PLANNING ADVISORY COMMISSION
SPECIAL MEETING AGENDA

December 6, 2021

Mason County Building 1 - Commission Chambers via ZOOM
411 N. 5th Street, Shelton, WA 98584

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1. **6:00pm - Call to Order**
   a. Roll Call
   b. Approval of Meeting Summary- November 15, 2021
   c. Approval of Changes to Agenda by Commissioners or Staff (if any)
   d. Conflict of Interest Inquiry
   e. Next Meeting Date – December 20, 2021
   f. Committee/Staff Updates
   g. Other Business

2. **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. **PUBLIC HEARING:**
   Belfair EIS - The Planning Advisory Commission (PAC) held a public hearing on May 17 and June 7, 2021 where they considered information and testimony regarding the DRAFT Planned Action EIS for the Belfair Urban Growth Area. Since then, a Supplemental Draft EIS has been published with a new comment period. A workshop was held on November 15, 2021 to discuss the Supplemental information. This special meeting is being held after the close of the comment period. The PAC is expected to deliberate after the public hearing and make a recommendation to the Board of County Commissioners. Related documents can be found here: https://www.co.mason.wa.us/community-services/belfair-eis/index.php.

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.

For information on how to attend this virtual public meeting, please contact Mariah Frazier at mfrazier@co.mason.wa.us or at (360)427-9670 x365

Agendas are subject to change, please contact the Planning Office for the most recent version. The agenda was last printed on 11/29/2021 8:54 AM

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MEMORANDUM

DATE: November 29, 2021

TO: Kell Rowen, Community Development Administrator, Mason County

FROM: Lisa Grueter, Principal; Kevin Gifford, Senior Associate; BERK Consulting, Inc.

RE: Belfair Urban Growth Area – Planned Action and Subarea Plan – Updated Recommendations

Background

The Planning Advisory Commission (PAC) held a public hearing on May 17, 2021 on the Belfair Urban Growth Area (UGA) plan amendments and code proposals. Following PAC meetings in May and June 2021, and additional environmental analysis the Supplemental Draft Environmental Impact Statement (Supplemental Draft EIS) issued in October 2021, the PAC is scheduled to have a second public hearing on December 6, 2021. PAC recommendations are anticipated at that meeting or at the regularly scheduled PAC meeting in mid-December.

The proposals before the Planning Advisory Commission include:

- Approval of updates to the Belfair UGA Plan, including updated recommendations for ongoing implementation, and corresponding consistency edits to the Comprehensive Plan. See Draft EIS Appendix C for amendments. Supplemental edits are in this memo in Attachment A based on the Supplemental Draft EIS issued in October 2021.
- Approval of zoning code updates. See Draft EIS Appendix C for amendments, updated slightly since June 2021 in Attachments B and C.
- Approval of a Planned Action Ordinance (PAO) to help incentivize growth while minimizing impacts. See Attachment D the latest draft ordinance, updated to address the DSEIS information and mitigation measures.

This memo includes staff recommendations on a preferred alternative and associated changes to County plans and codes for review by the Planning Advisory Commission to assist with its formation of recommendations.

MEMORANDUM 1

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Attachment C: Mixed Use Code Amendments **21**

Attachment D: Planned Action Ordinance **33**

Public Engagement

Mason County has conducted several activities to engage the public including:

- Stakeholder Interviews in fall 2020
- Postcard hand distributed at centers around Belfair in fall 2020
- Community Meeting in November 2020
- Survey and Story Map in November-December 2020
- Scoping process in November 2020 with comments summarized in Draft EIS
- Planned Action Community Meeting as part of Planning Advisory Commission meeting April 19, 2021
- Postcard regarding Planning Advisory Commission hearing and EIS mailed to each parcel address; public notice in newspaper along with notice of availability
- Distributing Draft EIS for a public comment period (comment period extended from June 1 through June 7, 2021 at 5 pm)
- Distributing a Supplemental Draft EIS for comment from October 28 to November 29, 2021. Responses to comments on the Draft EIS and Supplemental Draft EIS will be included in the Final EIS anticipated in December 2021, or early January 2022 before the Board of County Commissioners considers the proposals.

In addition to Stakeholder Interviews and comment periods, additional agency and tribal coordination also occurred:

- Cultural Resources: The County and consultants contacted the Skokomish Indian Tribe and Squaxin Island Tribe in August 2020 and March 2021 regarding historic context and cultural resources decision tree.
- Service Providers review analysis of services in March - April and October 2021: County staff and consultants corresponded with PUD 3, Belfair Water District, North Mason Fire regarding descriptions of services and potential impacts and mitigation measures.

A summary of commenters to date appears below. **A follow-up summary after November 29, 2021 will be shared with the PAC before the hearing on December 6, 2021.**

Exhibit 1. Comments on Draft Plan and EIS as of November 24, 2021

Public Hearing 5/17	Comments through 6/7	Comments through 11/24
▪ Ken Van Buskirk ▪ Constance Ibsen ▪ Ted Jackson ▪ Chris Wilder, MTA	▪ Squaxin Island Tribe ▪ City of Bremerton ▪ Hood Canal Coordinating Council ▪ Constance Ibsen ▪ Brian Petersen ▪ Judy Scott ▪ Ken Van Buskirk (2) ▪ Stephanie Neil ▪ Mason Transit Authority (MTA) ▪ Skokomish Tribe ▪ Courtney Flora (on behalf of David Overton)	▪ Lisa Klein, AHBL, on behalf of Steve and Jack Johnson ▪ Erica Marbet - Hydrologist, Squaxin Island Tribe ▪ David Overton – Manager, E.E. Overton

Staff Recommendations

The PAC will recommend a Preferred Alternative, which is expected to be in the range of alternatives studied in the Draft EIS and Supplemental Draft EIS. Considering public engagement to date, and the EIS evaluation, the Consultant and County staff provide the following summary recommendations.

Exhibit 2. Comparison of Alternative Features

FEATURE	PREFERRED ALTERNATIVE	DISCUSSION
Subarea Plan, Associated Comprehensive Plan Amendments, and Zoning Map Changes	Consistent with "Alternative 3 Hybrid."	▪ Alternative 3 Hybrid provides a greater mix of housing choices of the range of alternatives studied. ▪ Alternative 3 Hybrid offers greater flexibility to respond to economic conditions, e.g., light industrial on larger parcels, while providing for a master plan process that ensures design transitions and quality. ▪ Growth in the UGA would focus growth where infrastructure is planned and retain rural and resource lands elsewhere. ▪ Public properties providing service to the UGA (sewer plant) would be included in the UGA and public lands without access or urban development potential, and on edge of UGA, would be removed (state property). ▪ Alternative 3 Hybrid provides a mix of uses with somewhat reduced traffic trips over Alternative 2 and Alternative 3. The Subarea Plan and Planned Action Ordinance would include capital improvements to meet the County's urban levels of service, except where WSDOT has indicated it does not wish to have improvements implemented. ▪ Subarea Plan policies and Planned Action Ordinance mitigation measures will phase growth consistent with public services and utilities. Updated requirements for Planned Actions include connection to public water systems, and other mitigation.
Code Changes	Consistent with Alternative 3 with changes per discussion.	▪ Recommend draft proposals with adjustments: o Blend proposed Master Planned Mixed Use code with the County's existing master plan process at MCC 17.70. o Apply Public Institutional Zoning MCC 17.07.710. Selected edits would be included. See updated edits in Attachment C.
Planned Action	Apply to Full UGA. Adjust mitigation per Supplemental Draft EIS.	▪ Apply the Planned Action to the full UGA to ensure that all development is subject to mitigation measures including transportation improvements and utilities phasing.

FEATURE	PREFERRED ALTERNATIVE	DISCUSSION
		▪ Include Alternative 3 Hybrid transportation mitigation and a consultation provision for Bremerton.

Source: BERK 2021.

Schedule and Next Steps

The Planning Advisory Commission is scheduled to deliberate on December 6, 2021; if needed deliberation could extend to the regularly scheduled December 20, 2021 PAC meeting.

After its deliberations, the Board of County Commissioners would have its public meetings and make a decision.

Attachment A: Description of Plan and Code Amendments

PREFERRED ALTERNATIVE ZONING

Preferred Alternative Land Use: Recommend Alternative 3 Hybrid described and mapped below.

Hybrid Alternative 3: Alternative 3 Hybrid combines the higher growth potential of Alternative 3 with some of the features of Alternative 2. The Alternative 3 Hybrid was developed based on feedback from the Planning Advisory Commission and public testimony. The zoning and UGA boundaries proposed for Alternative 3 Hybrid are the same as Alternative 3, except as follows:

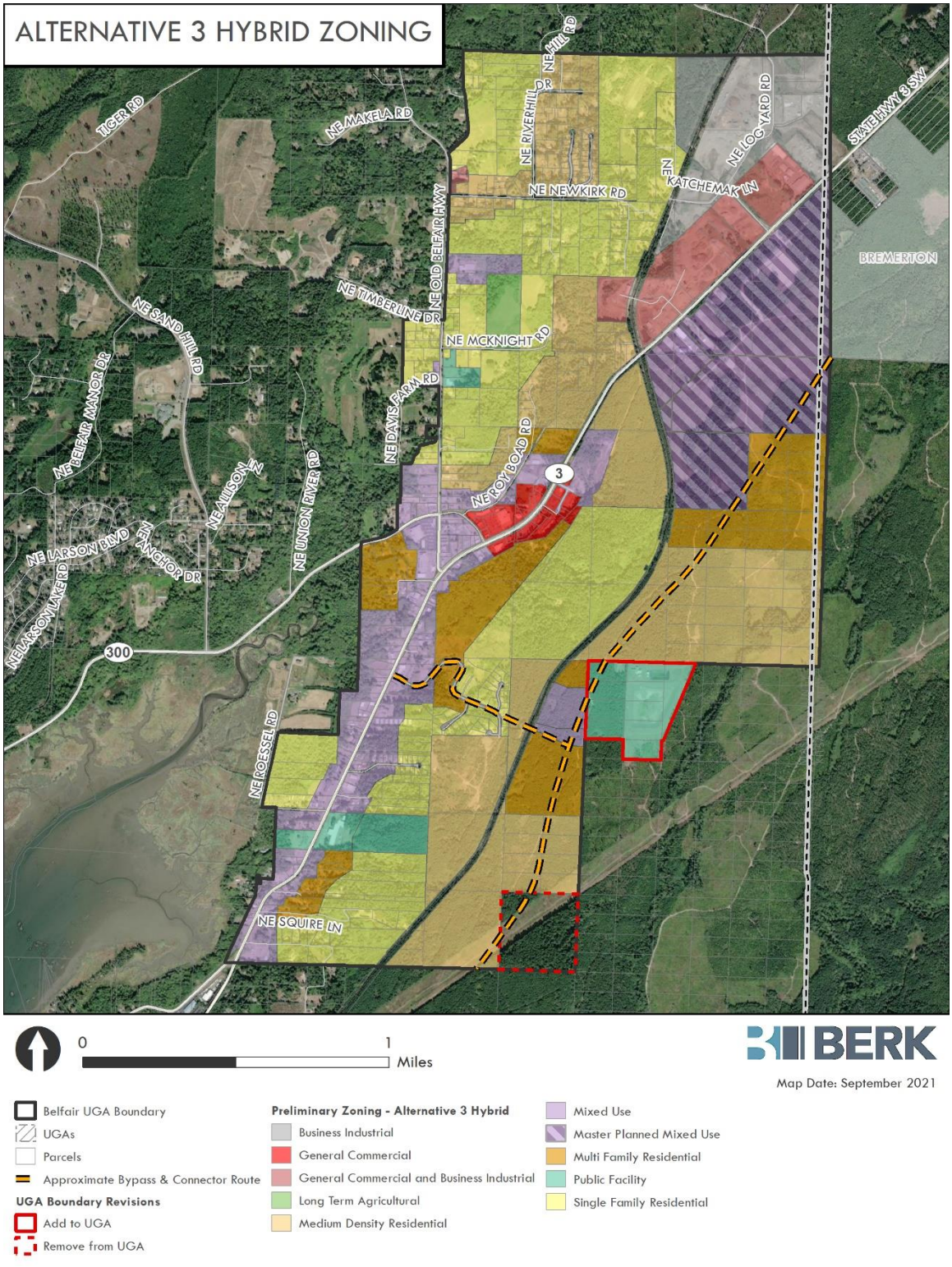
- The 94-acre area of Single Family Residential (R-4) zoning north of Newkirk Road, east of Riverhill Lane, and west of the railroad would retain existing zoning R-4 instead of being rezoned to Medium Density Residential (R-5).
- The mixed-use node proposed at the eastern end of Romance Hill Road would match the zoning and extent included in Alternative 2, which covers and smaller area than Alternative 3.

Other zoning changes and UGA boundary revisions under Alternative 3 Hybrid are as follows:

- Incorporate the Public Facility (PF) and Festival Retail (FR) rezones described in Alternatives 2 and 3. (Retitle in text/maps to Public Institutional – PI)
- Incorporate the UGA boundary revisions described in Alternatives 2 and 3.
- Similar to Alternative 3, the Hybrid would create a new zone, Master Planned Mixed Use (MP-MU) to encompass the land currently zoned for commercial and multifamily uses south of SR 3 and east of the railroad. This zone would allow a mix of commercial and residential uses with a focus on business/industrial park development and multifamily housing. Medium Density Residential (R-5) areas immediately to the south would be rezoned to R-10 to create a density buffer.
- Develop consistency edits in the Mason County Comprehensive Plan and municipal code as needed.

See the Alternative 3 Hybrid zoning map below.

Exhibit 3. Proposed Zoning –Alternative 3 Hybrid



Sources: Mason County, 2020; BERK, 2021.

SUBAREA AND COMPREHENSIVE PLAN AMENDMENTS

Preferred Alternative: Update the Belfair UGA Plan per Exhibit 4. Recommend Alternative 3 Hybrid including the proposed Transportation Improvements of Alternative 3 Hybrid and reference to "Sweetwater Creek / Waterwheel Park" at southern node for compatibility with Mason County park plans.

The amendments update information and status of implementation since 2004. Land use and zoning would be updated depending on the alternative selected. Infrastructure investments would be identified based on County plans and the EIS. See also Draft EIS Appendix C for more information and supplemental policy edits in this attachment.

Exhibit 4. Summary of Changes to Belfair UGA Plan by Element

Contents	Summary of Change in Draft EIS Appendix C/ and November 2021 PAC Memo
Introduction	
Background/Purpose	Update statistics
Planning Process	Add the 2021 planning process
Existing Conditions	
Land Uses	Update information about growth and land use patterns
Circulation	Add map of bypass route
Natural Environment	No substantive changes
Pedestrian Network and Trails	No substantive changes
Economic Conditions	No substantive changes
Plan Overview	
Vision	No substantive changes
Strategic Concept	Update to recognize Salmon Center is not proposed in southern node; it has moved adjacent to UGA. Node may be closer to library.
Specific Recommendations	
Land Use and Community Design Recommendations	Incorporate Alternative 3 Hybrid and amend designation descriptions (e.g., remove festival retail, master plan mixed use).
Transportation Recommendations	Update status of planned improvements. Rely on EIS evaluation, and address future Preferred Alternative.
	Preferred Alternative: Incorporate changes to capital improvements consistent with Alternative 3 Hybrid.

Contents	Summary of Change in Draft EIS Appendix C/ and November 2021 PAC Memo
Parks, Trails, Open Space, and Public Facility Recommendations	Update trail proposal. Consider adjusting trail locations related to slopes. Provide consistency with 2018 Belfair Mobility Plan. One means to address this is through policy/text about compliance with critical areas and support of 2018 mobility plan in determining actual trail alignments.
	Preferred Alternative: Add reference to "Sweetwater Creek / Waterwheel Park" at southern node for compatibility with Mason County park plans.
Water Quality Recommendations	Update status of sewer system. Add new policies about water per Supplemental Draft EIS. See below this table.
Implementation Strategy	Provide updates to implementation strategies in 2004 plan, e.g., policy and code changes, infrastructure implementation.
Appendices	
Belfair Development Regulations	Refer to adopted code.
Belfair Market Analysis	
Belfair Transportation Technical Report	Refer to EIS.
Additional Environmental Features	Consider adding new maps from EIS, e.g., streams.

Supplemental Draft EIS – Water Resources Policy Amendments

The Draft Subarea Plan published with the Draft EIS includes recommendations related to critical areas and water quality and quantity. In response to public comments received on the Draft EIS and the supplemental analysis contained in the Supplemental Draft EIS, the following revisions to relevant draft policies are proposed:

- P-1: Expand stream corridor, wetlands, and critical areas protection
  - The preliminary zoning recommendations call for lower densities in most of these areas. Maintain and enforce the current critical areas ordinance. Proposed regulations and design guidelines also encourage clustering of development to protect these resources. See Water Quality Recommendations below for additional measures to protect water quality and stream integrity.
- W-2: Undertake a program of local water quality ~~detention~~ facilities to reduce pollutants in local streams and in the canal and detention and infiltration facilities (where feasible) to improve flow rates in streams.
- W-3: Continue current collaborative, inter-agency efforts to monitor and upgrade water quality and quantity.

- W-4: Encourage an education and volunteer program encouraging local residents and property owners to adopt "best practices" regarding stream and wetland maintenance and low impact development.

COMPREHENSIVE PLAN CONSISTENCY EDITS

Preferred Alternative: Make changes described and listed below.

For consistency with the Belfair UGA Plan, amendments to the Comprehensive Plan would be made including growth capacity and target reallocation from rural to urban areas, and associated capital project lists. See Comprehensive Plan full and chapters. Available: https://www.co.mason.wa.us/community-services/planning/2036-comp-plan-update/index.php.

Exhibit 5. Summary of Changes to Comprehensive Plan

Comprehensive Plan Amendments
Chapter 1 Citizen's Guide: Amend tables, figures, and text to show a transfer of population growth from rural county to the Belfair UGA.
Chapter 3 Land Use Element: Amend tables, figures, and text to show a transfer of population growth from rural county to the Belfair UGA, e.g., Tables 1 and 14. Amend UGA boundary to reflect adjustments for public lands. Amend growth capacity to match preferred alternative in Table 9. Amend demand for residential capacity in net acres in Table 16.
Chapter 4 Rural Element: Amend tables, figures, and text to show a transfer of population growth from rural county to the Belfair UGA, e.g., Table 1.
Chapter 5 Housing Element: Amend tables, figures, and text to show a transfer of population growth from rural county to the Belfair UGA, e.g., Table 1.
Chapter 6 Capital Facilities Element: Amend tables, figures, and text to show a transfer of population growth from rural county to the Belfair UGA, e.g., Table 3. Create a subsection that references capital improvements identified in Belfair Planned Action, particularly transportation improvements and the SEPA mitigation fee.
Chapter 7 Utilities Element: Amend tables, figures, and text to show a transfer of expected housing growth from rural county to the Belfair UGA, e.g., Table 4. Reference the Belfair Planned Action for growth assumptions and planned improvements, especially power, e.g., in relation to Table 5.
Chapter 8 Transportation Element: Update plans incorporated into the Transportation Element. Amend description of Belfair UGA Plan and Access and Circulation. Amend description of Belfair Connector Study. Cross reference Belfair Planned Action in Capital Facilities Project List. Update list of transportation improvements based on Preferred Alternative mitigation in Transportation Improvement Program (Appendix B).

