

ORDINANCE NUMBER 152-97

AMENDMENTS TO THE MASON COUNTY DEVELOPMENT REGULATIONS

AN ORDINANCE amending various Mason County development regulations as follows: Amending the Mason County Interim Resource Ordinance, Ordinance 77-93, as amended, to create a new Section 17.01.061 Agricultural Resource Lands, and to amend the existing Section 17.01.064 Agriculture and Forest Management Non-Designated Lands and the existing Section 17.01.240 Definitions; Amending the Mason County Development Regulations, Ordinance 82-96, to create a new Section 1.02.038 Agricultural Resource Lands, a new Section 1.03.037 Density Transfer and Agricultural Resource Lands, and to amend the existing Section 1.02.060 Development Areas Map, the existing Figure 1.03.020 Matrix of Permitted Uses, the existing Section 1.03.033 Performance-Based Density Bonuses, the existing Section 1.03.035 Cluster Development Required, and the existing Section 1.06 Definitions; and Amending Chapter 16.23 of Title 16, of the Mason County Code, under the authority of Chapters 36.70 and 36.70A RCW.

WHEREAS, the Board of County Commissioners held a public hearing on December 2 and December 30, 1997, to consider the comments of the Planning Commission, the Mason County Department of Community Development and citizens on the proposed amendments;

WHEREAS, these hearings were duly advertised public hearings;

WHEREAS, these amendments are intended to comply with the Order of the Western Washington Growth Management Hearings Board of September 6, 1996;

WHEREAS, the Mason County Board of County Commissioners formulated its decision after the public hearing and has approved findings of fact to support its decision as ATTACHMENT A;

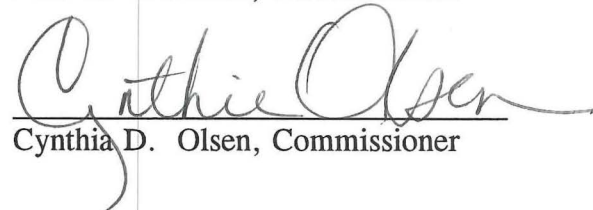
NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Board of County Commissioners of Mason County hereby approves and ADOPTS the amendments to the Mason County development regulations as described by ATTACHMENT B, provided that the designation of the lands in the Skokomish Valley (lands within Townships: Range 4 W, Township 21 N and Range 5 W, Township 21, WM) shall only be effective for a period of one year to allow Mason County to review and adopt appropriate amendments to the designation or regulations.

DATED this 30th day of December, 1997.

Board of County Commissioners
Mason County, Washington


Mary Jo Cady, Commissioner



John A. Bolender, Commissioner


Cynthia D. Olsen, Commissioner

ATTEST:


Clerk of the Board 1/20/98

APPROVED AS TO FORM:


Prosecuting Attorney 1/14/98

**Mason County Board of County Commissioners
Agricultural Resource Lands - 1997**

FINDINGS OF FACT

1.

Under consideration is a proposal to amend the Mason County Interim Resource Ordinance, the Development Regulations (Ordinance 82-96), and Title 16 of the Mason County Code (Plats and Subdivisions). The purpose of these amendments is to designate and protect agricultural lands of long-term commercial significance. Such lands are important to the economy and character of Mason County, and designation and protection of such lands is a requirement of the Growth Management Act, RCW 36.70A.

2.

The Growth Management Act (GMA) requires that the county consider the guidelines for designating resource lands created by the state Department of Community, Trade, and Economic Development in WAC Chapter 365-190. The analysis used for designating agricultural resource lands as laid out in the GMA and the guidelines for designating resource lands appears to have two steps: (1) suitable farm land is identified based primarily on soil type and current use, and (2) those lands are reviewed to see if designation is appropriate given a weighing of goals and circumstances in the county.

3.

Mason County has lands with prime farmland soils. The county used the "Mason County Potential Prime Farmland Soils" map prepared by the Department of Natural Resources in consultation with USDA Natural Resource Conservation Service and dated December 12, 1996. Mason County worked with these agencies and the Mason County Conservation District in identifying lands with soils suitable for designation as agricultural resource lands.

