented to pedestrian travel ways and away from vehicle driveways. Entries shall be provided with weather protection.
- h. Structures shall be located proximate to the street to promote store front display, pedestrian activity and a harmonious streetscape while leaving opportunities to create space between building walls and the public sidewalk for exterior uses, sign displays, exterior seating, landscaping, architectural interest such as cantilevered second stories, canopies and esplanades and to provide locations for public art and information.
- i. All electrical, mechanical and plumbing equipment, including roof equipment, and appurtenances shall be screened from view or otherwise architecturally treated except those required for safety purposes
- j. Architecture and aesthetics: (Reserved)

2. Commercial:

- a. All street doors shall be for pedestrian access only.
- b. Loading areas: Loading or pick-up of merchandise or materials shall be restricted to alleyways or designated on-site loading areas.
- c. Out door display of sales of merchandise: The outdoor sale or display of merchandise, whether on-site or on public property or right of way, shall only be allowed as permitted under guidelines approved by the County Board of Commissioners.
- d. Canopies, signs, balconies and other architectural projections may encroach into the public right of way with approval of an Encroachment Permit by the Public Works Director and when an overhead clearance of a minimum of eight (8) feet is maintained.
- e. Ground floor frontages shall be provided with large framed display windows above a height of three (3) feet so that at least 50 percent of the frontage wall is transparent between a height of three (3) feet and below eight (8) feet

3. Residential:

Required residential parking shall be provided on site.

17.12.170 Signs: See Chapter 17.15

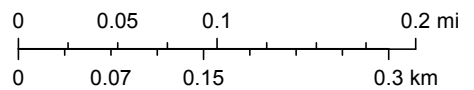
17.12.180 Off-Street Parking. See Chapter 17.14


Mason County WA GIS Web Map




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1:6,124





 County Boundary

 Tax Parcels (Zoom in to 1:30,000)


Allyn Zoning

 No Zoning or Outside UGA

 BP - Business Park


 CM - Commercial Manufacturing

 HC - Highway Commercial

 POS - Public Open Space

 R-1 - Single Family Residential

 R-1P - Residential Platted

 R-1R - Residential Recreational

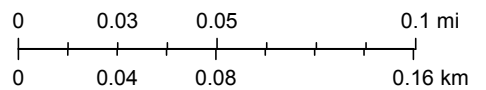
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Mason County WA GIS Web Map



10/1/2018, 11:13:02 AM

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- | | |
|-----------------------------------|---------------------------------|
| County Boundary | HC - Highway Commercial |
| Tax Parcels (Zoom in to 1:30,000) | POS - Public Open Space |
| Allyn Zoning | |
| No Zoning or Outside UGA | R-1 - Single Family Residential |
| BP - Business Park | R-1P - Residential Platted |
| CM - Commercial Manufacturing | R-1R - Residential Recreational |

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community