Growth Allocations

Preferred Alternative Growth: Alternative 3 growth is proposed as the Preferred Alternative.

Exhibit 6. Summary of Alternatives Land Use and Growth Mix

	NO ACTION	ALTERNATIVE 2	ALTERNATIVE 3	ALTERNATIVE 3 HYBRID
Housing Units	**478**	**1,834**	**2,340**	**2,274**
Single-Family	144	1,078	841	917
Townhome/Multiplex	0	210	582	511
Multifamily	334	544	916	511
Population	**1,200**	**4,441**	**5,669**	**5,509**
Commercial Space (sq ft)	**54,342**	**1,185,834**	**1,438,852**	**1,328,708**
Industrial	19,564	421,990	735,867	735,867
Office	17,389	381,922	382,102	327,030
Retail	17,389	381,922	320,883	265,812

Source: BERK, 2021.

In 2005, Mason County allocated a population target of 5,600 above the base Belfair population over a 20-year period. That would have meant a future population of 6,485 including 885 persons as of 2005. In its 2016 Comprehensive Plan (page 5 and Table 1) Mason County allocated less growth through the 2036 period and placed nearly half of it in rural areas. The County provided a low net growth figure in combination for the Allyn and Belfair UGAs (page 5).

Exhibit 7. Mason County Projected Net Population Growth Allocations: 2016-2036

	2016	2036	Population Increase
Mason County Total	**62,320**	**83,800**	**21,480**
City of Shelton	10,070	16,200	6,130
Shelton UGA	3,740	7,220	3,480
Urban Growth Areas (Allyn, Belfair)	2,990	4,720	1,730
Rural County	45,520	55,660	10,140

Source: Washington State Office of Financial Management, 2016; Mason County Comprehensive Plan page 5 and Table 1

In the Land Use Element (Table 14) the Comprehensive Plan indicates that a net increase in population of 1,300 is meant for Allyn and 430 is meant for Belfair. However, the pipeline development in Belfair would already consume about 1,200 people.

The Comprehensive Plan identified 1,483 undeveloped acres and a capacity for 7,069 units and 17,625 people (Land Use Element, Table 9). The Comprehensive Plan appeared to apply densities to undeveloped land but without discounts for critical areas, infrastructure, or market factors.

A review of developable land capacity in the UGA for the EIS indicates there is room for about 1,809 dwellings (4,381 persons) and up to 1.17 million square feet of commercial and industrial space in UGA under current zoning and development regulations. The change in population allocations in 2016 is not consistent with prior 2005 Comprehensive Plan allocations for Belfair or with Growth Management Act goals for focusing urban growth and avoiding sprawl (RCW 36.70a.020). It is also not consistent with the utility plans and implementation in Belfair.

Exhibit 6 indicates the capacity of Alternatives 2 and 3, which are similar to or higher than the No Action Alternative. The Draft EIS recommends the County:

- Amend the population allocations in the Comprehensive Plan to better match the Alternatives' capacity and utility plans. Replace the Belfair UGA capacity analysis in the Land Use Element with the results of this EIS when a Preferred Alternative is selected.

The elements where the numbers would be amended are identified in Exhibit 5. Summary of Changes to Comprehensive Plan. If reallocating the population increase to reflect Alternative 3 Hybrid, the county's allocation for 2016-2036 would change as follows.

Exhibit 8. Mason County Projected Net Population Growth Allocations: 2016-2036 with Reallocation

Area	2016	2036	Population Increase Comprehensive Plan	Alternative Population Allocation 2036	Belfair Preferred Alternative Population Increase
Mason County Total	62,320	83,800	21,480	83,800	21,480
City of Shelton	10,070	16,200	6,130	16,200	6,130
Shelton UGA	3,740	7,220	3,480	7,220	3,480
UGA: Allyn	1,990	3,290	1,300	3,290	1,300
UGA: Belfair	1,000	1,430	430	6,510	5,510
Rural County	45,520	55,660	10,140	50,580	5,060

ZONING CODE

Preferred Alternative: Make changes described and listed below.

Exhibit 9. Summary of Development Code Changes

Development Code Amendments	Preferred Alternative Approach
Zoning Map Updates to be consistent with Preferred Alternative.	Per Alternative 3 Hybrid.
Replace Festival Retail (FR) Zone with Mixed Use (MU) (Alternatives 2 and 3).	Per Alternative 3 Hybrid.
Incorporate design standards from FR zone into MU (Alternatives 2 and 3).	Per Alternative 3 Hybrid.
Apply Public Intuitional Zoning that matches the standards contained in the Shelton UGA Public Institutional zone (MCC 17.07.710) (Alternatives 2 and 3).	Apply Public Intuitional Zoning MCC 17.07.710. Selected edits as suggested by the PUD on December 30, 2020 would be included. Those relating to essential public facilities or that would apply standards to more than the Belfair UGA are not included in the draft. See Attachment B.
Consider Master Planned Mixed Use Zone in northeast UGA (MP-MU) (Alternative 3).	Blend proposed Master Planned Mixed Use code with the County's existing master plan process at MCC 17.70 with adjustments to require a master plan for 10 acres or more (rather than 40 acres), a Type III hearing examiner review. While this master plan process has not been used to date it is an existing code and has provisions that are helpful for staff review, e.g., a 15 year vesting period with 5-year periodic check ins and a way to extend 15-years if necessary. See Attachment C.

See Mason County Code, Title 17: https://library.municode.com/wa/mason_county/codes/code_of_ordinances See also Draft EIS Appendix C for more information.

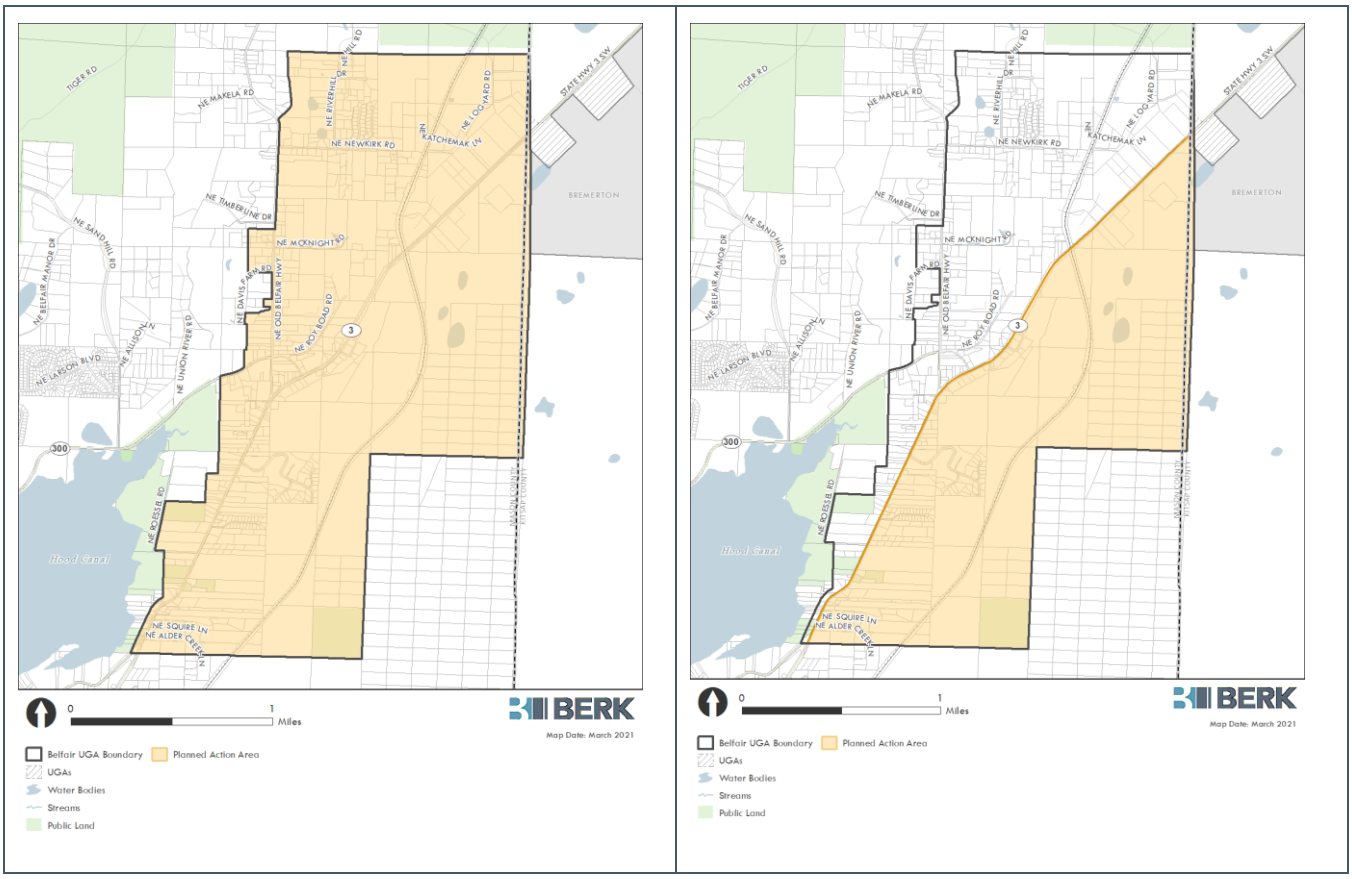
PLANNED ACTION

The County is proposing to designate the Belfair UGA as a Planned Action, pursuant to the State Environmental Policy Act ("SEPA"; see RCW 43.21c.440 and WAC 197-11-164 to 172). A planned action provides more detailed environmental analysis during an areawide planning stage rather than at the project permit review stage. Designating a planned action streamlines environmental review for development proposals. Planned actions would be allowed if they meet or exceed proposed land use and environmental performance standards in the planned action ordinance. Planned Action Boundaries could be either the full UGA or the eastern half of the UGA. See maps below.

Preferred Alternative: Apply the Planned Action to the full UGA to ensure that thresholds and mitigation apply to all development in the UGA (e.g., transportation, required connection to water, phasing of water and sewer).

Exhibit 10. Planned Action Boundaries under Consideration – Alternatives 2 and 3, and Alternative 3 Hybrid

Full UGA | **Eastern UGA**



Source: Mason County GIS, BERK 2021.

Preferred Alternative Planned Action Mitigation Measures and Transportation Mitigation Fee: Update ordinance draft to refer to Alternative 3 Hybrid as Preferred Alternative. This applies to growth levels, trip bank, and transportation mitigation fee.

Preferred Alternative Transportation Cost Share: Require consultation with Bremerton regarding the SR 3/SR 3 Freight Corridor/SW Lake Flora Rd intersection until replaced with reciprocal impact fee

agreement.

Fees were developed in the Draft EIS and updated in Supplemental Draft EIS based on adjustments to responsibilities for some improvements or consistency with EIS conclusions and feasibility.

Projects that were removed from the cost share in mitigation fee:

- SR 3/SR 3 Freight Corridor/SW Lake Flora Rd: Exclude since need reciprocal agreement with Bremerton.
- SR 3 Freight Corridor/SR 302/School Driveway/Bellwood Lane: Part of the Freight Corridor.
- SR 3/Ridgepoint Boulevard: The proposed single lane compact roundabout improvement may not fit. WSDOT has indicated it does not want a signal. The Draft EIS identifies an alternative to accept a lower level of service. This is carried forward in the Supplemental Draft EIS.

Proposals added include pedestrian/trail features (about $2M) to match the subarea plan.

The costs already assume a County share to address existing / future pass-through volumes.

Ultimately, even if the public/private share of costs is modified, the County's concurrency process will ensure that improvements are installed or committed within six years of development consistent with the Growth Management Act.

Exhibit 11. Estimated Fee Per Trip by Alternative

Alternative	Total Weekday PM Peak Hour Trips	Total Mitigation Cost	Fee Per Trip
Alternative 1 – No Action	419	$12.9 M	$30,700
Alternative 2	4,101	$18.1 M	$4,413
Alternative 3	3,771	$17.8 M	$4,721
Alternative 3 Hybrid	3,454	$17.0 M	$4,915

Attachment B: Proposed Public Institutional Zone Amendments

CHAPTER 17.20 - GENERAL PROVISIONS FOR THE BELFAIR UGA

17.20.080 - DISTRICTS ESTABLISHED.

Zoning districts are established as follows:

LTA Long Term Agricultural

R-4 Low Density Residential District

R-5 Medium Density Residential District

R-10 High Density Residential District

MU Mixed Use District

GC General Commercial District

BI Business Industrial District

PI Public Institutional (See Chapter 17.07)

CHAPTER 17.07 – SHELTON AND BELFAIR URBAN GROWTH AREA DEVELOPMENT REGULATIONS

ARTICLE 7. - PUBLIC INSTITUTIONAL (PI)

17.07.710 - Intent.

The public institutional designation is intended to:

A. Provide an area for activities relating to the purpose of state and local governmental entities and semi-public institutions providing necessary public services; and

B. Provide for continued operation and facilitate managed growth of existing major institutions within the Shelton UGA or the Belfair UGA;

C. Provide and protect parks, open space and other natural, physical assets of the community to improve the aesthetic and functional features of the community.

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.720 - Permitted uses.

A. Specific types of permitted uses are those, which provide a public service or fill a public need as described in the statement of intent. Any proposed use, whether new or an expansion or change of an existing use, shall be evaluated individually to determine whether it will be treated as an administrative or special use, based on its size, overall functions, and anticipated level of impact, including, but not limited to, such factors as hours of operation, relationship to adjacent land uses, trip generation and parking needs, storage needs, and environmental impact. Permitted uses include but are not limited to the

following:

1.Continuation of uses already legally existing within the zone at the time of adoption of this title;

2.Parks, greenbelts and open space for active or passive recreation or enjoyment;

3.Government buildings or offices such as fire stations, schools and colleges, hospitals, community meeting or recreation halls;

4.Libraries, museums, or similar cultural facilities;

5.Churches;

6.Public utilities, such as electrical, sewer, water, natural gas, stormwater, telecom facilities and other similar uses including but not limited to structural improvements appurtenant to or reasonably related to the provision of electrical and telecommunications services by state or local governmental entities (for example: enclosures and overhead/underground facilities such as distribution poles, transmission poles, wires, vaults, conduits, and other associated equipment/improvements) except for essential public facilities which are regulated in 17.07.730;

B. Similar or related uses permitted, and criteria for determination of similarity or relatedness, are as follows:

1.Uses similar to, or related to, those listed in Section 17.07.720A are permitted upon a finding of the Community Development Director or his/her designee that a particular unlisted use does not conflict with the intent of this chapter or the policies of the land development plan.

2.The criteria for such finding of similarity shall include but not be limited to the following:

A. The proposed use is appropriate in this area;

B. The development standards for permitted uses can be met by the proposed use;

C. The public need is served by the proposed use.

C. Child day care centers shall be allowed as an accessory use to those uses permitted by section 17.07.720.

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.725 - Accessory uses.

The following accessory uses are permitted:

A. Storage of supplies and equipment associated with a primary use, and other activities incidental to the primary use such as:

1.Storage yards;

2.Fleet parking;

3.Maintenance/distribution buildings and appurtenant improvements, related facilities and activities;

4.Residential uses as an incidental use to the permitted use, such as caretaker's quarters, or as an accessory use to institutional facilities such as housing for students, staff or faculty of colleges, hospitals and the like.

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.730 - Special uses.

Special uses may be permitted as provided for in Chapter 17.05 of the Mason County Code, and subject to applicable conditions as found in that chapter.

Any use that, in the opinion of the Community Development Director, constitutes an essential public facility as defined in 17.06 and consistent with RCW 36.70A.200 shall require a Special Use Permit.

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.740 - Prohibited uses.

Uses other than those identified or described in Section 17.07.720 and 17.07.730 are prohibited.

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.750 - Setback and open space requirements.

A. Site Area: The minimum size and shape of the site shall be appropriate to the proposed use of said site and its relationship to abutting properties and traffic patterns in the vicinity of the site.

B. Building Height: Maximum height of buildings shall be forty-five feet. PROVIDED that with respect to public utility electrical and telecommunications improvements, this standard applies only to buildings and not to other types of public utility infrastructure.

C. Building Setback Requirements:

1.If adjacent properties are in the same or in a less restrictive land use district:

A. Side Yard Minimum: Fifteen feet;

B. Rear Yard Minimum: Fifteen feet;

2.If adjacent properties are in any residential district:

A. Side Yard Minimum: Twenty-five feet;

B. Rear Yard Minimum: Twenty-five feet.

3.Setbacks from right-of-way:

A. If property fronts on a private street or drive, twenty-five feet;

B. If property fronts on public street, thirty-five feet.

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.755 - Maximum height.

A. Maximum height in the public institutional district shall be as follows: Forty-five feet, except when adjoining a zone with a lower height restriction, in which case any structure located within one hundred feet of the more restrictive zone shall have a maximum height as imposed by the more restrictive zone. Height may be further restricted by airport overlay zoning, where applicable. Deviation from this standard will be processed as a special use permit, or as reviewed by special use permit, not to exceed fifty-five feet.

B. PROVIDED that with respect to public utility electrical and telecommunications improvements, the standard in Subsection A applies only to buildings and not to public utility infrastructure, which may be constructed to a height reasonably necessary to provide the subject service without any special use permit review requirement.

(Ord. No. 47-09, Attach. A, 6-2-2009; Ord. No. 52-19, att. A, 6-4-2019)

17.07.760 - Parking requirements.

A. Parking shall meet the requirements of Chapter 17.07.800 [Article 8] of this title within the Shelton UGA.

B. Parking shall meet the requirements of Chapter 17.28 Off-Street Parking in the Belfair UGA.

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.770 - Landscaping.

A. Landscaping shall meet all requirements of Chapter 17.07.800 [Article 8] of this title within the Shelton UGA.

B. Landscaping shall meet all requirements of Chapter 17.31 - Landscaping in the Belfair UGA.

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.780 - Site plan approval.

A. Development within the Public Institutional Zoning District in the Shelton UGA is subject to site plan approval to ensure that new development is planned in a manner consistent with this Chapter and to assure it will be compatible with adjoining development.