4.

Prime farmland soils are suitable for commercial agricultural production of long-term commercial significance. The definition of lands with prime farmland soil by the USDA are lands that have "the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods;" (emphasis added) and that these lands generally satisfy what is meant by the GMA definition: "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production..."

5.

Mason County has on-going agricultural activity on land primarily devoted to agricultural production. Those lands may be identified by their participation in the Open Space - Agriculture tax classification program or by other means that show that their principal use is

agricultural. The county used the Assessor's records to identify the land use on the property. Such a showing of agricultural use would generally meet the GMA definition of agricultural land as "land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock..."

6.

Mason County has identified lands that are believed to have both agricultural use and soils suitable for long term commercial significance and called them the "Possible Agricultural Lands - May 1997."

7.

The criteria in WAC 365-190-050 (1) (a) through (j) address the remaining concerns in the designation of agricultural lands. These criteria principally address the remaining part of the GMA definition for long-term commercial significance: "...in consideration with the land's proximity to populated areas, and the possibility of more intensive uses of the land."

8.

When Mason County reviewed the areas they had identified for consideration by the WAC criteria, the only lands determined to be eliminated are those parcels under 10 acres. When the Possible Agricultural Lands - May 1997 were reviewed against the criteria noted above, only two factors seem to come into play in removing lands from consideration. One of these was parcel size, as there was evidence on the record that farms much under 10 acres could not reasonably be expected to have long-term commercial significance for agricultural use, with limited exceptions. The other factor was the presence of a few of these Possible Agricultural Lands within the Belfair Urban Growth Area. However, the GMA specifically provides for the designation of agricultural resource lands within urban growth areas and such areas have historical, cultural and open space value.

9.

The Skokomish River Valley poses a unique set of issues for Mason County, and for several years the county and its citizens have been working on a comprehensive planned approach to those issues. The information available and public comment on the designation of agricultural land in the valley is mixed, but there is no dispute that agriculture is one of the principle activities in the valley. Much of the land in the valley is also identified as Potential Prime Farmland Soils. While no specific data and analysis was made a part of the record which would prove that any particular area or parcel in the valley was not prime farmland soil as identified on the map, there was testimony indicating that at least some parts of the valley may not have prime farmland soils because of flooding or a high water table. There was also concern over the relation of the special regulations that apply in the valley and the agricultural

regulation. It was suggested that the agricultural regulations need to be tailored to the area. In short, further investigation of the situation in the Skokomish Valley is called for.

10.

Therefore, there are lands which should be designated as agricultural lands of long-term commercial significance in Mason County. These are the lands identified as "possible agricultural lands," except for parcels which are less than ten acres. This designation identifies those productive agricultural lands which it is the goal of the GMA to conserve, and lays the necessary ground work of the county to maintain and enhance the local agricultural industry.

11.

Substantial background information and public comment was produced during the analysis of agricultural lands and can be found in the record of the review. The record includes the meetings and the materials of the GMAC Ad Hoc Committee and its Agricultural Lands Subcommittee, and public hearings by the Mason County Planning Commission and the Board of Commissioners.

12.

A State Environmental Policy Act Determination of Nonsignificance was issued on these amendments on November 12, 1997. The comment period ended December 19, 1997. The Department of Community Development determined that the changes made to the proposal did not result in possible significant adverse environmental impact and thus did not withdraw the determination.

13.

Following the guidance provided by WAC Chapter 365-190, the county examined the possibility of designating agricultural lands of local importance. However, justification for such a designation, separate from those lands already under consideration as agricultural resource lands, was not found.

14.

The Board finds that the proposal provides for balanced protection of agricultural resource land and addresses many of the concerns of the farmers. It uses the clustering of development to preserve farmland, one of the innovative techniques specifically suggested in the Growth Management Act. It uses other land management tools, such as transferable development rights, to direct growth into the urban growth areas and to implement the vision and goals of the county comprehensive plan.