B. Development within the Public Institutional Zoning District in the Belfair UGA is subject to site and building design standards of 17.07.760 and 17.07.770 and the following chapters:

1. Chapter 17.25 - Pedestrian Access and Amenities

2. Chapter 17.27 - Interior Vehicular Access in the Belfair UGA

3. Chapter 17.29 - Service And Storage Areas In The Belfair UGA

4. Chapter 17.30 - Building Design Requirements In The Belfair UGA

5. Chapter 17.31 - Landscaping In The Belfair UGA

6. Chapter 17.32 - Lighting In The Belfair UGA

7. Chapter 17.34 - Signs In The Belfair UGA

(Ord. No. 47-09, Attach. A, 6-2-2009)

17.07.790 - Appeals.

Administrative decisions of the Community Development Director or her/his designee shall be final and conclusive, unless a written statement of appeal is filed using the appeal procedures contained in Mason County Development Code Chapter 15.11, Appeals. Said statement shall set forth any alleged errors and/or the basis for appeal and shall be accompanied by a fee in an amount as set by resolution of the board.

The timely filing of an appeal shall stay the effective date of the decision until such time as the appeal is heard and decided or is withdrawn. The burden of proof regarding modification or reversal shall rest with the appellant.

(Ord. No. 47-09, Attach. A, 6-2-2009)

Attachment C: Mixed Use Code Amendments

CHAPTER 17.23 - MIXED USE DISTRICTS IN THE BELFAIR UGA

This text presents code amendments associated with Alternatives 2 and 3 (removal of Festival Retail zone, replaced with Mixed Use on zoning map) and Alternative 3 (establishment of Master Planned Mixed Use zoning).

Note: Only text is shown. See Mason County Code for graphics.

17.23.010 RESERVED.

Reserved

17.23.020 - RESERVED.

Reserved.

17.23.030 - RESERVED.

Reserved.

17.23.040 - RESERVED.

Reserved.

17.23.050 - RESERVED.

Reserved.

17.23.060 - RESERVED.

Reserved.

17.23.070 - RESERVED.

Reserved.

17.23.080 - RESERVED.

Reserved.

17.23.090 - RESERVED.

Reserved.

17.23.100 - RESERVED.

Reserved.

17.23.110 - RESERVED.

RESERVED.17.23.120 - "MU" MIXED USE DISTRICT—PURPOSE.

The primary purpose of this district is to provide for a mix of uses along the SR-3 corridor and at the future crossroads of Romance Hill Road and the planned alternative north/south access road. Permitted uses include commercial, office, and residential uses. By allowing a broad array of uses, property owners have more choice in how the land can be developed. Design standards allow developments to front on the street as long as they provide pedestrian-oriented facades—otherwise, developments must provide a landscaping buffer along the street front to enhance the character of the area. Design standards also encourage pedestrian and vehicular connectivity between properties. Building heights up three to five stories are permitted, with lower building heights west of SR-3. Otherwise, no specific density limits are provided (as they will be limited by parking requirements, natural site constraints, and market constraints).

(Ord. 133-04 Att. B § 2 (part), 2004).

17.23.130 - ALLOWED USES.

Uses allowed in the MU district shall be as follows:

(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)Bakeries, with on-site sales

(7)Bars and taverns, other than those associated with full menu food service

(8)Bicycle shops

(9)Book stores

(10)Banks and financial institutions

(11)Barber and beauty shops

(12)Building material sales

(13)Churches

(14)Commercial child care centers

(15)Community centers

(16)Clinics, including veterinary

(17)Clothing sales and rentals and shoe stores

(18)Delicatessens

(19)Detached dwelling per lot (one)

(20)Dry cleaners and laundries, not including laundromats

(21)Duplexes

(22)Fabric and yard goods stores

(23)Florists

(24)Food specialty shops, including: baked goods, meats, health foods, candies

(25)Funeral parlors, cremation and mortuary services

(26)Furniture stores

(27)Grocery stores

(28)Gyms, fitness and aerobic studios

(29)Hotels/motels

(30)Household specialty shops, including: plumbing, lighting, heating/cooling

(31)Hardware stores

(32)Hobby shops

(33)Jewelry stores

(34)Laundromats

(35)Light manufacturing of stone, clay, and glass products including: glass, pottery and china ceramic, stone cutting and engraving

(36)Light manufacturing of handcrafted products

(37)Light manufacturing of computers, office machines and equipment manufacturing

(38)Local utility system transmission lines and structures

(39)Locksmiths

(40)Lumber and other building materials including pre-assembled products

(41)Medical offices

(42)Multi-family dwelling units

(43)Museums, libraries, and educational facilities (other than public schools)

(44)Music stores, recordings and instruments

(45)Outside storage and display

(46)Paint and glass shops

(47)Parks

(48)Pharmacies, dispensing

(49)Photographic studios

(50)Printing, publishing and reproduction services

(51)Professional offices

(52)Public transportation: bus terminals, park and ride lots

(53)Radio and television broadcasting stations

(54)Recycling centers

(55)Rental and leasing services: vehicles, furniture and tools

(56)Research, development and testing services

(57)Restaurants, cafes and food stands

(58)Retail shops not otherwise named which are under ten thousand square feet

(59)Second hand stores and pawn shops

(60)Service and repair shops for appliances, small equipment, and automobiles

(61)Sporting goods stores

(62)Stationary and office supply stores

(63)Theaters, live stage

(64)Theaters, motion picture

(65)Townhouses

(66)Triplexes

(67)Vehicle parts stores and

(68)Wholesale trade uses.

(Ord. 133-04 Att. B § 2 (part), 2004; Ord. No. 21-13, Attach. A, 4-16-2013; Ord. No. 30-13, Attach. A, 6-4-2013; Ord. No. 53-16, Att. A, 8-16-2016)

17.23.140 - SPECIAL USES.

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

(1)Utility buildings and structures except transmission lines and structures.

(2)Commercial parking lots not associated with an on-site use.

(3)Live entertainment except between the hours of 12:00 AM and 7:00 AM.

(4)Private transportation depot.

(5)Schools.

(6)Public sidewalk food and merchandise vendors including espresso and newsstands.

(7)Private recreation facilities including game arcades, batting cages, shooting galleries and skating

rinks.

(8)Self-storage facilities.

(Ord. 133-04 Att. B § 2 (part), 2004).

(Ord. No. 23-19, Att. A, 3-19-2019)

17.23.145 - PROHIBITED USES.

The following uses are prohibited:

(a)Adult entertainment.

(Ord. 133-04 Att. B § 2 (part), 2004).

17.23.150 - BULK AND DIMENSIONAL STANDARDS.

Density: The maximum density shall be dictated by the applicable height limit, parking requirements, design guidelines, site constraints, and market conditions.

Intensity: No requirements.

Minimum Lot Area: None.

Lot Dimensions: None.

Height: The maximum height of structures in the district shall be 55 feet, with the following exception: The top of buildings or structures (including rooflines but excluding church spires, bell towers, and chimneys) on the west side of SR-3 shall not reach an elevation of more than 35 feet above the grade level of the roadway, within 150 feet of the SR-3 right-of-way.

Setbacks: See subsections 17.23.155(c), 17.23.165(b) and (c), and 17.31.020(G) for required setbacks, otherwise no setbacks are required.

(Ord. 133-04 Att. B § 2 (part), 2004; Ord. No. 52-19, att. A, 6-4-2019)

17.23.155 - SITE DESIGN STANDARDS AND GUIDELINES.

(a)Intent.

(1)To upgrade the identity of downtown Belfair.

(2)To enhance the streetscape by minimizing the amount of driveway and parking areas visible from the street in downtown.

(b)For properties fronting Old Belfair Highway, NE Roy Boad Road and The Old Beard's Place, and properties fronting streets along or within the central triangle area between Clifton Way, SR-3, and Old Belfair Highway, provide pedestrian-oriented street frontage. Specifically, no more than fifty percent of the linear street frontage for commercially developed properties shall be occupied by driveways and parking areas. In other words, at least fifty percent of the linear street frontage must either be:

(1)Landscaping: at least twenty feet of width of Landscape Type B;

(2)Pedestrian oriented spaces (see definition): at least twenty feet in width;

(3)Pedestrian-oriented facades (see definition);

(4)Any combination of the above.

Exception: alternative proposals will be considered where the applicant can demonstrate to the county that such proposal can better meet the intent of the guidelines.

(c)Set back buildings adjacent to SR-3 sufficient to accommodate the planned roadway configuration, planting strip and sidewalk improvements per the Belfair urban growth area plan.

~~[Moved 17.23.070 below to attain pedestrian improvements in central Belfair but recognize transparency requirement could be lower than 50% to be more workable.]~~

(d) Through compliance with frontage standards and mid-block crossings, new development shall create a network of primary and secondary pedestrian walkways in the central triangle area between Clifton Way, SR-3, and Old Belfair Highway. (1) Intent. To improve the pedestrian environment downtown by making it easier, safer, and more comfortable to walk between businesses, to the street sidewalk, to transit stops, and through parking lots.

(2) Create a network of primary and secondary pedestrian walkways in the central triangle area between Clifton Way, SR-3, and Old Belfair Highway. These may be one direct route, a curvilinear route, or several indirect routes depending on development opportunities, developer creativity, and constraints on individual properties. Due to the size of the parcels in this area, it is recognized that such a pedestrian network will likely be developed incrementally over time as properties redevelop. However, these properties represent the focal point for downtown Belfair and the area is intended to become the focal point for social, cultural, and festival retail activities in the community as well. The pedestrian network should include at least one primary east-west pedestrian route through the downtown area and contain at least one primary north-south walkway connecting to SR-3. Applicants must demonstrate how their proposal meets the guidelines below and provides for future extensions of the pedestrian network. Specific guidelines:

(A) Primary walkways in the network must be at least twelve feet in width. Other (secondary) walkways should be sized and designed per subsection 17.25.020(e).

Exceptions:

(i) The county may approve a six-foot wide pathway width where it can be demonstrated that the primary walkway should follow an interior property line;

(ii) Where the primary walkway follows an interior roadway, the county may allow reduced walkway widths to no less than eight feet.

(3) At least thirty three percent of the combined frontage on both sides of the primary walkway should feature buildings with pedestrian-oriented facades.

Definition: Pedestrian-oriented facades contain transparent window area or window displays along at least thirty three percent of the building's linear frontage. The primary building entries must be located along this façade. Weather protection, including awnings, canopies, marquees, or overhangs, at least six feet in width and ten foot in height clearance, must be provided along at least eighty percent of the building frontage.

(A) Where the primary walkway is adjacent to driveways or parking lots, provide street

trees on the applicable side at least thirty feet on-center in planting strips (at least twenty square feet per tree) or within tree grates.

(B) Provide pedestrian lighting (attached to buildings or placed on individual poles between twelve and fourteen feet in height) to achieve two foot-candles on the primary walkway's surface.

(C) Incorporate pedestrian amenities, including seating, landscaping, and public art, along primary walkways. Specifically, one linear foot of seating (at least sixteen inches deep) should be provided for every thirty square feet of corridor area. Seating may include benches, low seating walls, steps, or, if properly designed, a planter edge or edge of a fountain.

(D) Untreated blank walls along primary walkways are prohibited.

(Ord. 133-04 Att. B § 2 (part), 2004).

[See MCC for figure]

Figure 2. Illustrating one way new development could meet the site design and pedestrian and vehicular access standards.

(Ord. 133-04 Att. B § 2 (part), 2004).

17.23.160 - BUILDING DESIGN STANDARDS AND GUIDELINES.

(a)Intent.

(1)To encourage pedestrian activity downtown.

(2)To make businesses inviting.

(3)To add comfort and interest to the pedestrian experience along the street front.

(b)Buildings fronting on Old Belfair Highway and NE Roy Boad Road must feature pedestrian-oriented facades (see Figure 3). This includes:

(1)Transparent window area or window displays along at least fifty percent of the building's linear frontage;

(2)Primary building entries located along this façade;

(3)Weather protection, including awnings, canopies, marquees, or overhangs, at least three feet in width, provided along at least seventy-five percent of the building frontage. Awnings may extend to within four feet of the roadway curb, subject to Mason County building permit review.

(c) Streets along and within the central triangle area between Clifton Way, SR-3, and Old Belfair Highway shall meet the provisions of (b)(2)and (b)(3). ~~[Similar to current Festival Retail but focus transparency on Old Belfair per (b) and other pedestrian treatments along other streets in triangle.]~~

(Ord. 133-04 Att. B § 2 (part), 2004).

17.23.165 - LANDSCAPING DESIGN STANDARDS AND GUIDELINES.

(a)Intent. To mitigate the appearance of parking lots on the streetscape.

(b)The minimum landscaped area between SR-3 and a parking, service, or outdoor storage area shall be at least fifteen feet and include the following plantings (see Figure 5):

(1)An average of one tree per twenty linear feet of required landscaped area;

(2)An average of one shrub per twenty square feet of planting area. Shrubs shall be at least sixteen inches tall at planting and have a mature height between three and four feet;

(3)Ground cover per 17.31.020(d)(5) standards.

(c)The minimum landscaped area between all other public streets and a parking, service, or outdoor storage area shall be at least ten feet and include the following plantings:

(1)An average of one tree per thirty linear feet of required landscaped area;

(2)An average of one shrub per twenty square feet of planting area. Shrubs shall be at least sixteen inches tall at planting and have a mature height between three and four feet;

(3)Ground cover per 17.31.020(d)(5) standards.

(Ord. 133-04 Att. B § 2 (part), 2004).

17-23-165

Figure 5. Illustrating standards for landscaping buffers between a street and parking lot.

17.23.170 - NON-CONFORMING USES AND STRUCTURES.

Legally established and continued Non-conforming uses and structures shall be allowed to remain subject to the provisions of the Mason County development regulations except that in the mixed-use district the following allowances shall also apply to legally established structures and uses.

(1)Non-Conforming Structures.

(A)A non-conforming structure that is damaged or accidentally destroyed up to one hundred percent may be replaced subject to the obtaining of a special use permit wherein compliance where possible with the current design standards and guidelines shall be determined and required.

(B)A non-conforming structure may be enlarged, extended or structurally altered so long as any new construction does not increase the non-conforming aspects of the structure.

(2)Non-Conforming Uses.

(A)A nonconforming use may continue so long as the associated structure is not enlarged by more than twenty percent or the intensity of use of the property for commercial uses is not otherwise increased.

(Ord. 133-04 Att. B § 2 (part), 2004).

17.23.180 - APPLICABILITY.

The provisions of this section and chapter shall apply to all new construction, applications for change of use and/or alterations to existing structures.

(Ord. 133-04 Att. B § 2 (part), 2004).

17.23.200 – MASTER PLANNED " MP-MU" MIXED USE DISTRICT—PURPOSE.

The purpose of this district is to provide for large-scale master planned developments. This district allows a mix of commercial and residential uses with a focus on business/industrial park development and multifamily housing.

17.23.210 - ALLOWED USES.

The uses permitted in the following zones are permitted in the Master Planned Mixed Use District:

(1) General Commercial

(2) Mixed Use

17.23.220 - SPECIAL USES.

The special uses in the following zones are considered special uses in the Master Planned Mixed Use District, unless otherwise permitted per 17.23.210:

(1) General Commercial

(2) Mixed Use

17.23.230 - BULK AND DIMENSIONAL STANDARDS.

Bulk and dimensional standards of the Mixed Use zone shall apply.

17.23.240 - SITE DESIGN STANDARDS AND GUIDELINES.

Proposals shall meet the UGA design standards found in Chapters 17.25 through 17.35.

17.23.250 - BUILDING DESIGN STANDARDS AND GUIDELINES.

Building Design standards and guidelines of MCC chapter 17.30 shall apply.

17.23.260 - LANDSCAPING DESIGN STANDARDS AND GUIDELINES.

(a)Landscaping standards and guidelines of Chapter 17.31 shall apply except where amended below.

~~[Consistent with GC zone at MCC 17.24.050 that currently applies to property.]~~

(b) Landscaping design standards and guidelines in MU-MP shall include the following:

(1) Intent.

(A) To mitigate the appearance of parking lots on the streetscape.

(B) To enhance the appearance of the SR-3 corridor.

(2) The minimum landscaped area between SR-3, north of the railroad, and a parking, service, or outdoor storage area shall be at least thirty feet and include the following plantings (see Figure 5):

(A) An average of one tree per twenty linear feet of required landscaped area;

(B) An average of one shrub per twenty square feet of planting area. Shrubs shall be at least sixteen inches tall at planting and have a mature height between three and four feet;

(C) Ground cover per 17.31.020(d)(5) standards.

(3) The minimum landscaped area between SR-3, south of the railroad, and a parking, service, or outdoor storage area shall be at least fifteen feet and include the following plantings:

(A) An average of one tree per thirty linear feet of required landscaped area;

(B) An average of one shrub per twenty square feet of planting area. Shrubs shall be at least sixteen inches tall at planting and have a mature height between three and four feet;

(C) Ground cover per 17.31.020(d)(5) standards.

(4) The minimum landscaped area between all other streets and a parking, service, or outdoor storage area shall be at least ten feet and include the following plantings:

(A) An average of one tree per thirty linear feet of required landscaped area;

(B) An average of one shrub per twenty square feet of planting area. Shrubs shall be at least sixteen inches tall at planting and have a mature height between three and four feet;

(C) Ground cover per 17.31.020(d)(5) standards.

(c) The following substitute landscape buffers shall apply to create transitional landscape standards between higher intensity uses and lower intensity uses. Chapter 17.31 Table 3 applicable landscape types shall be applied except as follows:

(1) Category 3, 4, and 5 uses abutting Categories 1, 2, and 3 uses

(A) 20 foot Type A

(B) 30 foot Type B

(C) 40 foot Type C

(2) Category 6 uses abutting Categories 1, 2, and 3 uses

(A) 30 foot Type A

(B) 40 foot Type B

(C) 50 foot Type C

17.23.280 MASTER PLAN

See MCC 17.70 Master Development Plans.

~~(a) Purpose. The purpose of a master planned development in the MU-MP is to provide the developer and the County the opportunity to implement the Belfair Plan in way that could not be achieved through strict application of the standards in this chapter. It also allows for the development of larger, more complex, and multi-phased projects to develop with certainty.~~

~~(b) Applicability. Development within the MU-MP may apply for a master plan for the development of 10 or more acres.~~

(c) Allowed Modification. Adoption of a master planned development allows for the modification of applicable development standards within the MU-MP including modification of standards for height, site design, building design, landscaping, parking, and other requirements of this Chapter 17.23 and MCC chapters 17.25 to 17.35.