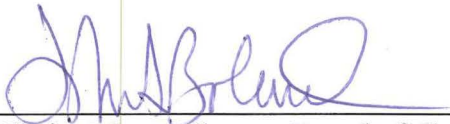
15.

The Board finds that the proposal balances the relevant goals of the Growth Management Act. The proposal protects agricultural land, thereby promoting the goals of maintaining or enhancing natural resource industries, encouraging economic development, and retaining open space. The proposal has flexible, predictable, reasonable and effective regulations and public notice requirements, thereby promoting the goals of economic development; property rights; the affordability of housing, and for a timely, fair and predictable permitting process. The proposal encourages development in urban areas by allowing transfer of development rights, thereby advancing the urban growth goal.

16.

The Board finds that the proposal is consistent with and implements the comprehensive plan as discussed in the December 2, 1997 memorandum from DCD.

From the preceding findings, it is concluded that proposed amendments should be adopted as proposed and moved by the Board.



Chair, Mason County Board of County Commissioners

4/20/98

Date

MASON COUNTY ORDINANCE NO. 152-97
ATTACHMENT B - Page 1
Agricultural Resource Lands

Add a new section to the Interim Resource Ordinance, as follows:

17.01.061 AGRICULTURAL RESOURCE LANDS

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

A. CLASSIFICATION

The following criteria shall be used in identifying lands appropriate for Agricultural Resource Lands:

1. The property has an existing commercial agricultural use, where identified by property tax classification in the Open Space - Agriculture property tax classification program pursuant to Chapter 84.34 RCW or where agricultural use has been identified as the principal use of the property, are presumed to meet this criteria; and
2. The property has a minimum parcel size of ten (10) acres; and
3. The parcel has Prime Farmland Soils; or
4. The property is an upland fin-fish hatchery.

Provided that, property owners may apply to have their land designated as Agricultural Resource Lands upon a showing that the property is eligible for and participates in the Open Space - Agricultural property tax classification program pursuant to Chapter 84.34 and upon a showing that either that the property has Prime Farmland Soils or that, in some other fashion, the agricultural use has long-term commercial significance. Such applications shall be reviewed by the county as provided for in the annual amendment process for the county comprehensive plan and development regulations.

B. DESIGNATION

Lands of Mason County which have been identified as meeting the classification criteria for Agricultural Resource Lands, and are so specified on the official Mason County Map, available at the Mason County Planning Department, titled, "Mason County Agricultural Resource Lands" or as thereafter amended, are hereby designated as Agricultural Resource Lands.

C. LAND USES

Development and land uses and activities allowed in the agricultural resource lands or on adjacent lands are as specified in the Mason County Development Regulations and other applicable ordinances, codes and regulations.

MASON COUNTY ORDINANCE NO. 152-97
ATTACHMENT B - Page 2
Agricultural Resource Lands

D. PREFERENTIAL RIGHT TO MANAGE RESOURCES AND RESOURCE USE NOTICES

1. For land owners who have land designated as agricultural resource lands, provisions of "Right to Farm" provided under Section 17.01.040.C.5 shall fully apply.
2. All plats, short plats, large lot subdivision, development permits, and building permits issued for activities on, or within 300 feet of lands designated as agricultural resource lands shall contain the following notification: "This property is within or near designated agricultural resource lands on which a variety of commercial activities may occur at times and that are not compatible with residential development. Residents of this property may be subject to inconvenience or discomfort associated with these activities including, but not limited to: dust, odor, noise, and chemical applications."

Amend Section 17.01.064 of the Interim Resource Ordinance, to read as follows:

17.01.064 AGRICULTURE AND FOREST MANAGEMENT NON-DESIGNATED LANDS

A. PURPOSE

This Section provides for nuisance protections for certain agricultural and forest management uses.