(d) MU-MP proposals shall include a conceptual plan reviewed as a Type [II or III] application per MCC Title 15 addressing the following:

(1) A project narrative demonstrating consistency with the Belfair UGA Plan and this MCC in subsection (c);

(2) A scaled master conceptual site plan, identifying critical areas, proposed areas of development, proposed recreation and open space, conceptual grading and drainage, parking, roads, and access;

(3) Illustrations, architectural sketches, photos or drawings to assist in understanding and visualizing the design and use of the completed proposed development in conformance with Chapter 17.30 or other applicable chapters;

(4) Illustration and calculation of general height, bulk, number of dwelling units and square footage of employment and residential-employment buildings; and

(5) Transitional landscaping and buffering of industrial or commercial uses from residential uses ensure land use compatibility and resident safety in conformance with MCC Chapter 17.31;

(6) A circulation plan showing proposed layout of roads and non-motorized circulation paths on the development site, including connections to the wider Belfair trail system, if applicable, consistent with MCC 17.25, Belfair Plan, and any applicable County adopted nonmotorized plan; and

(7) Intended phasing.

(e) The following criteria must be met to the satisfaction of the Director:

(1) The master planned development is consistent with the comprehensive plan; and

(2)The master planned development is consistent with the vision and objectives of the Belfair plan; and

(3) The master planned development, by the use of permitted flexibility and variation in design, meets the purposes of applicable design standards in MCC chapters 17.25 to 17.35 and results in better urban design features than if meeting otherwise applicable development and design standards. Net benefit to the County may be by superior implementation of one or more of the following beyond that already required:

(a) Placement, type or reduced bulk of structures; or

(b) Interconnected usable open space; or

(c) Recreation facilities; or

(d) Other public facilities; or

(e) Conservation of natural features; or

~~(f) Aesthetic features and harmonious design; or~~

~~(g) Energy efficient site design or building features; or~~

~~(h) Opportunities for entrepreneurial activities and new economy jobs requiring the proposed design; and~~

~~(4) The master planned development results in no greater burden on present and projected public utilities and services than would result from traditional development and will be served by adequate public or private facilities including streets, fire protection, and utilities; and~~

~~(5) Trails and open space within the master planned development are an integrated part of the project rather than an isolated element of the project; and~~

~~(6) The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and~~

~~(7) Roads and streets, whether public or private, within and contiguous to the site comply with guidelines for construction of streets and the street frontage standards; and~~

~~(8) Each phase of the proposed development, as it is planned to be completed, contains the parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment; and~~

~~(9) The master planned development is consistent with the planned action ordinance.~~

17.23.290 - NON-CONFORMING USES AND STRUCTURES.

Legally established and non-conforming uses and structures shall be allowed to remain subject to the provisions of the Mason County development regulations.

17.23.300 - APPLICABILITY.

The provisions of this section and chapter shall apply to all new construction, applications for change of use and/or alterations to existing structures.

CHAPTER 17.70 MASTER DEVELOPMENT PLANS

17.70.011 - Eligibility.

The MDP process may be initiated when the following criteria are met:

(1)Applicant. The master development plan application must include notarized signatures of all current property owners listed on the title report consenting in writing to the proposed master development plan and review process. If the property owner is a corporation, trust, or other holding legal interests in the land the authorized representative must attach proof of signing authority on behalf of the corporation, trust, etc.

(2)Minimum Size.

(A)To be eligible for consideration as an MDP in an urban growth area, the area shall contain a minimum of ~~forty~~ ten acres.

(B)To be eligible for consideration as an MDP in an area not within an urban growth area, the area shall contain a minimum of two hundred fifty acres.

(3)Contiguous Parcels. To be eligible for consideration as an MDP, the tract shall consist of a parcel or set of contiguous parcels under single ownership or control of one person or entity with the authority to develop the land within the proposed MDP. Contiguous parcels include parcels that are separated by right-of-way, such as roads.

(4)Zoning Classification. Land proposed for an MDP may not be located in designated resource lands.

(5)Fully Contained Community (FCC). Any proposed FCC shall include an application for an MDP.

(Ord. 01-08 (part), 2008: Ord. 112-06 (part), 2006).

(Ord. No. 09-17, Attach. A, 3-17-2017)

17.70.015 Submittal and review requirements.

(a) Initial Submittal Requirements. An MDP shall be prepared in a clear and legible manner necessary to demonstrate that the requirements of this code are being fulfilled and shall include but not be limited to the following:

(1) Plans and Maps. All maps or plans submitted shall be submitted electronically~~presented on a sheet having a maximum size of twenty-four by thirty-six inches~~. All maps shall include the name of the proposal; north arrow; scale; date map was prepared and revisions when applicable; a vicinity map; and the name, address, and phone number of the applicant. If plans are presented on more than one sheet, match lines shall clearly indicate where the several sheets join. One eleven by seventeen-inch reduction of all plans and supporting graphics shall also be submitted. A plan or portion thereof involving engineering, architecture, landscape architecture, or land surveying shall be respectively certified by an engineer, architect, landscape architect, or land surveyor licensed by the state of Washington to practice as such. The sheet size and scale of any plan may be modified by the director, based on the nature and/or size of the application. In addition, the submission requirements for any modifications to an approved MDP shall be those requirements deemed necessary for a review of such modification, as determined by the director.

***

(20) Planned Uses and Functions Within the Boundaries of the MDP. Including the density or intensity of proposed uses and the maximum height and size of the proposed structures. This information shall be keyed to a supporting concept map for easy reference. A chart providing the following information shall include the following:

(A) Maximum number of dwelling units by type (e.g., single-family ~~attached, single-family detached~~, cottage housing, duplex, townhouse, etc.);

(B) Maximum total square feet of building floor area proposed for commercial or industrial uses by general type of use;

(C) Maximum total land area, expressed in acres or square feet and as a percent of the total development area, proposed to be devoted to residential, commercial, or industrial uses; minimum public and private open space; streets; and, off-street parking and loading areas. Land area and square feet may be expressed as a range (minimum and maximum ranges);

(D) Maximum total land area expressed in acres and as a percent of the total development area (and by phase), proposed to be in pervious and impervious surface.

***

(29) ~~Optio~~Additional Elements.

(A) Concept landscaping plan.

(B) Concept lighting plan.

(C) Project signage plan.

(D) Plans showing building orientation, massing, and footprints.

(E) Features unique to commercial and industrial sites if applicable, such as security measures, loading, and material storage.

(b) Review Criteria. MDPs must demonstrate compliance with the applicable goals and policies of the comprehensive plan and detail the source and adequacy of water, wastewater treatment, stormwater treatment, surface and groundwater protection, critical area protection, fire control, transportation, and mitigation on adjacent properties to compensate for direct impacts from traffic, noise, fugitive dust, odor, and runoff. Compliance with these review criteria shall entitle the applicant to a residential density bonus not to exceed the maximum residential density bonus allowed within the underlying zoning district. An applicant satisfies the conceptual plan requirements of this chapter if the plan demonstrates that the proposed concept is feasible. In most circumstances, detailed engineering studies are not required to demonstrate feasibility. The burden of proof is on the applicant to demonstrate the proposed MDP is consistent with the following criteria.

***

(2) Uses and Density.

(A) An MDP may only contain uses that are permitted in the zone(s) in which it is located.

(B) When an MDP is located in more than one zoning district, uses and density may shift between zoning districts within the boundaries of the MDP if that transfer does not:

(i) Exceed the maximum density of the zones; and

(ii) Transfer density from inside the urban area to outside the urban area.

(C) Bonus Density. The county board of commissioners, or hearing examiner in the case of Belfair, may approve a bonus in the number of dwelling units allowed up to the maximum residential density allowed in the Mason County Code, based on the gross land area of the property, if:

(i) For Rural Areas. The applicant may request a bonus in the number of dwelling units

permitted by the underlying land use district, up to the density permitted by a performance subdivision in rural areas (see Mason County Code Section 17.03.032(a),Chapter 16.21,). Notwithstanding any other provision of Titles 16 and 17, the applicant may obtain such bonus density by means of approval of the MDP, and may subdivide consistently with such MDP by means of a standard subdivision, without approval of a performance subdivision.

(ii) For Urban Areas. The applicant may request a density bonus of up to one unit/gross acre for each five percent increase in the total minimum required open space.

(iii) Bonus Decision Criteria. The county board of commissioners, or hearing examiner in the case of Belfair, may approve a bonus in the number of dwelling units allowed up to the maximum residential density allowed in Mason County Code, based on the gross land area of the property, if:

a. The design of the development offsets the impact of the increase in density due to provision of privacy, open space, landscaping, and other amenities; or
b. The increase in density is compatible with existing uses in the immediate vicinity of the subject property.
c. If no density is transferred from within the urban area to outside the urban area.

(4) Site/Building Design. Development shall demonstrate high quality architectural design and thoughtful placement of structures in relation to the natural and built environment.

(A) Siting of all development shall avoid the following:

(i) Interruption of scenic views and vistas from public rights-of-way, parks, and other publicly owned lands;

(ii) Construction on hill tops or ridgelines without consideration of building massing, visibility and the inclusion of public spaces;

(iii) ~~Direct~~ Unconsolidated access points from ~~individual~~ multiple parcels onto ~~existing public ways~~state routes or county arterials and collectors unless no alternative is possible;

(iv) A predominant "linear" configuration of common open space (except when following a linear site feature such as a watercourse or shoreline);

(v) Creation of a "gated" community.

***

(5) Common Open Space. A common open space designated on the master development plan is area permanently restricted from future residential development. Common open space is land that meets the following standards:

(A) Urban Growth Areas. Minimum common open space for master development plans located within an urban growth area.

(i) Common open space shall be predominately located in large contiguous, undivided areas, with no dimensions less than thirty feet.

(ii) Critical areas may be located within the common open space, provided no more than twenty percent of the common open space areas are designated critical areas, and the critical areas and their buffers account for no more than forty percent of the common open space. Signage and/or fencing may be required to protect and/or delineate the critical area.

(iii) The minimum common open space shall be concentrated in large usable areas.

(iv) Single-Family Residential. Residential developments shall provide a minimum area of common space or recreation area equal to one hundred square feet per unit.

(v) Attached Residential Units. Attached housing developments shall provide a minimum area of common space or recreation area equal to two hundred square feet per unit.

(vi) Common open space shall be accessible by all residents and employees of the MDP for passive recreation and enjoyment.

***

(6) Private Open Space for Master Development Plans within Urban Growth Areas. Each residential unit in the MDP shall have usable private open space (in addition to parking, storage space, lobbies, and corridors) for the exclusive use of the occupants of that unit. Each ground floor unit, whether attached or detached, shall have private open space, which is contiguous to the unit and shall be an area of at least twenty percent of the gross square footage of the associated dwelling units. The private open space shall be well demarcated and at least ten feet in every dimension. Decks on upper floors ~~can substitute for some of this required private open space~~are allowed for those units. For dwelling units that are exclusively upper story units, there shall be deck areas totaling at least sixty square feet in size with no dimension less than five feet. This upper story provision is inapplicable to ~~attached~~ detached residential units. Where the underlying zoning district has specific open space requirements those shall supersede these in this paragraph.

***

17.70.016 - Process.

(a)Permit Process. MDPs shall be reviewed under a Type IV permit procedure provided in the Belfair UGA the permit type shall be Type III. A complete MDP application together with all required materials listed in Section 17.70.015(a) and (b) shall be submitted to the director prior to review and after and a pre-application meeting with county staff has been held.

(b)Complete Application. An application is complete for purposes of this section when it meets the submittal requirements established by the county, is accompanied by payment of all required fees and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the county from requesting additional information or studies either at the time of the notice of completeness or subsequently, if new information is required to complete review of the application or substantial changes in the permit application are proposed.

A valid and complete application for an MDP that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the land use regulations in effect on the date of such valid and complete MDP application.

(c) SEPA Threshold Determination. An application for an MDP shall not be considered complete unless it is accompanied by the appropriate State Environmental Policy Act (SEPA) document in accordance with all procedural requirements of Chapter 43.21c RCW, SEPA, administrative regulations adopted to implement SEPA, and the Mason County Environmental Policy Ordinance 99-84, or as hereafter amended.

Applicants shall prepare SEPA analysis that addresses the MDP as a whole for the requested build-out period, and may address to a greater detail one or more early phases. The SEPA document for an MDP shall analyze a range of uses and impacts within the project envelope, i.e., development

assumptions and parameters including but not limited to areas of clearing and pavement, building heights, traffic trips, etc. As such, much of the development proposed in any subsequent ISD plan application will most likely have been addressed in the MDP SEPA document.

In the Belfair UGA, the applicant will submit a SEPA checklist for purposes of determining consistency with the Planned Action Ordinance. If the proposal is consistent, no further SEPA review will be required.

(d)Referral and Comment.

(1)County Review. Upon receipt of a complete application, the county will assign a planner to coordinate the review and processing of the MDP application. The complete application shall be circulated to the appropriate county staff and other agencies with jurisdiction as necessary.

(2)Third-Party Review. The county may require third-party review in cases where additional professional or technical expertise is required. The cost of any third-party review will be the responsibility of the applicant.

(e)Development Agreement. For master plans requiring Type IV permit review, t~~T~~he applicant shall prepare a development agreement for county review and approval, in accordance with RCW 36.170B.170 through 210.

(f)Public Notice and Hearing. Upon receipt of a complete application for a master development plan or amendment, notice of application, public meetings, and hearings shall be given consistent with MCC Chapter 15.07.

(g)Cancellation of Master Development Plan Applications. Applications for an MDP and approvals may be canceled for inactivity if an applicant fails to respond to the county's written request for revisions, corrections, or additional information within ninety days of the request. The director may extend the response period beyond ninety days if within that extended time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections, or other information needed by the county.

(h)Planning Advisory Committee Review. The planning advisory committee shall hold a public meeting to hear public testimony and make a written recommendation on the proposed MDP to the county board of commissioners, whether to approve, approve in modified form, or deny the proposed MDP or amendment, based on the findings in Section 17.70.017, provided that in the Belfair UGA the permit review process shall be consistent with a Type III permit review.

(i)Board of County Commissioner Review and Action. Pursuant to MCC Section 15.09.060, the county board of commissioners will hold a public hearing to hear public testimony and consider the recommendation of the planning advisory committee. The board of county commissioners may approve, approve with modifications or deny the proposed MDP or amendment, based on findings contained in Section 17.70.017. The approved plan shall be recorded and may be amended more than once if the applicant, developer and/or successor in interest and the board of county commissioners agree. In the case of the Belfair UGA, the permit review process shall follow a Type III process, and the hearing examiner may approve, approve with modifications, or deny the proposed MDP or amendment, based on findings contained in Section 17.70.017.

(Ord. 01-08 (part), 2008: Ord. 112-06 (part), 2006).

17.70.017 - Decision.

(a)Findings. The board of county commissioners, or in the case of the Belfair UGA the hearing examiner, may approve an MDP or amendment only if all of the following findings of fact can be made in a positive manner:

(1)The MDP is consistent with and promotes the goals and policies of the comprehensive plan and any applicable sub-area plan.

(2)The proposed MDP adequately addresses the applicable review criteria in Section 17.70.015(b).

(3)The MDP and handbook provide adequate guidance for the design, development and coordination of future phases. The development standards contained in the MDP handbook serve to protect the public health, safety and general welfare.

(4)The MDP adequately addresses the physical development characteristics of the proposed development area.

(5)Proposed on- and off-site public and private improvements shall be sufficient to accommodate the proposed phased development and any capacity requirements of public facilities plans; provisions shall be made to assure that construction of off-site improvements occur in conjunction with a schedule of the phasing.

(6)The MDP is consistent with all applicable requirements of state and federal law.

(7)Physical features, including but not limited to, critical areas, surface and groundwater, significant clusters of trees and shrubs, riparian areas, open spaces, and areas of historic and archaeological significance are protected as specified by Mason County Code or in state or federal law.

(8)Local public facility plans and transportation plans shall not be significantly adversely impacted by the proposed development and mitigation is provided to ensure attainment of county or service provider standards.

(b)Rural Lands. In addition to the finding listed above in subsection (a), in rural areas the county must make the following findings:

(1)MDPs in rural areas shall not require the provision of municipal sewers.

(2)In rural areas, on-site public services or facilities are limited to the land area within the MDP and are not available to spur growth outside the MDP.

(c)Fully Contained Communities (FCCs). In addition to the findings listed above in subsection (a), findings for new, fully contained communities are as outlined in RCW 36.70A.350.

(1)Infrastructure, including transportation, wastewater disposal, water service, school, fire, and public safety must be capable of meeting demand, as it occurs in the FCC. A voluntary agreement may substitute for construction of necessary improvements to meet adequacy requirements, if local service providers approve in writing and the program is adopted into the approved MDP as a condition of approval.

(2)The MDP identifies and provides for internal and external links to implement transit-oriented site planning and traffic demand management programs. The MDP shall identify how such

programs are implemented and conform to regional transportation plans.

(3)The MDP shall identify and develop buffers to separate the MDP community from potentially incompatible but lawful uses, and from adjoining urban development, if any, or rural development.

(4)The MDP shall provide a phasing plan to include a mix of uses within the community to provide jobs, housing, and services to the residents of the new community. The phasing plan shall provide assurance that the community will develop with a balance of residential, commercial, and other uses.

(5)The MDP shall provide affordable housing for a broad range of income levels, which may include a mix of residential uses such as attached and detached single-family units; accessory dwelling units; duplexes, triplexes, and fourplexes; townhouses; cottages; and multifamily; as well as senior housing, including assisted living, congregate, and long-term care facilities.

(6)The environmental documents shall identify and designate on-site, and off-site to the extent necessary, all environmental considerations, and specifically but not limited to all critical areas that may be affected by the proposed development, and the steps taken to avoid or minimize the impact to the extent possible, and to mitigate the potential impacts where such impacts are unavoidable. The MDP shall contain a specific section addressing critical areas and shall provide covenants within the community assuring critical area protection as required by the county critical area regulations.

(7)The water and wastewater facilities developed for the MDP shall not be used or available outside the boundaries of the fully contained community to assure that the new community will not foster urban growth outside the boundaries of the approved site. The county may establish other specific limitations through the MDP review process to assure that such urban development does not occur.

(8)The MDP shall identify resource lands in the vicinity of the community that may be affected by the community and identify mechanisms by which such resource lands, and the activities thereon, are to be protected so as not to not diminish the productivity of the resource land, nor render more difficult or expensive the resource activity, including planting, maintaining, harvesting, extraction processing, and transportation, as appropriate on designated resource lands.

(9)Development in proposed fully planned communities shall be limited to uses permitted in remote rural lands until the MDP is approved as provided in this section.

(d)For MDP Amendments Only. In a case of an MDP amendment, the following additional finding shall be made before its approval: The proposed amendment to the MDP is consistent with the purpose and intent of the MDP it is amending.

(e)Approval. In making a decision to approve an MDP, the board of county commissioners, or the hearing examiner in the case of the Belfair UGA, may add conditions of approval as may be necessary to assure that the proposal will comply with the criteria for approval. Upon approval, the MDP as conditioned must be recorded, and all future development must show consistency with or be found to exceed those in the approved MDP.