1. Agricultural Objective

This Section does not include any designation for agricultural lands. However the County recognizes that many valuable agricultural operations do exist in the county where they are an integral part of the rural economy and rural character, but which have not been designated as agricultural resource lands. These operations should be provided protection from the impacts of incompatible land use. This Section's objective is to preserve agricultural land, not through designation and regulation, but through protection from nuisance suits.

2. Forest Management Objective

This Section recognizes that commercial forest management is an integral part to the rural economy and lifestyle and provides nuisance protections for forest management uses in all but the existing and planned urban areas.

B. CLASSIFICATION

1. The following criterion shall be used in determining those Agricultural Lands in Mason County qualifying for protection under provisions of this Section:

- a. The property is enrolled in the Open Space Agriculture property tax classification program pursuant to Chapter 84.33 RCW.

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Agricultural Resource Lands

2. The following criterion shall be used in determining those Forest Management Lands in Mason County qualifying for protection under provisions of this Section:

a. The property is enrolled in the Open Space Timber or Designated Forest or Classified Forest property tax classification programs, pursuant to Chapters 84.33 RCW or 84.34 RCW.

3. Agriculture Lands and/or Forest Lands meeting the classification criteria of 17.01.064.B.1 or B.2 shall be given the protections of Subsection C below. However, no separate Agricultural Land or other Forest Land designation shall be used due to a need for flexibility to meet changing land uses, agricultural practices, forest practices and markets.

C. PROTECTION - "Right to Farm", "Right to Forestry"

Right to Farm and Forest protections, as specified in Section 17.01.040.C.5, are provided to all properties meeting the classification criteria of this Section.

Add new definitions to Section 17.01.240 of the Interim Resource Ordinance, as follows:

Prime Farmland Soils: Those soils identified by the U.S. Department of Agriculture Natural Resources Conservation Service as Prime Farmland Soils.

Annual Amendment Process: The process for amending the Mason County Comprehensive Plan and development regulations, as adopted in the Mason County Development Code, Title 15.

Add a new section to the Development Regulations, Ordinance #82-96, as follows:

1.02.038 Agricultural Resource Lands

This designation is intended to recognize and protect unique resources that, due to the nature of their operations, are sensitive to abutting land uses. This Ordinance sets forth regulations intended to minimize the impact of intrusion of less compatible land uses upon the resource use of the land.

Amend section 1.02.060 of the Development Regulations, Ordinance #82-96, as follows:

1.02.060 Development Areas Map

The Development Areas Map attached hereto is adopted as the Official Map of Mason County. The boundaries and locations of all Development Areas within the County shall be as

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Agricultural Resource Lands

shown on this map. Wherever possible, boundaries shown on the map are drawn along property lines, or along generally-recognized physical features. The Administrator shall have sole authority to settle any dispute as to the actual location of a Development Area boundary shown on the map, using the best information available. The Agricultural Resource Lands are designated on the official Mason County map titled, "Mason County Agricultural Resource Lands" and replace the designation on the Development Areas Map.

Amend the Matrix of Permitted Uses, Figure 1.03.020 of the Development Regulations, Ordinance #82-96, as follows:

Amend the Matrix of Permitted Uses, Figure 1.03.020 of the Development Regulations,
 Ordinance #82-96, as follows:

MASON COUNTY
 MATRIX OF PERMITTED USES
 FIGURE 1.03.020

Description of Use	Land Use Classification	Urban Growth Areas	Resource Areas	Working Rural Area	Rural Area	Agricultural Resource Lands	Rural Activity Center	Rural Community Center
Accessory apartment or use	I	X	X	X	X	X	X	X
Adult retirement community	III	X						
Adult-day care facility	II	X					X	
Agricultural buildings	I	X	X	X	X	X	X	
Agricultural crops; orchards	I	X	X	X	X	X	X	
Airport	VI	X						
Ambulance service	V	X					X	
Animal Hospital	V	X			X		X	
Aquaculture	IV	X	X	X	X	X	X	X
Assisted living facility	III	X					X	
Auction house/barn (no vehicle or livestock)	V	X		X	X		X	
Automobile service station	V	X					X	X
Automobile wash	V	X					X	
Automobile, repair	V	X					X	
Automobile, sales	V	X						
Bakery	IV	X					X	X
Banks, savings & loan assoc.	IV	X					X	
Bed & breakfast	IV	X		X		X	X	
Bicycle paths, walking trails	II, I	X	X	X	X	X	X	X
Billiard hall & pool hall	V	X						
Blueprinting & photostating	V	X						
Boat yards	V	X					X	
Bowling Alley	II	X					X	X
Buy-back recycling center	V	X						
Cabinet shops (see Industry, light)	V	X					X	
Carpenter shops (see Industry, light)	V	X						
Carport (accessory use)	I	X	X	X	X	X	X	X
Cemeteries	I	X		X	X		X	X

*USE NOT PERMITTED AS HOME-BASED OCCUPATION OR COTTAGE INDUSTRY.

Amend the Matrix of Permitted Uses, Figure 1.03.020 of the Development Regulations,
 Ordinance #82-96, as follows:

MASON COUNTY
 MATRIX OF PERMITTED USES
 FIGURE 1.03.020

Description of Use	Land Use Classification	Urban Growth Areas	Resource Areas	Working Rural Area	Rural Area	Agricultural Resource Lands	Rural Activity Center	Rural Community Center
Child day care, commercial	II	X					X	X
Child day care, family	I	X	X	X	X		X	X
Church	II	X			X		X	X
Club or lodge, private	IV	X					X	X
Commercial outdoor rec.	II	X	X	X	X	X	X	X
Confectionery stores (see Retail sales)	IV	X					X	
Contractor yards	V	X		X			X	
Convenience store, 3,000 sf or less	V	X			X		X	X
Cottage Industries	IV	X	X	X	X	X	X	X
Department stores (see Retail sales)	V	X						
Distributing facilities (see Industry, Light)	V	X					X	
Drug stores (see Personal services)	V	X					X	
Dry cleaners (see Personal services)	V	X					X	
Dwelling, multi-family (4 family or less)	II	X					X	X
Dwelling, multi-family (5 family or greater)	III	X						
Dwelling, single-family	(See Figure 1.03.034)	X	X	X	X	X	X	X
Electric/neon sign assembly, servicing repair	V	X						
Espresso Stands	IV	X					X	X
Fire Stations	IV	X	X	X	X	X	X	X
Flea market	V	X					X	X
Food markets & grocery stores	V	X					X	X
Forestry	VI		X	X	X	X		
Freight terminal, truck	V	X						
Fuel storage tanks (underground, >500 gal.)	I	X	X	X	X	X	X	X
Fuel storage tanks (underground, 500 gal. or less)	I	X	X	X	X	X	X	X
Fuel storage tanks, above ground	I	X	X	X	X	X	X	X
Furniture repair (see Industry, light)	V	X					X	
Garage, private	I	X	X	X	X	X	X	X

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Amend the Matrix of Permitted Uses, Figure 1.03.020 of the Development Regulations,
 Ordinance #82-96, as follows:

MASON COUNTY
 MATRIX OF PERMITTED USES
 FIGURE 1.03.020

Description of Use	Land Use Classification	Urban Growth Areas	Resource Areas	Working Rural Area	Rural Area	Agricultural Resource Lands	Rural Activity Center	Rural Community Center
Garage, public parking	V	X						
Gravel Extraction	VI		X	X	X			
Greenhouses, private & non-commercial	I	X	X	X	X	X	X	X
Group homes	III	X					X	X
Hardware stores 10,000 sf or less	IV	X					X	X
Hardware stores more than 10,000 sf	V	X						
Health club	V	X					X	
Heavy Industry	VI	X						
Home occupation	I	X	X	X	X	X	X	X
Horticultural nursery, wholesale and retail	IV	X	X	X	X	X	X	X
Hospitals	V	X						
Hotel	IV	X					X	
Industry, light	V	X					X	
Inn	IV	X					X	X
Kennels	IV	X		X	X	X	X	X
Libraries	II	X					X	X
Liquor stores	V	X					X	X
Livestock	IV	X	X	X	X	X	X	X
Locksmiths	IV	X					X	
Logging	VI		X	X	X	X		
Lumber yards	V	X		X			X	X
Machine shops, punch press up to 5 tons (see Industry, light)	V	X					X	
Marina	V	X		X	X		X	X
Medical-dental clinic	IV	X					X	X
Mining	VI		X	X	X			
Mobile home park	III	X					X	X
Mobile Home Sales	V	X					X	