(f)Denial. If the board of county commissioners, or the hearing examiner in the case of the Belfair UGA, finds that the proposed MDP does not substantially comply with the criteria for approval, it

may deny the proposal.

(Ord. 01-08 (part), 2008: Ord. 112-06 (part), 2006).

17.70.022 Amendments/modifications to the MDP and schedule.

Once the board of county commissioners, or the hearing examiner in the case of the Belfair UGA, has approved an MDP, it shall not be altered except by approved amendments. Amendments or modifications to the approved MDP must be processed under the applicable procedures described below:

(1) Minor Departures. Modifications that do not affect the basic underlying assumptions of the adopted MDP and which are not determined to be similar to subsection (2) or (3) below shall be processed as ministerial decisions (Type I) decisions by the director. This determination is made after consulting with the appropriate staff from the community development and public works to confirm that the proposed modification is not substantial enough to constitute a change to the purpose and intent of the MDP.

(2) Minor Modifications. Modifications that are significant but do not affect the basic underlying assumptions of the approved MDP shall be processed under a Type II-with notice procedure. Changes may include the following:

(A) Request by applicant for a change of density allocation within the density range allowed within the approved MDP or consistent with subsequently adopted land use decisions or rezones that have undergone State Environmental Policy Act review;

(B) Request by the applicant for a change to the alignment or design features of local street right-of-way;

(C) Request by the applicant, county, or other public agency to the sizes or location of public facilities;

(D) Request by the applicant for change of scheduled phasing beyond the approved time limit for the phased development when the proposed change affects the construction of scheduled public improvements;

(E) Requests for MDP amendments initiated by the county based on the requirement to implement newly adopted state or federal regulations;

(F) Other changes to the final approved MDP as requested by the applicant that the director determines to be similar to the modifications set forth in this subsection.

(3) Major Modifications. Modifications which affect the underlying basic assumptions of the approved MDP or that prohibit, restrict or significantly affect its implementation shall be processed as a Type III~~V~~ and include:

(A) Requests for realignment or redesignation of arterial or collector streets initiated by the applicant;

(B) Inability of the county or the applicant to provide essential public infrastructure, upon which approval of the MDP was granted;

(C) Requests for MDP amendments initiated by the county, based on the requirement to implement new adopted state or federal regulations, or if determined necessary by the county for protection of public health and safety;

(D) A request by the applicant to alter critical areas, natural features, open space areas, and cultural resources beyond the scope of the approved MDP and handbook in a manner that would adversely impact critical area functions and values.

(E) A request by the applicant for the extension of the time limit of the MDP beyond the

approved time limit specified in Section 17.70.023, but in no case shall the extension exceed thirty years from the original MDP approval date.

(F) Other changes to the final approved MDP as requested by the applicant that the director determines to be similar to the modifications set forth in this subsection.

Attachment D: Planned Action Ordinance

ORDINANCE NO. XXX

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF MASON COUNTY, WASHINGTON ADOPTING A SEPA PLANNED ACTION RELATED TO THE BELFAIR SUBAREA AND AMENDING CHAPTER 8.16 OF THE MASON COUNTY CODE REFERENCING STATE ENVIRONMENTAL POLICY ACT RULES.

I. RECITALS

WHEREAS, the State Environmental Policy Act (SEPA) and its implementing regulations provide for the integration of environmental review with land use planning and project review through the designation of planned actions by jurisdictions planning under the Growth Management Act (GMA), such as Mason County ("County"); and

WHEREAS, Section 43.21C.440 of the Revised Code of Washington (RCW), Sections 197-11-164 through 172 of the Washington Administrative Code (WAC) allow for and govern the adoption and application of a planned action designation under SEPA; and

WHEREAS, the designation of a planned action expedites the permitting process for projects of which the impacts have been previously addressed in an environmental impact statement (EIS); and

WHEREAS, a subarea of the County consisting of the Belfair Urban Growth Area (UGA) as depicted on the map attached hereto as **Exhibit A** and incorporated herein by this reference, has been identified as a planned action area for future redevelopment to a mixed-use center ("Planned Action Area"); and

WHEREAS, the County has adopted and updated a subarea plan for the Belfair UGA complying with the GMA (RCW 36.70A), dated XXX, to guide the development of the Planned Action Area ("Belfair UGA Plan"); and

WHEREAS, after public participation and coordination with all affected parties, the County, as lead SEPA agency, issued the Mason County Belfair Urban Growth Area- Final Environmental Impact

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Statement ("Final EIS") dated XXX, which identifies the impacts and mitigation measures associated with planned development in the Planned Action Area as identified in the Belfair UGA Plan; and

WHEREAS, the Final EIS includes by incorporation the Mason County Belfair Urban Growth Area -Draft Environmental Impact Statement issued on April 29, 2021~~XXX~~ and the Supplemental Draft Environmental Impact Statement on October 28, 2021 (collectively referred to herein as the "Planned Action EIS"); and

WHEREAS, the County desires to designate a planned action under SEPA for the Belfair UGA ("Planned Action"); and

WHEREAS, adopting a Planned Action for the Belfair UGA with appropriate standards and procedures will help achieve efficient permit processing and promote environmental quality protection; and

WHEREAS, the County is amending the Mason County Comprehensive Plan for consistency with the Belfair UGA Plan as amended and supporting infrastructure plans; and

WHEREAS, the County is adopting zoning regulations concurrent with the Belfair UGA Plan to implement said Plan; and

WHEREAS, the Board of County Commissioners finds that adopting this Ordinance and its Exhibits is in the public interest and will advance the public health, safety, and welfare.

II. FINDINGS

The procedural and substantive requirements of the State Environmental Policy Act (RCW 43.21C) have been complied with.

The procedural requirements of the Growth Management Act (RCW 36.70A) have been complied with.

The proposed action is consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.

The proposed action is consistent with Mason County Comprehensive Plan as amended.

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The proposed amendments have been reviewed and processed in accordance with the requirements of Title 8 Environmental Policy and Title 15 Development Code.

All of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State law and the County's municipal code.

The Mason County Board of County Commissioners finds and determines that the regulation of development and land use within the Belfair UGA is within the County's regulatory authority.

The Mason County Board of County Commissioners finds and determines that approval of such amendments to the Comprehensive Plan and Zoning Code is in the best interests of the residents of Mason County, and will promote the general health, ~~safety~~safety, and welfare.

The Mason County Board of County Commissioners finds and determines that regulation of land use and development is subject to the authority and general police power of the County, and the County reserves its powers and authority to appropriately amend, ~~modify~~modify, and revise such land use controls in accordance with applicable law.

The Planned Action Environmental Impact Statement (EIS) adequately identifies and addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action Area.

The mitigation measures identified in the Planned Action EIS, attached to this Ordinance as **Exhibit ~~B~~B,** and incorporated herein by reference, together with adopted County development regulations are adequate to mitigate significant adverse impacts from development within the Planned Action Area.

The Belfair UGA Plan and Planned Action EIS identify the location, type, and amount of development that is contemplated by the Planned Action.

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Future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public, and enhance economic development.

The County provided several opportunities for meaningful public involvement and review in the Belfair UGA Plan and Planned Action EIS processes, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments.

Essential public facilities as defined in RCW 36.70A.200 are excluded from the Planned Action as designated herein and are not eligible for review or permitting as Planned Action Projects unless they are accessory to or part of a project that otherwise qualifies as a Planned Action Project.

The designated Planned Action Area is located entirely within an Urban Growth Area.

Implementation of the mitigation measures identified in the Planned Action EIS will provide for adequate public services and facilities to serve the proposed Planned Action Area.

The documents and other materials that constitute the record of the proceedings upon which the Planning Advisory Commission's recommendations are based, including, but not limited to, the staff reports for the Project and all of the materials that support the staff reports for the Project, are located in the Planning division of the Mason County -Department of Community Development.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF MASON COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of Board of County Commissioners Findings. The Findings of the Board of County Commissioners are adopted as part of this Ordinance.

Section 2. Purpose. The purpose of this Ordinance is to:

A. Combine environmental analysis, land use plans, development regulations, and County codes and ordinances together with the mitigation measures in the Planned Action EIS to mitigate environmental impacts and process Planned Action development applications in the Planned Action Area;

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B. Designate the Belfair UGA shown in Exhibit A as a Planned Action Area for purposes of environmental review and permitting of designated Planned Action Projects pursuant RCW 43.21C.440;

C. Determine that the Planned Action EIS meets the requirements of a planned action EIS pursuant to the State Environmental Policy Act (SEPA);

D. Establish criteria and procedures for the designation of certain projects within the Planned Action Area as "Planned Action Projects" consistent with RCW 43.21C.440;

E. Provide clear definition as to what constitutes a Planned Action Project within the Planned Action Area, the criteria for Planned Action Project approval, and how development project applications that qualify as Planned Action Projects will be processed by the County;

F. Streamline and expedite the land use permit review process by relying on the Planned Action EIS; and

G. Apply applicable regulations within the County's development regulations and the mitigation framework contained in this Resolution for the processing of Planned Action Project applications and to incorporate the applicable mitigation measures into the underlying project permit conditions in order to address the impacts of future development contemplated by this Ordinance.

Section 3. Procedures and Criteria for Evaluating and Determining Planned Action Projects within the Planned Action Area.

A. Planned Action Area. This "Planned Action" designation shall apply to the area shown in Exhibit A of this Ordinance.

B. Environmental Document. A Planned Action Project determination for a site-specific project application within the Planned Action Area shall be based on the environmental analysis contained in the Planned Action EIS. The mitigation measures contained in Exhibit B of this Ordinance are based upon the findings of the Planned Action EIS and shall, along with adopted County regulations, provide the framework the County will use to apply appropriate conditions on qualifying Planned Action Projects within the Planned Action Area.

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C. Planned Action Project Designated. Land uses and activities described in the Planned Action EIS, subject to the thresholds described in Subsection 3.D of this Ordinance and the mitigation measures contained in Exhibit B of this Ordinance, are designated "Planned Action Projects" pursuant to RCW 43.21C.440. A development application for a site-specific project located within the Planned Action Area shall be designated a Planned Action Project if it meets the criteria set forth in Subsection 3.D of this Ordinance and all other applicable laws, codes, development regulations, and standards of the County, including this Ordinance, are met.

D. Planned Action Qualifications. The following thresholds shall be used to determine if a site-specific development proposed within the Planned Action Area was contemplated as a Planned Action Project and has had its environmental impacts evaluated in the Planned Action EIS:

(1) Qualifying Land Uses.

(a) Planned Action Categories: The following general categories/types of land uses are defined in the Belfair UGA Plan and can qualify as Planned Actions:

i. Single-Family

ii. Townhome/Multiplex

iii. Multifamily

iv. Industrial

v. Office

vi. Retail

viii. Mixed uses

ix. Open Space, Parks, Trails, Recreation, Gathering Spaces

x. County road and non-motorized circulation improvements consistent with the Transportation evaluation in the Planned Action EIS

xi. Civic, Cultural, Governmental and Utility Facilities as identified in the Belfair UGA Plan and allowed in Title 15

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xii. Other uses allowed in the Zoning regulations applicable to the Belfair UGA in Title 15

(b) Planned Action Project Land Uses: A primary land use can qualify as a Planned Action Project land use when:

i. it is within the Planned Action Area as shown in Exhibit A of this Ordinance;

ii. it is within one or more of the land use categories described in Subsection 3.D(1)(a) above; and

iii. it is listed in development regulations applicable to the zoning classifications applied to properties within the Planned Action Area.

A Planned Action Project may be a single Planned Action land use or a combination of Planned Action land uses together in a mixed-use development. Planned Action land uses may include accessory uses.

(c) Public Services: The following public services, infrastructure, and utilities can also qualify as Planned Actions: county roads and non-motorized improvements, utilities, parks, trails, civic, cultural, governmental, and similar facilities developed consistent with the Planned Action EIS mitigation measures, County design standards, critical area regulations, and the Mason County Code.

(2) Development Thresholds:

(a) Land Use: The following thresholds of new land uses are contemplated by the Planned Action:

NET DEVELOPMENT 2020-2035+ [2040]	NO ACTION	ALTERNATIVE 2	ALTERNATIVE 3 HYBRID	ALTERNATIVE 3
Housing Units	478	1,834	2,274	2,340
Commercial Space (sq ft)	54,342	1,185,834	1,328,708	1,438,852

Alternative XXX is the Preferred Alternative.

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(b) Shifting development amounts between land uses in identified in Subsection 3.D(2)(a) may be permitted when the total build-out is less than the aggregate amount of development reviewed in the Planned Action EIS; the traffic trips for the preferred alternative are not exceeded; and, the development impacts identified in the Planned Action EIS are mitigated consistent with Exhibit B of this Ordinance.

(c) Further environmental review may be required pursuant to WAC 197-11-172, if any individual Planned Action Project or combination of Planned Action Projects exceeds the development thresholds specified in this Ordinance and/or alter the assumptions and analysis in the Planned Action EIS.

(3) Transportation Thresholds:

(a) Trip Ranges & Thresholds. The number of new PM peak hour trips anticipated in the Planned Action Area and reviewed in the Planned Action EIS as follows:

New Weekday PM Peak Hour Trips 2040

Alternative	In	Out	Total[1]
Alternative 1: No Action	232	187	419
Alternative 2	2,061	2,040	4,101
Alternative 3 Hybrid	1,524	1,511	3,035
Alternative 3	1,909	1,862	3,771

i. In no case shall trips exceed the Preferred Alternative [XXX]. Monitoring shall be conducted by the County to ensure planned improvements are implemented concurrent with development before the final level of trips in the Preferred Alternative [XXX] is authorized for development.

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ii. Growth in trips over current conditions are supported by the County's Transportation Improvement Program (TIP) and SR 3 Freight Corridor. All Alternatives require additional transportation improvements tested in the Planned Action EIS and listed in **Exhibit B**.

(b) Concurrency. All Planned Action Projects shall meet the transportation concurrency requirements and the Level of Service (LOS) thresholds established in the Mason County Comprehensive Plan and Mason County Code.

(c) Traffic Impact Mitigation. Transportation mitigation shall be provided consistent with mitigation measures in **Exhibit B** of this Ordinance, attached hereto and incorporated by this reference.

(d) The responsible County official shall require documentation by Planned Action Project applicants demonstrating that the total trips identified in Subsection 3.D(3)(a) are not exceeded, that the project meets the concurrency and intersection standards of Subsection 3.D(3)(b), and that the project has mitigated impacts consistent with Subsection 3.D (3)(c).

(e) Discretion.

i. The responsible County official shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual accepted by the County's Public Works Director at his or her sole discretion, for each project permit application proposed under this Planned Action, provided that the method is compatible with Exhibit D.1.b.

ii. The responsible County official shall have discretion to condition Planned Action Project applications to meet the provisions of this Planned Action Ordinance and the Mason County Code.

iii. Planned Action Project applicants shall pay a proportionate share of the costs of the projects identified in Exhibit B. The responsible County official shall have the discretion to

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adjust the allocation of responsibility for required improvements between individual Planned Action Projects based upon their identified impacts.

(4) Elements of the Environment and Degree of Impacts. A proposed project that would result in a significant change in the type or degree of adverse impacts to any element(s) of the environment analyzed in the Planned Action EIS would not qualify as a Planned Action Project.

(5) Changed Conditions. Should environmental conditions change significantly from those analyzed in the Planned Action EIS, the County's SEPA Responsible Official may determine that the Planned Action Project designation is no longer applicable until supplemental environmental review is conducted.

E. Planned Action Project Review Criteria.

(1) The County's SEPA Responsible Official, or authorized representative, may designate as a Planned Action Project, pursuant to RCW 43.21C.440, a project application that meets all of the following conditions:

(a) the project is located within the Planned Action Area identified in Exhibit A of this Ordinance;

(b) the proposed uses and activities are consistent with those described in the Planned Action EIS and Subsection 3.D of this Ordinance;

(c) the project is within the Planned Action thresholds and other criteria of Subsection 3.D of this Ordinance;

(d) the project is consistent with the Mason County Comprehensive Plan including the policies of the Belfair UGA Plan incorporated into the Comprehensive Plan and the regulations of the Belfair UGA Plan integrated into the Mason County Code;

(e) the project's significant adverse environmental impacts have been identified in the Planned Action EIS;

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(f) the project's significant impacts have been mitigated by application of the measures identified in **Exhibit B** of this Ordinance and other applicable County regulations, together with any conditions, modifications, variances, or special permits that may be required;

(g) the project complies with all applicable local, state and/or federal laws and regulations and the SEPA Responsible Official determines that these constitute adequate mitigation; and

(h) the project is not an essential public facility as defined by RCW 36.70A.200, unless the essential public facility is accessory to or part of a development that is designated as a Planned Action Project under this Ordinance.

(2) The County shall base its decision to qualify a project as a Planned Action Project on review of the SEPA Checklist form in WAC 197-11 and review of the Planned Action Project submittal and supporting documentation, provided on County required forms. [the County may develop its own SEPA checklist for the planned action area; however, the standard form is assumed here]

F. Effect of Planned Action Designation.

(1) Designation as a Planned Action Project by the County's SEPA Responsible Official means that a qualifying project application has been reviewed in accordance with this Ordinance and found to be consistent with the development parameters and thresholds established herein and with the environmental analysis contained in the Planned Action EIS.

(2) Upon determination by the County's SEPA Responsible Official that the project application meets the criteria of Subsection 3.D and qualifies as a Planned Action Project, the project shall not require a SEPA threshold determination, preparation of an EIS, or be subject to further review pursuant to SEPA. Planned Action Projects will still be subject to all other applicable County, state, and federal regulatory requirements. The Planned Action Project designation shall not excuse a project from meeting the County's code and ordinance requirements apart from the SEPA process.

G. Planned Action Project Permit Process. Applications submitted for qualification as a Planned Action Project shall be reviewed pursuant to the following process:

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(1) Development applications shall meet all applicable requirements of the Mason County Code and this Ordinance in place at the time of the Planned Action Project application. Planned Action Projects shall not vest to regulations required to protect public health and safety.

(2) Applications for Planned Action Projects shall:

(a) be made on forms provided by the County;

(b) include the SEPA checklist in WAC 197-11;

(c) meet all applicable requirements of the Mason County Code and this Ordinance.

(3) The County's SEPA Responsible Official shall determine whether the application is complete and shall review the application to determine if it is consistent with and meets all of the criteria for qualification as a Planned Action Project as set forth in this Ordinance.

(4) (a) If the County's SEPA Responsible Official determines that a proposed project qualifies as a Planned Action Project, they shall issue a "Determination of Consistency" and shall mail or otherwise verifiably deliver said Determination to the applicant; the owner of the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to RCW 43.21C.440(3)(b).

(b) Upon issuance of the Determination of Consistency, the review of the underlying project permit(s) shall proceed in accordance with the applicable permit review procedures specified in Title 15, except that no SEPA threshold determination, EIS, or additional SEPA review shall be required.