*USE NOT PERMITTED AS HOME-BASED OCCUPATION OR COTTAGE INDUSTRY.

Amend the Matrix of Permitted Uses, Figure 1.03.020 of the Development Regulations,
 Ordinance #82-96, as follows:

MASON COUNTY
 MATRIX OF PERMITTED USES
 FIGURE 1.03.020

Description of Use	Land Use Classification	Urban Growth Areas	Resource Areas	Working Rural Area	Rural Area	Agricultural Resource Lands	Rural Activity Center	Rural Community Center
Mortuaries	IV	X					X	
Motel	IV	X					X	
Motor vehicle impound yard in enclosed bldg. (see Industry, light)	V	X					X	
Non-automotive, motor vehicle and related equipment sales, rental, repair and service	V	X					X	
Paint shop (see Industry, light)	V	X					X	
Parcel service delivery (see Industry, light)	V	X					X	
Parking area, private	I	X	X	X	X	X	X	X
Parking area, public	IV	X					X	X
Pasture	I	X	X	X	X	X	X	X
Pesticide application service (see Industry, light)	V	X					X	
Pet shop	IV	X					X	
Plumbing shop (see Industry, light)	V	X					X	
Plumbing supply yards (see Industry, light)	V	X					X	
Post Office, branch or contract station	II	X					X	X
Post Office, distribution center or terminal	V	X						
Printing establishments	V	X						
Professional offices	IV	X	X				X	
Public parks	II	X	X	X	X	X	X	X
Public utility facilities (services)	I	X						
Public utility service yard	V	X						
Radio & TV repair shops	IV	X					X	
Radio & TV transmission towers (incl. cellular phone towers)	IV	X	X	X	X		X	X
Recreational Vehicle Park	II	X		X	X			
Resource Based Industry	VI	X	X	X	X		X	X
Restaurant	V	X					X	X
Restaurants, drive-through	V	X						

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 Ordinance #82-96, as follows:

MASON COUNTY
 MATRIX OF PERMITTED USES
 FIGURE 1.03.020

Description of Use	Land Use Classification	Urban Growth Areas	Resource Areas	Working Rural Area	Rural Area	Agricultural Resource Lands	Rural Activity Center	Rural Community Center
Rifle Range *	VI		X	X	X			
Sawmills	VI	X	X	X	X		X	X
Schools, private, elementary or secondary	II	X			X		X	X
Secondhand store	V	X					X	
Self-service storage facility	V	X			X		X	X
Shoe stores or repair shop	IV	X					X	
Special Needs Housing	III	X					X	X
Stable	IV	X	X	X	X	X	X	X
Stationary store (see Retail sales)	IV	X					X	
Studios (i.e. recording, artist, dancing, etc.)	IV	X			X		X	X
Taverns	V	X					X	
Theaters, enclosed	V	X					X	
Tool sales & rental	V	X					X	X
Trailer-mix concrete plant	VI		X	X	X			
Upholstering	V	X					X	
Video store (rental, not adult) >5,000 sf	V	X						
Video store (rental, not adult) 5,000 s.f. or less	IV	X					X	X
Vocational school	II	X					X	
Warehousing	V	X						
Welding shops & sheets metal shops	V	X						
Wholesale	V	X						
Wrecking/Junk yards*	VI	X						

*USE NOT PERMITTED AS HOME-BASED OCCUPATION OR COTTAGE INDUSTRY.

Amend Figure 1.03.032 Development Densities; Dimensional Requirements, of the Development Regulations, Ordinance #82-96, to read as follows:

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 ATTACHMENT B - Page 11
 Agricultural Resource Lands

Figure 1.03.032 Development Densities; Dimensional Requirements						
Description of Use	Standard Residential Density	Maximum Residential Density	Standard Non-Residential Density*** (Floor Area Ratio)	Maximum Building Size	Maximum Building Height	Setback Requirements
Shelton Urban Growth Area	4 du/ac	8 du/ac	1:1.5	n/a	35'	**
Belfair Urban Growth Area	4 du/ac	6 du/ac	1:1.5	n/a	35'	**
Mineral Resource Areas (x)	1 du/40 ac	1 du/40 ac	n/a	n/a	35'*	**
In-Holding Lands	1 du/5 ac	1 du/2.5 ac	1:20	10,000 sf	35'*	**
Agricultural Resource Lands (x)	1 du/5 ac	n/a	1:20	n/a	35'*	**
Working Rural Area (x)	1 du/5 ac	1 du/5 ac	1:10	10,000 sf	35'*	**
Rural Area	1 du/5 ac	1 du/2.5 ac	1:20	n/a	35'*	**
Rural Activity Center	2 du/ac	4 du/ac	1:1.5	10,000 sf	35'	**
Rural Community Center	1 du/5ac	1 du/2.5 ac	1.5	10,000 sf	35'	**

- * resource-based activities are exempt from this requirement
- ** see buffer yard standards
- *** fire stations exempt from this requirement
- (x) clustering of residential development is required

Amend section 1.03.033 of the Development Regulations, Ordinance #82-96, as follows:

1.03.033 Performance-Based Density Bonuses

The "Maximum Residential Densities" shown in FIGURE 1.03.032 may be achieved only through the use of the performance standards set forth herein and in Title 16, or through the provisions contained in Section 1.03.037 of this chapter. These standards are designed and intended to encourage the preservation of the character of the land surrounding the proposed land use. The achievement of these bonuses will, in most cases, require an analysis of the land to document existing conditions, opportunities and constraints. Use of this information will assist in determining the most appropriate development pattern for each individual site.

Amend section 1.03.035 of the Development Regulations, Ordinance #82-96, as follows:

1.03.035 Cluster Development Required

Cluster development is required for all residential subdivisions located in the following development areas: Agricultural Resource Lands, Long-term Commercial Forests, Mineral Resource Areas, and Working Rural Areas.

Add a new section 1.03.037 of the Development Regulations, Ordinance #82-96, as follows:

1.03.037 Density Transfer and Agricultural Resource Lands

The following provisions apply only to Agricultural Resource Lands or to land in the Urban Growth Area which has received a transfer of density as herein described:

- A. Although the "Standard Residential Density" shown in FIGURE 1.03.032 allows Agricultural Resource Lands one dwelling unit per five acres (1du/5ac), these lands are hereby granted additional density of one dwelling unit per five acres, except that those Agricultural Resource Lands which lie within Township 1 North, Range 23 West, Willamette Meridian, and are surrounded by the Belfair Urban Growth Area are granted additional density of four dwelling units per acre, provided that, in both cases, this additional

density shall only be used if transferred to property designated as Urban Growth Area.

- B. On Agricultural Resource Lands, the Standard Residential Density does not include, and is in addition to, one single family dwelling on land which was contiguous and in the same ownership at the time of designation as Agricultural Resource Lands, and where the dwelling was existing at the time of the adoption of this ordinance.
- C. Part or all of the Agricultural Resource Lands allowed Standard Residential Density may be transferred for use in the Urban Growth Area rather than used on the originating property.
- D. In the Urban Growth Areas, density transfer under the provisions of this Section may be used on the receiving property in order to allow residential development up to the "Maximum Residential Density", shown in FIGURE 1.03.032, without a performance based subdivision and without compliance with the performance standards or criteria for such subdivisions as established in Chapter 16.22 of the Mason County Code.