(c) The Determination of Consistency shall remain valid and in effect as long as the underlying project application approval is also in effect.

(d) Public notice and review for qualified Planned Action Projects shall be tied to the underlying project permit(s). If notice is otherwise required for the underlying permit(s), the notice shall state that the project qualifies as a Planned Action Project. If notice is not otherwise required for the underlying project permit(s), no special notice is required by this Ordinance.

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(5) (a) If the County's SEPA Responsible Official determines that a proposed project does not qualify as a Planned Action Project, they shall issue a "Determination of Inconsistency" and shall mail or otherwise verifiably deliver said Determination to the applicant; the owner of the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to Chapter 1, Laws of 2012 (Engrossed Substitute Senate Bill (ESSB) 6406).

(b) The Determination of Inconsistency shall describe the elements of the Planned Action Project application that result in failure to qualify as a Planned Action Project.

(c) Upon issuance of the Determination of Inconsistency, the County's SEPA Responsible Official shall prescribe a SEPA review procedure for the non-qualifying project that is consistent with the County's SEPA regulations and the requirements of state law.

(d) A project that fails to qualify as a Planned Action Project may incorporate or otherwise use relevant elements of the Planned Action EIS, as well as other relevant SEPA documents, to meet the non-qualifying project's SEPA requirements. The County's SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action EIS.

(6) To provide additional certainty about applicable requirements, the County or applicant may request consideration and execution of a development agreement for a Planned Action Project, consistent with RCW 36.70B.170 et seq.

(7) A Determination of Consistency or Inconsistency is a Type I land use decision and may be appealed pursuant to the procedures established in Title 15 of the Mason County Code. An appeal of a Determination of Consistency shall be consolidation with any pre-decision or appeal hearing on the underlying project application.

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Section 4. Monitoring and Review.

A. The County should monitor the progress of development in the designated Planned Action area in association with the County periodic review of its Comprehensive Plan to ensure that it is consistent with the assumptions of this Ordinance and the Planned Action EIS regarding the type and amount of development and associated impacts and with the mitigation measures and improvements planned for the Planned Action Area.

B. This Planned Action Ordinance shall be reviewed by the SEPA Responsible Official every two (2) years from its effective date in conjunction with the County's regular Comprehensive Plan review or docket cycle, as applicable. The review shall determine the continuing relevance of the Planned Action assumptions and findings with respect to environmental conditions in the Planned Action Area, the impacts of development, and required mitigation measures (**Exhibit B**). Based upon this review, the County may propose amendments to this Ordinance or may supplement or revise the Planned Action EIS.

Section 5. SEPA Rules. Mason County Code Chapter 8.16 Categorical Exemptions and Threshold Determinations, Section 8.16.010 is amended as follows:

- **8.16.010 - Purpose—Adoption by reference.**

  This chapter contains the rules for deciding whether a proposal has a "probably significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The county adopts the following sections by reference, as supplemental in this chapter:

  WAC

  197-11-164 Planned actions—Definition and criteria.

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WAC

197-11-168	Ordinances or resolutions designating planned actions—Procedures for adoption.
197-11-172	Planned actions—Project review.
197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of Nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-355	Optional DNS process.
197-11-360	Determination of Significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.

Section 6. **Severability**. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

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Section 7. <u>Effective Date</u>. That this Ordinance shall be in full force and effect thirty (30) days after publication of the Ordinance Summary.

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ADOPTED by the Board of County Commissioners this _____ of XXX 2021

MASON COUNTY BOARD OF COUNTY COMMISSIONERS

_____

Randy Netherlin, Chair

_____

Sharon Trask, Commissioner

_____

Kevin Shutty, Commissioner

Attest:

_____

McKenzie Smith, Clerk of the Board

Approved as to Form:

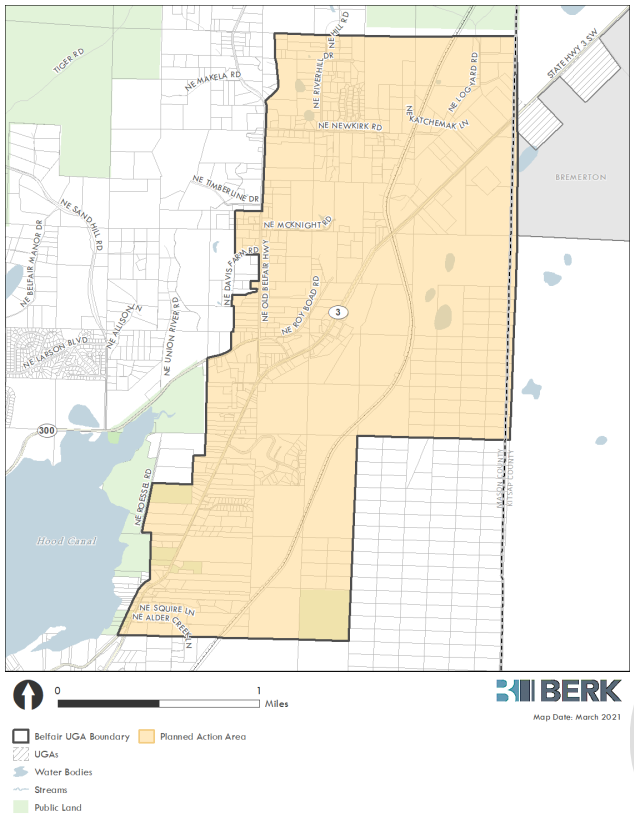
_____

Tim Whitehead, Chief DPA

Draft

EXHIBIT A. Planned Action Area

Option 1	Option 2



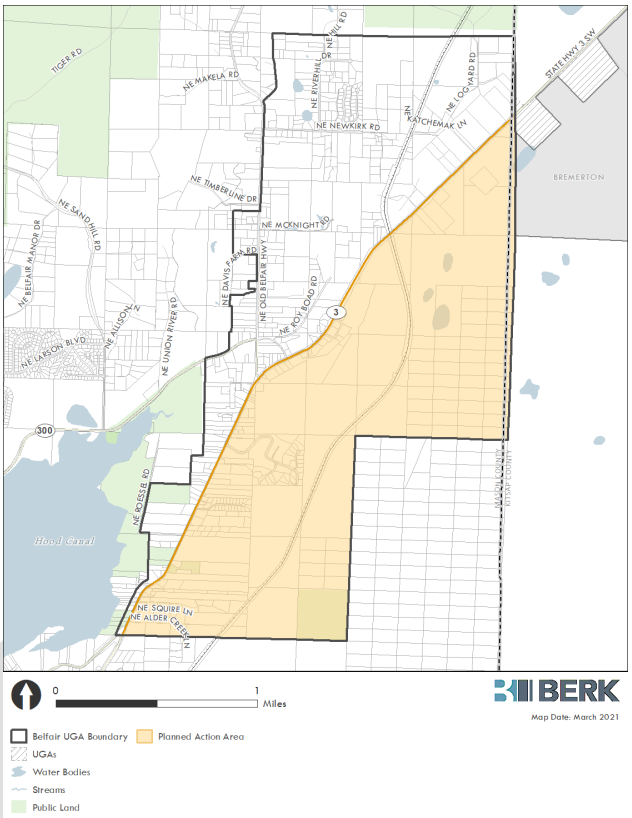


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EXHIBIT B. Mitigation Document

The Planned Action EIS has identified significant beneficial and adverse impacts that are anticipated to occur with the future development of the Planned Action Area, together with a number of possible measures to mitigate those significant adverse impacts. Please see Final EIS Chapter 1 Summary for a description of impacts, mitigation measures, and significant unavoidable adverse impacts.

A Mitigation Document is provided in this Exhibit B-1 to establish specific mitigation measures based upon significant adverse impacts identified in the Planned Action EIS. The mitigation measures in this Exhibit B-1 shall apply to Planned Action Project applications that are consistent with the Preferred Alternative range reviewed in the Planned Action EIS and which are located within the Planned Action Area (see Exhibit A).

Where a mitigation measure includes the words "shall" or "will," inclusion of that measure in Planned Action Project application plans is mandatory in order to qualify as a Planned Action Project. Where "should" or "would" appear, the mitigation measure may be considered by the project applicant as a source of additional mitigation, as feasible or necessary, to ensure that a project qualifies as a Planned Action Project. Unless stated specifically otherwise, the mitigation measures that require preparation of plans, conduct of studies, construction of improvements, conduct of maintenance activities, etc., are the responsibility of the applicant or designee to fund and/or perform to the satisfaction of the County's SEPA Responsible Official or authorized designee.

Any and all references to decisions to be made or actions to be taken by the County's SEPA Responsible Official may also be performed by the County's SEPA Responsible Official's authorized designee.

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Section B-1. Mitigation Required for Development Applications

Earth, Water Resources, and Plants and Animals

1. Mason County shall condition development to implement street frontage improvements with green infrastructure to provide stormwater infrastructure connections to improve stormwater management consistent with County stormwater regulations and standards.
2. Mason County may condition development to implement a maximum impervious area that together with stormwater standards encourage pervious pavement, biofiltration, full mature growth of native trees and shrubs, or other methods to address water quality, groundwater recharge, and ecological function.

Land Use Patterns and Aesthetics

3. Planned Actions shall be consistent with the Belfair Plan policies and Belfair Zoning standards as amended together with the Planned Action Ordinance. [Draft EIS / Supplemental Draft EIS identifies Plan/Code amendments that would occur in coordination with the Planned Action.]

Historic and Cultural Resources

4. Mason County shall require standard inadvertent discovery language (SIDL) on all related permits (compliance with RCW 27.53, 27.44).
5. Decision Tree: A "decision tree" for both above-ground and below-ground resources is applied to determine the appropriate level of investigation and, if necessary, mitigation. See Table 1. Mason County will lead any necessary pre-project cultural resource review and will consult with DAHP and affected Tribes at specific points in the process. Collaboration among responsible parties will be necessary, including on the determination of whether on-the-ground surveys are necessary, which when required will be the responsibility of the project applicant. The Decision Tree shall be applied to each proposed action in the UGA as a more comprehensive supplement to other review tools, including the more generalized Statewide Predictive Model. In all cases, permits should be conditioned at a minimum with standard inadvertent discovery language (SIDL) in order to ensure compliance with all applicable cultural resource regulations.

Table 1. Decision Tree for Above and Below Ground Cultural Resources

For Above-Ground Cultural Resources (~~e.g.~~ e.g., historic buildings):	**For Below-Ground Cultural Resources (~~e.g.~~ e.g., archaeological sites):**
I. Consult public version of **WISAARD**[1]	1. Consult secure version of **WISAARD** including the **Statewide Predictive Model** (access obtained from

[1] **WISAARD** – Washington Information System for Architectural and Archaeological Records Data; DAHP's online GIS map tool and searchable database for cultural resources accessed at https://wisaard.dahp.wa.gov

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For Above-Ground Cultural Resources (~~e.g.~~e.g., historic buildings):

II. Determine appropriate action as follows:

a. Project exempt if *both* are met:
1. Resource is less than 45 years old *and*
2. Resource ineligible for/not listed in any historic register or database

Note: If property information on WISAARD does not indicate eligibility, contact DAHP for confirmation.

b. If project is **not exempt** (~~i.e.~~i.e., does not meet *both* criteria in 2.a above) and resource is identified in database, then
1. DAHP determines significance;
2. If **significant**, Avoid resource or determine Mitigation strategy; and
3. Condition permit with decision.

For Below-Ground Cultural Resources (~~e.g.~~e.g., archaeological sites):

DAHP via data-sharing agreement or user agreement for qualified individuals)

2. Determine appropriate action as follows:

a. Project **exempt** if *any* are met:
1. Prior negative archaeological survey on file, *or*
2. No ground disturbance will occur, *or*
3. Project in 100% culturally-sterile fill.

b. If **no known** cultural resources are present, apply the DAHP Predictive Model and follow the survey recommendations according to the associated risk identified:
1. Low Risk-Survey Contingent Upon Project Parameters
2. Moderately Low Risk-Survey Contingent Upon Project Parameters
3. Moderate Risk-Survey Recommended
4. High Risk-Survey Highly Advised
5. Very High Risk-Survey Highly Advised

See Table below for minimum evaluation.

Table: Above Ground Cultural Resources DAHP Predictive Model and Summary Survey Recommendations

Risk Category	Minimum Evaluation
Low	SIDL
Moderately Low and Moderate	Desktop Review and SIDL
High and Very High	Survey and SIDL

Note: In *all* cases, *regardless* of risk, condition permit with SIDL

c. If cultural resources **are** present and ground-disturbance is proposed, then:
1. Notify and consult with DAHP and Tribes (~~e.g.~~e.g., via Notice of Application);
2. Avoid resource or determine Mitigation strategy; and
3. Condition permit with decision.

3. For **all** ground-disturbing projects

For Above-Ground Cultural Resources (~~e.g.~~e.g., historic buildings):	For Below-Ground Cultural Resources (~~e.g.~~e.g., archaeological sites):
	a. Include SIDL language consistent with RCW 27.53 and 27.44 protecting sites, graves, and Indian burials on public and private lands. b. Provide Tribal notification (~~e.g.~~e.g., via Notice of Application) and adjust per Tribe's instruction

Public Services

- The County shall require planned actions to demonstrate adequate access, fire flow, and consistency with the ~~Couunty~~County fire code. Each planned action application shall demonstrate consultation with North Mason Regional Fire to ensure adequate and timely access for emergency vehicles.
- Planned actions shall provide permit application materials that demonstrate substantial consistency with Subarea Plan parks, recreation, and open space conceptual plans. The County may allow through a voluntary agreement per RCW 82.02.020 a fee in lieu of onsite recreation to fund the acquisition and development of park and recreation facilities in the Belfair vicinity to meet growth-related demand under the Action Alternatives.
- Planned actions shall demonstrate consultation with the School District and ensure adequate school capacity. If there is a lack of facilities to serve the development, the County could condition planned actions to pay their fair share of new school capacity to help fund future capital needs of the North Mason School District associated with future growth in the Belfair UGA. Fair share shall be determined based on student generation and School District levels of service (~~e.g.~~e.g., student/teacher ratio).
- Mason County shall ~~conditions~~condition planned actions to coordinate joint trenching with other utilities consistent with Dig Once principles and efficient construction practices. Mason County shall provide advanced notification for planned action projects as part of notices of application as required by Mason County Code.
- Mason County shall condition Planned Actions to demonstrate adequate power infrastructure and supply in coordination with PUD 3. Additional PUD 3 infrastructure will be needed to provide adequate service to this area: 115 kV, high voltage transmission lines (overhead), 15 kV distribution feeders (overhead and underground), and 15 kV distribution line extensions (primarily underground) should be expected and planned throughout the area. See Figure 1.

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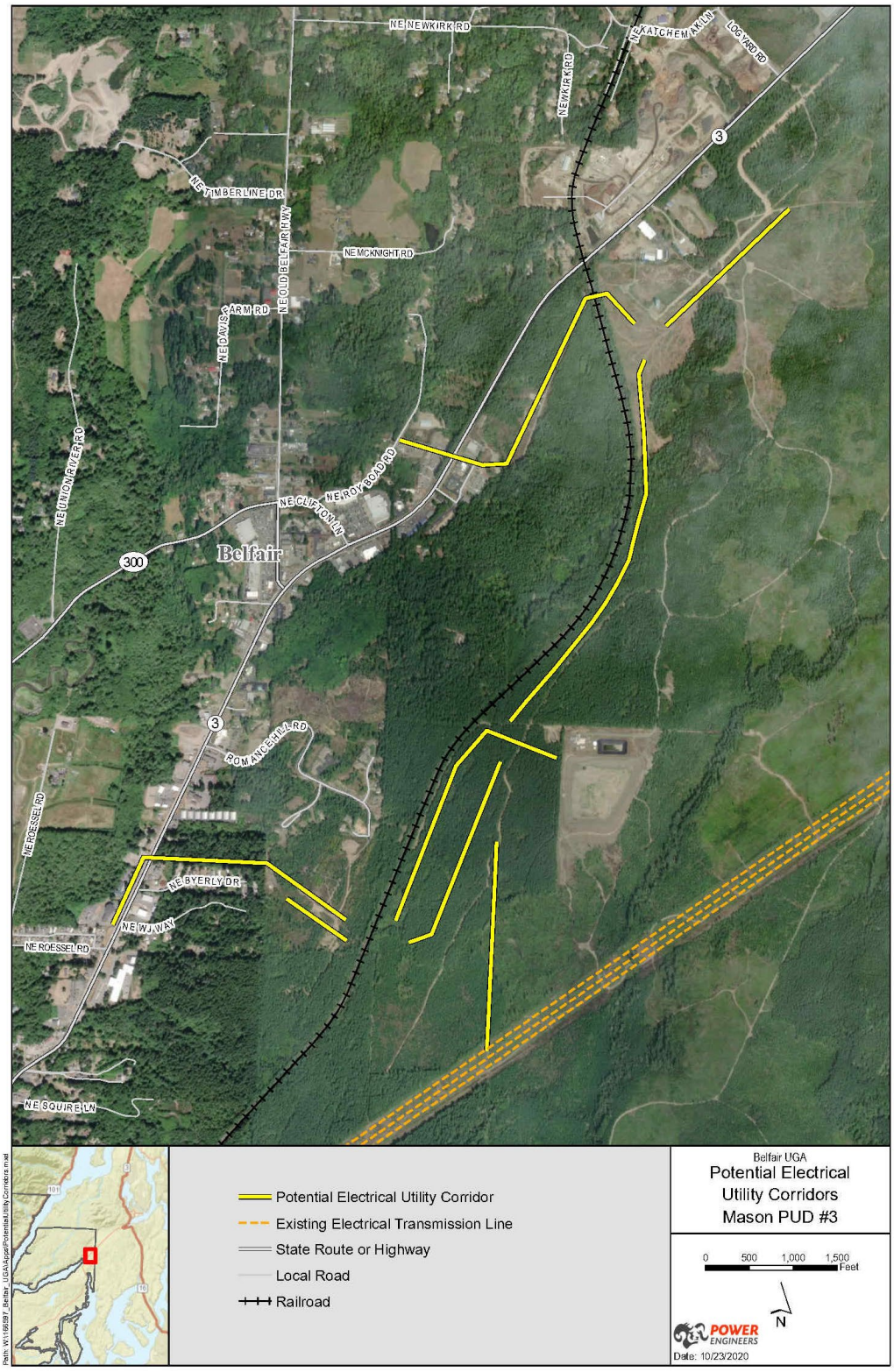
Figure 1. PUD 3 Potential Electric Utility Corridors



- Source: PUD 3, October 2020.