Add new definitions to 1.06 Definitions of the Development Regulations, Ordinance #82-96, as follows:

Agricultural Resource Lands. Land designated by Mason County as Agricultural Lands of Long-Term Commercial Significance.

Density Transfer. Density transfer is the transfer of all or part of the permitted residential density on a parcel to another parcel.

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Agricultural Resource Lands

Amend Chapter 16.23 of Title 16, Mason County Code, to read as follows:

Chapter 16.23 Cluster Subdivisions

16.23.010 Application of Regulations. The following regulations shall apply to any applicant for subdivision or short plat approval, where the property proposed for subdivision or short plat is located within areas designated in the Mason County Development Regulations as Long-Term Commercial Forests, Mineral Resource Lands, Agricultural Resource Lands, and Working Rural Areas.

16.23.020 Preliminary Sketch Required. Any applicant submitting a proposal for a Cluster Subdivision shall submit a preliminary sketch for review. In addition to the information required in Section 16.12.010, the preliminary sketch shall show Primary Conservation Areas, Secondary Conservation Areas, and proposed development areas. A public hearing shall not be required at this time. However, abutters to the property and members of the general public shall be encouraged to attend the Planning Commission review of the sketch plan. Public comment at this stage is intended to minimize the need for significant plan changes during review of subsequent submittals.

16.23.030 Maximum Lot Sizes Established. No lot for which the construction of a residential dwelling is proposed under this Chapter shall exceed two acres in gross land area.

16.23.040 Design Criteria. Land proposed for development under this Chapter shall meet the design criteria set forth herein.

16.23.042 Primary Conservation Areas. Primary Conservation Areas shall be clearly identified, and shall be set aside as permanent open space. Primary Conservation areas shall be included in the calculation of both standard and maximum density allowed, but they shall not be used in calculating the percentage of permanent open space required.

16.23.044 Secondary Conservation Areas. Secondary Conservation Areas shall be identified and shall, to the greatest extent possible, be avoided as development areas. For Agricultural Resource Lands, at least 75% of the land being divided, not including the area of the Primary Conservation areas, shall be included in the property set aside as permanent open space.

16.23.046 Additional Open Space Criteria. The design of an open space area should encourage the following:

- A. Interconnection with designated open space on abutting properties;
- B. The preservation of important site features, such as rare or unusual stands of trees, unique geological features, or important wildlife habitat;
- C. Direct access to the open space from as many lots as possible within the development, except for Agricultural Resource Lands; and
- D. Minimizing the fragmentation of the open space areas. To the greatest extent possible, the designated open space should be located in large, undivided areas.
- E. A curvilinear roadway design which minimizes the visual impact of houses as may be seen from the exterior of the site.

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16.23.048 Additional Site Design Considerations. The siting of house lots should avoid the following:

- A. Interruption of scenic views and vistas;
- B. Construction on hill tops or ridge lines;
- C. Direct access or frontage on existing public ways;
- D. A "linear" configuration of open space (except when following a linear site feature, such as a river, creek or stream); and

16.23.050 Ownership, Maintenance and Use of Open Space. The applicant shall provide a mechanism to assure that any required open space is permanently protected and maintained, in conformance with the provisions set forth in Section 16.22.040.

16.23.060 Procedures for Approval. Preliminary approval for subdivision shall follow the procedures set forth in Chapter 16.16, except that the submittal of a preliminary sketch plan is required.

16.23.070 Transfer of Density. Upon analysis of all of the opportunities and constraints identified on a specific parcel of land, if it is determined that the use of the provisions set forth in this Chapter will not result in the use of the maximum density allowed, then the applicant shall have the right to transfer any unused development density to any parcel of land located in an Urban Growth Area. By use of this transfer right, maximum density allowed in the Urban Growth Area may be exceeded by up to fifty (50%) percent.