Utilities

4. Mason County shall require connection to a public water system as a condition of planned action approval.

~~4.~~5. Mason County shall approve planned action development with water availability certificates from the Belfair Water District and implementing necessary water supply infrastructure and pays necessary system development charges in accordance with District standards. Mason County may defer planned action project approval based on the provision of infrastructure and adequate water above 0.33 MGD until such time as the Belfair Water District provides infrastructure plans to serve development above that level.

~~5.~~6. Mason County shall approve planned action development with sewer availability certificates from Mason County and implementing necessary conveyance infrastructure, and pays necessary system development charges in accordance with County standards. Mason County defer planned action project approval where such development exceeds spray field capacity of 0.237 MGD, and adequate wastewater treatment capacity above 0.~~4~~ 5 MGD until such time as Mason County provides infrastructure plans to serve development above that level.

~~6.~~7. Mason County shall require developers in the subarea to evaluate system capacity downstream of their developments and either construct or pay a fee-in-lieu to improve downstream conveyance when existing conveyance is inadequate, or apply MCC 13.32 Late Comer Agreements for Utility Facilities to ensure the necessary conveyance systems are planned, designed, constructed, and funded by development.

~~7.~~8. To account for increased stormwater conveyance needs due to increased impervious areas, the County shall require planned action applicants to pay their fair share of regional facilities that have been implemented in accordance with the Belfair UGA 2018 Basin Plan.

~~8.~~9. Mason County may condition planned action applicants to pay adopted capital facilities charges for stormwater.

Transportation

~~9.~~10. Non-motorized: Mason County shall require planned actions to implement frontage improvements to implement the Belfair Mobility Plan. Frontage improvements should consider the appropriate pedestrian and bicycle facilities based on the land use context as well as roadway speeds and volumes. The County should consider guidance for multimodal networks in FHWA *Small Town and rural Multimodal Networks*, December 2016. Specific non-motorized improvements should consider:

- Expansion of the non-motorized network including the trail system in the northern portion of the Belfair UGA to increase connectivity between land uses in this area and to/from the south and east of the existing SR 3.
- Connect the Romance Hill Loop Trail to land uses north of Romance Hill Road to facilitate north-south non-motorized activity in the Belfair UGA.

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- Sidewalks along SR 3 north of the downtown and in the northeast commercial area as well as pedestrian crossings at key locations to improve connectivity east and west of SR 3 and help to reduce reliance on auto travel.
- Provide non-motorized connections parallel to the SR 3 Freight Corridor consistent with the Belfair Mobility Plan.

~~10.~~11. Concurrency: Transportation improvements or strategies shall be constructed to ensure that an adequate transportation system is in place to serve increased travel demands. Concurrency is defined as having a financial commitment in place to resolve the deficiency within six years. The County will not approve new developments unless the LOS standards are met. Transportation improvements identified in the Comprehensive Plan, County Transportation Improvement Program, and the Belfair Planned Action EIS are needed to meet LOS standards. Planned action applicants shall pay their proportionate share of improvements based on new PM Peak hour trips. A calculation of SEPA mitigation Fess is included in Section B-3.

~~11.~~12. Commute Trip Reduction (CTR): Planned actions that provide facilities for large employers shall prepare a commute trip reduction plan consistent with RCW 70A.15, Mason County Comprehensive Plan, and Mason County Code. The commute trip reduction plan shall be developed in consultation with Mason County Transit.

~~12.~~13. Transit: Planned Actions shall be reviewed by Mason Transit and provide transit facilities (~~e.g.~~e.g., shelters) as part of frontage improvements consistent with Mason County public works design standards and Mason Transit design standards.

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Section B-2. Advisory Notes to Applicants: Applicable Regulations and Commitments

The Planned Action EIS identifies specific regulations that act as mitigation measures. These are summarized in this section by EIS topic. All applicable federal, state, and local regulations shall apply to Planned Action Projects. Planned Action Project applicants shall comply with all adopted regulations where applicable including those listed in the Planned Action EIS and those not included in the Planned Action EIS.

Earth

~~13.~~14. Erosion control plans are required per MCC 8.52 and MCC 14.48. Clearing for roads and utilities shall be limited to the minimum necessary to accomplish the engineering design.

~~14.~~15. Mason County's Critical Areas regulations (MCC 8.52.140) are applicable for development within geologically hazardous areas.

~~15.~~16. Development proposals on sites containing geologically hazardous areas or within a buffer must meet requirements set forth in MCC 8.52.140.D and E including preparation of either a geological assessment or a geotechnical report, or both.

~~16.~~17. The County Stormwater Management code (MCC 14.48.050) requires new development to meet the minimum requirements of the 2005 Edition of Ecology's Stormwater Management Manual for Western Washington. The County requires all large developments that propose stormwater infiltration upslope of landslide hazard areas to complete a hydrogeologic analysis to confirm that the proposed design would not increase the risk of landslide hazards. Stormwater facilities must be designed in accordance with the 2012 Stormwater Management Manual for Western Washington, as amended in 2014, consistent with the Mason County Shoreline Master Program (MCC 8.52).

Water Resources

During final design and permitting of projects under all alternatives, project proponents will first be required to avoid and minimize impacts to wetlands and streams through design measures and best management practices. Where impacts are unavoidable, project proponents will mitigate them in accordance with applicable federal regulations, local critical areas ordinances, and permit requirements. See Table 2.

Table 2. Regulatory Permit Matrix for Water Resources.

Jurisdictional Agency	Regulations/Authorizations
Mason County	Pre-application submittal conference SEPA Determination (No Action Alternative) Planned Action Consistency Determination (Action Alternative) Critical Areas review Mason County Stormwater Code Compliance
Washington State Department of Ecology	CWA Section 401 Water Quality Certification NPDES Construction Stormwater General Permit

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Jurisdictional Agency	Regulations/Authorizations
	Water Resources Development Act Minimum Water Flows and Levels Act
U.S. Army Corps of Engineers	CWA Section 404 Clean Water Act CWA Section 10 Rivers and Harbors Act

Plants and Animals

Development and redevelopment projects within the study area that have the potential to impact plants and animals will require compliance with federal, state, and local regulations. Mitigation sequencing to avoid, minimize, and mitigate environmental impacts is typically required for all applicable permitting review and authorizations. Table 3 provides a regulatory permit matrix for action requiring local, state, and federal authorizations that impact fish and wildlife and their associated habitat.

Table 3. Regulatory Permit Matrix for Plants and Animals

Jurisdictional Agency	Regulations/Authorizations
Mason County	Pre-application submittal conference SEPA Determination (No Action Alternative) Planned Action Consistency Determination (Action Alternative) Critical Areas review
Washington State Department of Ecology	CWA Section 401 Water Quality Certification Coastal Zone Management Act Consistency Certification Minimum Water Flows and Levels Act
Washington Department of Fish and Wildlife	Hydraulic Project Approval (HPA)
U.S. Army Corps of Engineers	CWA Section 404 Clean Water Act CWA Section 10 Rivers and Harbors Act Requires Compliance with: Section 7 of the Endangered Species Act Magnuson-Stevens Act

Land Use Patterns and Aesthetics

~~17.~~18. Future development in the Belfair UGA would be required to comply with established Mason County permitting processes and development regulations for the Belfair UGA (Mason County Code Title 17, Chapters 17.20 – 17.35).

Historic and Cultural Resources

Per State law, the following apply to *all* actions at *all* times:

~~18.~~19. Washington State law (RCW 27.53 and 27.44) protects archaeological resources (RCW 27.53) and Indian burial grounds and historic graves (RCW 27.44) located on both the public and private lands of the State.

~~19.~~20. An archaeological excavation permit issued by the Washington State Department of Archaeology and Historic Preservation (DAHP) is required in order to disturb an archaeological site.

~~20.~~21. Knowing disturbance of burials/graves and failure to report the location of human remains are prohibited at all times (RCW 27.44 and 68.60).

Public Services

~~21.~~22. Mason County has adopted the International Fire Code (IFC) which addresses building standards, access, and fire flow.

~~22.~~23. Multifamily residential development in the Belfair UGA is required to provide private, on-site open space for residents, in addition to other standard landscaping requirements (MCC 17.26.020). While private open space does not count toward meeting the City's LOS standard for parks, the provision of on-site recreational opportunities could reduce demand for public facilities.

~~23.~~24. The County has adopted the 2018 Edition of the International Energy Conservation Code in MCC 14.04.010.

~~24.~~25. Customers interested in securing power capacity should notify PUD 3 as soon as possible; provide all required information in order to process new service applications; and pay appropriate line extension and system capacity fee payments promptly. All new and altered service applications are subject to Mason PUD 3's Electric Service Rules & Regulations (www.pud3.org/rulesandregs).

~~25.~~26. PUD 3 requires all 115 kV Transmission facilities and most 15 kV Main Distribution Feeders to be installed overhead. High density residential distribution facilities are primarily installed underground. Relocation of existing utilities, where feasible, should come at the expense of the requesting entity. In most cases, trenching, restoration, and/or directional drilling is also to be provided by the requesting entity.

Utilities

~~26.~~27. Mason County Code Chapter 13.31 details requirements and regulations related to the wastewater system within the Belfair UGA. New development and existing structures and buildings within five hundred feet of alignment of the Belfair Wastewater and Reclamation Facility's pipeline shall be connected to public sewer facilities. Existing structures and buildings are subject to an initial

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connection period. In some cases, the County is responsible for installing and maintaining grinder pumps in designated low-pressure sewer areas for existing and new single-family development.

~~27.~~28. Mason County Code Chapter 3.156 establishes the Belfair Wastewater and Water Reclamation utility fund for the design, development, construction, and operation of the new Belfair wastewater and water reclamation utility facility. The utility is funded through connection charges and monthly sewer service charges.

~~28.~~29. Mason County Code includes a one-time capital facilities charge (CFC) per ERU for development and redevelopment projects for connection to the Belfair Sewer System to support the cost of new infrastructure as the system expands to accommodate development and redevelopment (Mason County Code 13.31.060). The CFC is reduced for multi-family units. With the application of these regulations and fees, no additional mitigation is required.

~~29.~~30. MCC Chapter 14.46 includes the purpose, description, and regulations associated with the County's storm and surface water utility. The utility is responsible for flooding management, water quality improvement, and protecting aquatic habitat. Currently, there are no annual stormwater fees associated with the utility. Assessments for fees may become necessary to support the utility and its functions, and a priority list of projects will be developed before any fee or assessment is required (MCC 14.46.040).

~~30.~~31. MCC Chapter 14.48 describes the stormwater requirements of development and redevelopment within the utility. The County has adopted the 2005 Department of Ecology Stormwater Manual for Western Washington (SWMMWW), which applies within the Belfair UGA. New development and redevelopment within the study area will need to meet the requirements of the SWMMWW when they exceed certain size thresholds. These requirements include the approval by Mason County Public Works of a stormwater site plan. Projects must manage stormwater runoff on-site to the extent practicable by maximizing infiltration, including using low-impact development (LID) techniques as defined by the most current version of the SWMMWW or local planning documents. Due to high groundwater conditions and other site constraints, on-site management may not always be feasible.

~~31.~~32. The State Reclaimed Water Permit for the Belfair Wastewater and Water Reclamation Facility (plant) establishes effluent limits for the following parameters: Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), Total Nitrogen as N, and Total Coliform. The permit requires to County to monitor groundwater and surface water quality in the West Fork Coulter Creek that may be receiving waters for the reclaimed water discharged from the facility. These effluent limits to receiving waters protect human and environmental health.

~~32.~~33. The Washington Department of Ecology requires an engineering report related to wastewater treatment capacity expansion when the wastewater influent flows reach 85% of the design flows or loads for three consecutive months. This threshold applies to the spray field capacity and the water reclamation facility.

Transportation

~~33.~~34. See Mason County Code: Title 10 Vehicles and Traffic, and Title 12 Bridges and Roads.

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Exhibit B-3. Transportation Mitigation Detail

1. Improvements and Fair Share: The Planned Action EIS describes potential improvements to the network and impacted study intersections in addition to the County's Transportation Improvement Program. Implementation of improvements identified in Table 4 below shall occur through a SEPA fair share fee program such that new development contributes its share of the cost for these projects.

    a. Based on the share of trips in Section (3)(a) and mitigation in the EIS the cost and fee per trip has been calculated. Unless amended, or replaced with a transportation impact fee, mitigation fees consistent with the proportionate share of costs shall be applied to planned action applications. The proportionate share of costs of the Planned Actions shall be determined based on their proportionate share of trips identified in Section 3.D(3) of this ordinance and this section.

    Table 4. Multimodal Transportation Improvements in addition to Six-Year Transportation Improvement Program – Preferred Alternative

	Total Weekday PM Peak Hour Trips	Total Mitigation Cost (Million $)*	Fee Per Trip
Alternative 1 – No Action	419	$12.9~~$10.5~~	$30,700~~$25,026~~
Alternative 2	4,101	$18.1~~$16.5~~	$4,413~~$4,014~~
Alternative 3 Hybrid	3,454	$17.8	$4,721
Alternative 3	3,771	$17.0~~$16.2~~	$4,915~~$4,293~~

    *See DEIS Appendix H
    [once Preferred Alternative addressed, attach Appendix to Planned Action Ordinance as Exhibit B-3A]

3. Expenditure of Funds – Account: Mason County shall earmark mitigation fee receipts and retain them in an interest-bearing account, expending them on projects identified in the EIS. [once Preferred Alternative addressed, attach Appendix to Planned Action Ordinance as Exhibit B-3A]

4. Mitigation Fee Payable at Permit Issuance: The mitigation fee shall be payable at the time of building permit issuance. For projects that require longer-term construction periods prior to occupancy and impacts to the transportation system, Mason County may allow for the mitigation fee to be paid prior to the issuance of occupancy permits subject to a construction schedule and supporting information provided to the satisfaction of the County.

5. Credit: Mason County shall provide a credit for the value of dedication or improvement to, or new construction of, any system improvements provided by the developer per subsection 1 above. The applicant shall be entitled to a credit for the value of the land or actual costs of capital facility construction against the fee that would be chargeable under the formula in subsection 1 above.

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a. The dedication, improvement, or construction shall be conducted at suitable sites and constructed at acceptable quality as determined by Mason County. Such improvement or construction shall be completed, dedicated, or otherwise transferred to Mason County prior to the determination and award of a credit.

b. The value of a credit for right of way and easements shall be established on a case-by-case basis by an appraiser selected by, or acceptable to Mason County. The appraiser must be licensed in good standing by the State of Washington for the category of the property appraised. The appraisal shall be in accord with the most recent version of the Uniform Standards of Professional Appraisal Practice and shall be subject to review and acceptance by Mason County. The appraisal and review shall be at the expense of the applicant.

6. Period of Expenditure: The current owner of property on which traffic mitigation fees have been paid may receive a refund of such fees if the mitigation fees have not been expended or encumbered within [10, 15, 20] years of receipt of mitigation fees, unless Mason County has made a written finding that extraordinary or compelling reasons exist to extend the time for expending or encumbering the mitigation fees.[SEPA does not limit years of collection; the County may do so voluntarily.] The County shall program the improvements in the annual Transportation Improvement Program.

7. The Planned Action Share Transportation Fees will be incorporated into Mason County's master fee schedule. Fees shall be subject to biennial review to affirm the cost basis. Mason County may amend the fee based on cost indices to address inflation.

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COMMISSIONERS
THOMAS J. FARMER
LINDA R. GOTT
BRUCE E. JORGENSON
MANAGER
ANNETTE CREEKPAUM

November 29, 2021

Mason County Community Development
Attn: Kell Rowen
615 W Alder St
Shelton WA, 98584

planning@masoncountywa.gov

RE: SEPA review 202105801; Applicant: Mason County; Supplemental Draft EIS Belfair UGA

Kell:

Thank you for the opportunity to comment on the Supplemental Draft EIS issued by Mason County, regarding the above-referenced project. Mason County PUD 3 ("PUD") has reviewed the information provided and has the following comment(s):

PUD 3 appreciates prior discussion which clarified that the intent is to consistently utilize the zoning designation **"Public Institutional (PI)"** in place of existing references to "Public Facility" zoning designation that appeared throughout the drafts that were recently routed for review. We understand that the consistent use of the term "Public Institutional (PI)" is favored, based on the goal of maintaining some continuity between the Belfair UGA code provisions and Shelton UGA code provisions. We will operate on the understanding that moving forward, the term "Public Institutional (PI)" is the correct term to reference the subject zoning designation.

PUD 3 understands that if Alternatives 2, 3, or 3 hybrid are selected, then PUD's four parcels 12333-21-00070; 12333-21-00060; 12333-21-00030; and 12333-21-00020 will be included in the expanded Belfair UGA boundary, will be zoned "Public Institutional (PI)," and will be subject to the code standards for "Public Institutional (PI)" currently under consideration. PUD 3 appreciates the consideration and incorporation of many of the suggested content edits that PUD 3 submitted previously related to the PI zone. PUD 3 understands, based on our prior discussion, that the edits were inadvertently not shown on content recently routed for review in conjunction with this SEPA review process (*particularly "Attachment B: Proposed Public Institutional Zone Amendments - Chapter 17.20 – General Provisions for the Belfair UGA – Article 7 – Public Institutional (PI))*", and understands that the County is updating or has updated the document set to reflect the PI zone June 3, 2021 redline edits moving forward. Thank you for providing a copy of the June 3, 2021 redline edit document. A copy of that document is attached to this comment letter with the understanding that this is the current version of PI zone content currently under consideration.

PUD 3 appreciates the acknowledgement that additional electrical infrastructure (115 kV and 15 kV) will be needed to support growth in the subject area. This will particularly be the case of proposed Option 3

or Option 3 hybrid are selected, given the associated residential and commercial growth figures. PUD 3 also appreciates the acknowledgement that utilities should coordinate State Route 3 and railroad crossings and that utility permitting should be expedited.

Although the information provided to PUD 3 through this particular SEPA process does not include specific details regarding the need for power that relates to the Belfair UGA provisions under consideration, PUD 3 recognizes the potential for future development subject to availability of urban services. The PUD hereby provides notice that any new electrical load is subject to the PUD's capacity and ability to serve the load. All applicants seeking to connect to the PUD's electrical system must comply with all PUD service rules and regulations, including but not limited to the PUD's line extension policy and system capacity fee. Applicants are encouraged to connect with the PUD to obtain information such as the line extension policy and the service rules and regulations.

PUD's comments contained in this correspondence may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact Justin Holzgrove, Director of Engineering & Utility Services, at (360) 426-8255 or justinh@masonpud3.org.

Sincerely,

Annette Creekpaum

Annette Creekpaum, Manager
Mason County Public Utility District 3

SQUAXIN ISLAND TRIBE

November 29, 2021

SENT BY ELECTRONIC MAIL

Kell Rowen
Community Development Administrator
Mason County Community Services
615 W. Alder Street
Shelton, WA 98584

Dear Ms. Rowen:

These are comments on the Mason County Belfair Urban Growth Area Supplemental Draft Environmental Impact Statement | October 2021 (SDEIS). It was good to see you at the November 15th Planning Advisory Commission meeting to discuss this SDEIS.

The Tribe includes the following concerns in the record.

1. We appreciate that, in response to our initial questions about the DEIS, Berk Consulting asked Pacific Groundwater Group (PGG) to produce a technical memo on Belfair Water System wells entitled, "Belfair EIS Hydrogeologic Analysis" (October 25, 2021). Watersheds identified in PGG's memo, including Coulter, Rocky, Huge, and Burley Creeks, are located within the Squaxin Island Tribe's usual and accustomed fishing area ("U&A"). United States v. Washington, 384 F.Supp.312, 377-378 (W.D. Wash. 1974) and 626 F.Supp. 1405, 1441-1442 (W.D. Wash. 1985). Since time immemorial, the Tribe has lived, hunted, fished and gathered in and around these creeks, their tributaries, and their respective basins. Anadromous fish, and particularly salmon, have played a central role in the Tribe's subsistence, economy, culture, spiritual life and day-to-day existence. The Tribe is adjudicated to be a successor-in-interest to signatories of the Treaty of Medicine Creek, 10 Stat. 1132 (hereinafter "Treaty"), by which the Tribe reserved various rights, including the right to exercise off-Reservation fishing rights at its usual and accustomed fishing area ("U&A"). The Tribe has Treaty rights to and is a co-manager of these fisheries, and possesses federally-reserved water rights to streamflows in amounts that support healthy salmon populations. See Winters v. United States, 207 U.S. 564 (1908); United States v. Winans, 198 U.S. 371 (1905).

2. PGG used the Kitsap numerical groundwater model for this work. PGG's analysis showed that ~20% of water pumped from Wells 1 / 2 and ~20% water pumped from Well 4 would have

flowed to Coulter Creek (Figure 1). This dispels a common misunderstanding about deeper wells that they don't impact local creeks. While they may be less impactful, they still take water from those creeks. Rocky, Huge, and Burley Creeks were also listed as impacted in Figure 1. PGG did not assess Wells 3 and 5.

3. PGG's work, as summarized in Exhibit 3-2 of the SDEIS, shows that the impact to Coulter Creek from Alternatives 1 through 3 ranges from 0.087-0.244 million gallons per day. In other words, 87,000 gallons per day (0.134 cubic feet per second) to 244,000 gallons per day (0.378 cubic feet per second) is the anticipated decrease in Coulter Creek's flow due to future groundwater pumping. This amounts to 0.38 to 1.88% of the Coulter Creek instream flow rule of 13 cfs (Exhibit 3-2).

4. The SDEIS describes a personal communication with PGG (p. 3-6) about how deeper wells have less impact on adjacent creeks than shallow wells. Yet, the PGG technical memo and Exhibit 3-2 of the SDEIS have still quantified an impact on Coulter Creek and other creeks, even from Belfair Water District's deeper wells. Furthermore, the PGG technical memo did not address the impacts of surrounding shallow wells either now nor in the future. How are we then able to quantify their impacts in comparison to Belfair Water District's wells?

5. The SDEIS suggests (Section 3.1.3) a number of mitigation actions that Mason County could, should or might take. That includes a suggested requirement to hook up to a public water system inside the Belfair urban growth area, which the Tribe supports. The positive impact of such mitigation needs to be quantified, however, and Mason County needs to verify that the mitigation will be implemented. The Tribe strongly urges the Mason County and City of Belfair to include concrete, actionable steps towards the mitigation of instream flows and fish habitat.

6. The SDEIS states on p. 3-8:

> By following the mitigation measures listed above, no significant unavoidable adverse impacts to stream flow or tribal water rights are expected.

This statement needs to be deleted. It is subjective and lacks factual support. PGG has calculated a measurable impact to Coulter Creek (and others) streamflow. There are no facts to support whether the impact is significant or not. Likewise, Berk lacks a factual basis to determine that the impact is unavoidable. Nor has Berk quantified the benefits of suggested mitigation. And, Mason County needs to guarantee that the suggested mitigation actions will be implemented.

7. Thank you for including Section 3.2.2 Supplemental Impact Analysis in the SDEIS, which includes a response to the Tribe's concerns about Nitrogen loading (Exhibit 3-6). Suggested actions at the top of page 3-14 should become imperative. They relate to our above comments about streamflow impacts, and they are listed as:

- More detailed, site specific, review of geographic areas where surficial impermeable soils are thin and underlying permeable soils are thick.
- Economic feasibility of reclaimed water distribution to areas of the UGA that have large irrigation demands (e.g, future regional parkland) or commercial and industrial areas where toilet flushing demand may be large depending on uses (e.g. north end of UGA)

  Consideration of these options should be considered in the context of potential impacts of groundwater withdrawals described in Section 3.1.

8. The Tribe expects the County and Belfair Water District 1 to engage the Tribe in the water system planning process and future water development projects of Belfair Water District 1. The Tribe expects the County to engage the Tribe in the wastewater planning process for the Belfair Water Reclamation Facility.

Sincerely,

Christine Erica Marbet

Erica Marbet
Water Resources Biologist
Squaxin Island Tribe

November 29, 2021

Kell Rowen
Community Development Administrator
Mason County Community Services
615 West Alder Street
Shelton, WA 98584

Project: Belfair UGA Plan and Code Revisions, AHBL No. 2160497.30
Subject: Comments on Planned Action EIS, Subarea Plan Update, and Revisions to Title 17 for the Belfair Urban Growth Area

Dear Kell:

I am submitting comments today on behalf of Jack Johnson and Steve Johnson, owners of Riverhill properties (located in the northern portion of the Belfair Subarea) and Clifton Heights properties (located in the southeastern portion of the Subarea). They have reviewed the Planned Action EIS, Subarea Plan Update, and Revisions to Title 17 for the Belfair Urban Growth Area (UGA). As owners of a significant amount of undeveloped land within the Belfair UGA, they have an interest in the proposed changes. In general, they are supportive of the Planned Action EIS and the corresponding update to the Subarea Plan and Title 17 revisions. They request, however, that the following comments be taken into consideration by the Planning Advisory Commission (PAC) and County Board of Commissioners (BOCC) prior to adoption:

1. It appears Alternative 3 (Alt. 3) was originally the preferred alternative and that additional environmental review has created a new preferred alternative called "Alternative 3 Hybrid" (Hybrid). There is a significant difference between Alt. 3 and the Hybrid, in that the "Riverhill Properties LLC" property (located in the northern portion of the UGA) has a proposed zoning designation of Medium Density Residential under Alt. 3, versus Single Family Residential under the Hybrid (see Figures 1 and 2, below). **We request PAC and BOCC support for Alt. 3 so that the Riverhill property has a designation of Medium Density Residential for the following reasons**:

    a. Connection to public water and sewer requires a significant cost to extend the utility lines to the property. A higher density would allow for the extension costs to be feasible.

    b. The property is suitable for the proposed Medium Density Residential zoning designation, given that it is located within the UGA and would be adjacent to other Medium Density Residential property to the west and Business Industrial Zoning to the east.

    c. It is not clear why the Riverhill properties were singled out for the reduced density when the adjacent properties to the west were not also reduced in density. We request similar consideration as other properties in the northern portion of the subarea.

Civil Engineers
Structural Engineers
Landscape Architects
Community Planners
Land Surveyors
Neighbors

TACOMA
2215 North 30th Street
Suite 300
Tacoma, WA 98403-3350
253.383.2422 TEL

www.ahbl.com

Figure 1 – Hybrid Proposed Zoning

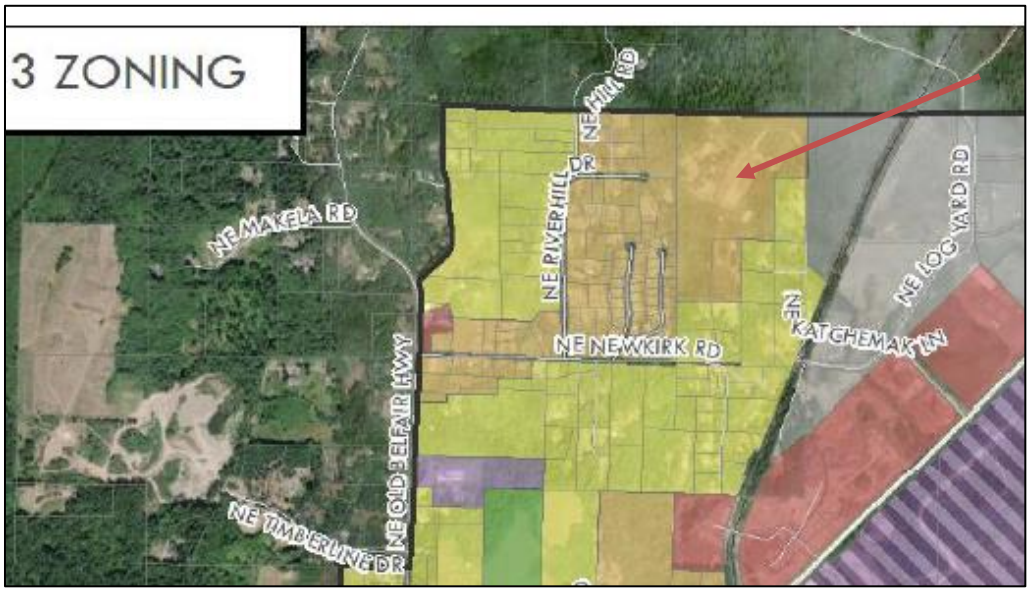

Figure 2 – Alt. 3 Proposed Zoning

2. We are pleased to see the Romance Hill connector on the plans but are concerned that the identified location may be too expensive to build, making it not feasible. Where the connection approaches the railroad tracks, it would need to cross a gulley. At a minimum, the plans need to allow for some flexibility in the alignment so that the connection is ultimately feasible to construct (see the location on Figure 3, below).

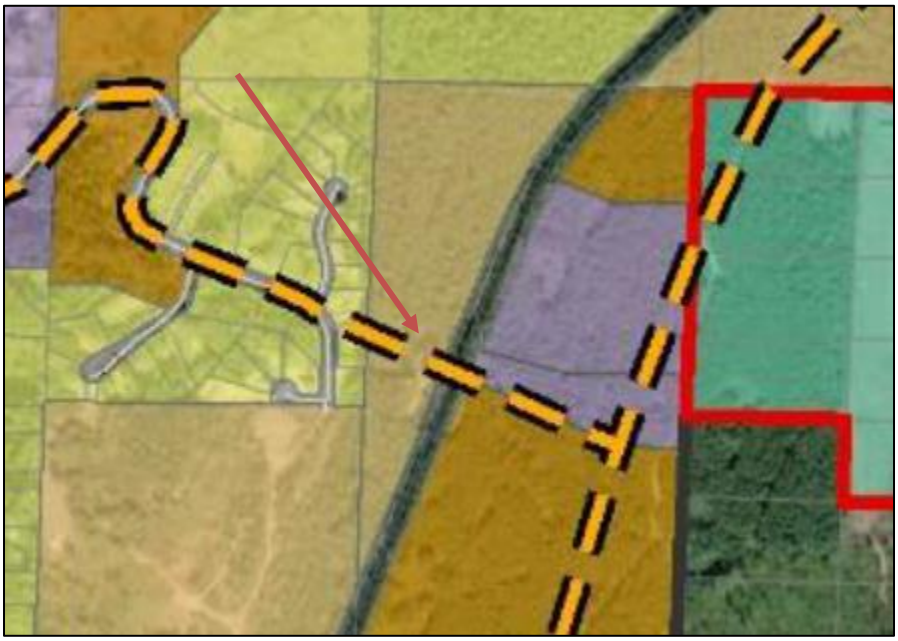

Figure 3 – Romance Hill Connector

3. In general, we are concerned about the transportation impact fees (TIFs). Currently, there are no impact fees in Mason County, so we would be going from zero to 100 very quickly. We recommend that the PAC and BOCC consider a lesser number than the maximum amount proposed in the EIS. In the PAC workshop held on November 15, a comparison was provided of other local agency TIFs. In that type of comparison, it would be beneficial to also include recognition that development in Mason County outside the Belfair UGA will not be charged TIFs. This means that future housing development within the Belfair UGA will be less competitive with housing located over the UGA boundaries. This is an important detail for the PAC and BOCC to consider when determining the appropriate impact fee levels.

Thank you to the consultants and County staff for their hard work on the Planned Action EIS, and thank you for this opportunity to comment.

Sincerely,

Lisa Klein, AICP
Associate Principal

LK/lsk

c: Jack Johnson
Steve Johnson

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November 29, 2021

To: Kell Rowen, Community Development Administrator

Mason County Planning Advisory Commission

Mason County
Mason County Community Services
615 W Alder Street
Shelton WA 98584

Comments to: Supplemental Draft Belfair EIS,

Ms. Rowen and Planning Advisory Commission:

As you are aware I made comments to the SEPA scoping materials, draft EIS, Belfair UGA plan, and development code amendments six months ago on June 4, 2021. I was pleased to see responses in the SEIS to the CARA and Cultural Resource section comments that I had made. This has been a very challenging task for all involved. With so much time elapsed; pardon any duplications of my original comments.

As referred to on Summary page 1-3 of this SEIS document I look forward to full and complete responses to my and others comments in the final EIS.

On page 1-4 of the Summary there is a bullet point to "facilitate growth reflective of community supported vision", where is this community vision captured? I tend to disagree that this community has a collective vision. There was a lot of discussion in the original scoping meeting about facilitating growth that supports a community-based vision for Belfair. This community based vision is not widely known or supported as evidenced by the lack of public involvement in this process to date. Many in this community are oblivious to what is going on around them, until something happens.

On page 1-5 of the Summary I support the Alternative 3 "hybrid" with the following additional changes:

NMRFA headquarters is no longer "proposed" it has gone through special use permit process and is nearing completion. I remain concerned that "Public facility" zoning is not compatible with nearby long term agriculture and agricultural resource lands, ARL. Also this proposed zoning change is over the CARA as I pointed out in the EIS comments.

Reduce UGA by revising UGA boundary to remove publically owned 13 acre WDFW property west of Timberland Regional Library that is not likely to be developed. Also remove all properties in the Union River Valley that are in the Irene creek, Viola creek and Miggie creek drainages that lie within current UGA and the now fully recognized CARA.

On page 1-8 of Summary. "Under all alternatives Belfair Water District #1 would eventually serve the entire study area"; very doubtful unless UGA boundaries are modified as above.

On page 1-10 of Summary; it should be documented in EIS that the City of Bremerton and its Casad dam with more than one billion gallon water reservoir is a dominant factor for stream flows in the Union River and is the main water source for the City of Bremerton.

On page 1-22 of Summary, little progress has been made in implementing Parks and trails recommendations from the 2004 plan. The proposed trails and proposed Sweetwater Park are not in the Mason County Comprehensive plan. (See minutes of **November 4, 2021** MC Parks advisory board)

Where did the proposed trail network depicted in Exhibit 3-7 on page 3-6 of Summary come from? It has not been vetted in a community process. Proposed trail is in a landslide hazard area. Risk is unacceptable. Trail maintenance in steep ground is expensive and causes erosion. I would like to remind you that at the March 15, 2021 PAC meeting the PAC discussed minor modification to redirect trails and **parks** from identified landslide hazard areas.

On page 1-23 of Summary; school impact fees should be required.

On page 1-24 of Summary; Growth and capital costs for Belfair Water District will likely exceed current water district plans. Consider reduction in service area along Old Belfair highway and in CARA.

On page 1-25 of Summary; the Belfair UGA already has capacity issues in stormwater conveyance. The 2018 basin plan stormwater sites already need to be amended.

On page 1-27 of Summary; The County "should" implement a stormwater system funding mechanism.

On page 1-28 of Summary; If County does consider implementing a development fee per trip the proposed non motorized and motorized facilities and improvements need to be reanalyzed. Some of the baseline traffic controls are incorrect. Some of the non motorized facilities are not in UGA, some are not reasonable and unnecessary, and some have genuine safety concerns.

Sr-3- Ridgepoint intersection there will be significant unavoidable adverse impacts with Action Alternatives! How will these impacts be addressed?

On page 2-5 of Summary; Responses to comments on both Draft EIS and this SEIS will be developed and a final EIS published allowing a decision on the Subarea plan, comprehensive plan and Ordinance.

Will Planning Advisory Committee make a recommendation to BOCC **before** final EIS is published?

I would urge the PAC to defer a recommendation until the final EIS is published.

On page 2-8, and 2-9 of Summary, Exhibit 2-3 and 2-4 shows 2 properties on west side of Old Belfair highway that have been removed from UGA.

On page 2-10 of Summary; the future Romance Hill connection should be reexamined. This connection concept to the freight corridor is not widely supported in the community.

On page 3-15, 3.3 Transportation;

3.3.1 Summary of Draft comments received:

Only the comments from WSDOT were incorporated in the SEIS. I am aware of at least five other member of the public that commented on the transportation section. **I feel the PAC should recommend a transportation impact fee; one based in reality.** PAC recommendation should also consider concurrency requirements; as it appears County has already approved new developments with less than adequate current levels of service.

To drastically reduce those proposed traffic impact fees I would suggest that the "non motorized" facilities recommended by the WSDOT should be removed along with incorporating the following recommendations I earlier submitted regarding planned improvements and mitigation measures

Only one connector to the Freight Corridor built at Log yard road utilizing existing round about is the most common sense solution. The Romance Hill connector to the freight corridor is not a community supported option. Romance Hill road is very near a Land slide hazard area. If it is connected to freight corridor the connection costs should be paid by developers.

NE Clifton Lane Access Management at SR 3: The only left-turn to and from NE Clifton Lane between SR 3 and Roy Boad Road are currently restricted and to provide a compact roundabout at Roy Boad Road to allow u-turning is not necessary and a poor idea as it is only 200' from next intersection and there is a Mason Transit Authority bus stop with lots of pedestrians.

NE Old Belfair Highway/SR 300-NE /Clifton Lane Roundabout: This project was identified as part of the original 2004 subarea plan **seventeen years ago as a signalized intersection**. So much for concurrency! **2004 T-7: Signalize the Clifton Lane/Old Belfair Highway intersection. Install a traffic signal at this intersection when warranted. Include pedestrian sidewalks and signals on all four legs of the intersection.** This intersection is very dangerous. A roundabout in this location is not a good idea. There are too many pedestrians! Signalize intersection like recommended in 2004.

Capacity improvements. 2 way left turn lane on Old Belfair highway to Newkirk road is a bad idea. Where did this idea come from? Would not be necessary if an Alternative 3 hybrid was selected with UGA boundary revisions I earlier described.

Sincerely,

Ken VanBuskirk

NE 61 Davis Farm Road

Belfair, Wa 98528