

ORDINANCE NUMBER 60-01

INTERIM MASON COUNTY DEVELOPMENT REGULATION FOR NATURAL RESOURCE INDUSTRIES

AN ORDINANCE adopting interim amendments to Mason County development regulations, 82-96, under the authority of Chapters 36.70 and 36.70A RCW.

WHEREAS, Mason County has received requests from Natural Resource Industry firms to allow the construction of resource industry and accessory buildings in the Rural Area of Mason County;

WHEREAS, natural resource industries are identified as a permitted use in the Rural Area by the Matrix of Permitted Uses, Section 1.03.020 of the Mason County Development Regulations, Ordinance 82-96, as amended, which was invalidated pursuant to the Growth Management Act by the Order of the Western Washington Growth Management Hearings Board of January 14, 1999;

WHEREAS, RCW 36.70A.302 (5) states "A county or city subject to a determination of invalidity may adopt interim controls and other measures to be in effect until it adopts a comprehensive plan and development regulations that comply with the requirements of this chapter. A development permit may vest under an interim control or measure upon determination by the board that the interim controls and other measures do not substantially interfere with the fulfillment of the goals of this chapter";

WHEREAS, Mason County has not adopted revised development regulations that have been determined by the Growth Management Hearings Board to comply with the requirements of the Growth Management Act;

WHEREAS, the Growth Management Act recognizes in RCW 36.70A.030(14) that rural character includes fostering of rural based economies and opportunities to work in rural areas; and

WHEREAS, the goals of the Growth Management Act include the preservation and enhancement of natural resource industries in RCW 36.70A.020 (8).

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason County hereby ADOPTS an amendment as a new section to the Development Regulations, Ordinance 82-96, as amended, as follows:

1.03.025 Interim Regulations - Natural Resource Based Industries

- A. Natural resource industry accessory buildings are permitted in designated Rural Areas provided the business existed as of January 14, 1999, and the accessory building does not exceed five (5) percent of the existing square footage of the business or a maximum of two thousand (2,000) square feet.
- B. Natural resource industry buildings which are less than 10,000 square feet in size are permitted in designated Rural Areas provided the following conditions are met: the development does not require an urban level of service, the development does not

conflict with natural resource based uses, critical areas are protected and there are not significant adverse impacts, any public services or facilities which are provided are limited to the development and shall not be provided in a manner that permits low-density sprawl, the development shall be compatible with surrounding uses and public ways by being visually screened from view and not generating noise at the property boundary which exceed the standards set forth in WAC 173-60.

- C. The provisions of this section are effective only when approved by the Growth Management Hearings Board and remain in effect until the county development regulations in Section 1.03.020 are found to be in compliance with the Growth Management Act, as provided in RCW 36.70A.302 (5).

The Board adopts the attached findings of fact in support of this interim ordinance.

Pursuant to RCW 36.70A.039, the Board of Commissioners will hold a public hearing on this action on Tuesday, June 19, 2001, at 10:40 AM

DATED this 5th day of June, 2001.

Board of Commissioners
Mason County, Washington

Mary Jo Cady
Mary Jo Cady, Commissioner

Herb Baze
Herb Baze, Commissioner

Wesley E. Johnson
Wesley E. Johnson, Commissioner

ATTEST:

Rebecca S. Rogers
Clerk of the Board

APPROVED AS TO FORM
AND SUBJECT:

Cheryl Vint, CH-DPA
Prosecuting Attorney

Mason County Board of County Commissioners

FINDINGS OF FACT

1. Under consideration is a proposal to adopt interim amendments to Mason County development regulations, 82-96, under the authority of Chapters 36.70 and 36.70A RCW.
2. Mason County has received requests from natural resource firms to allow the construction of resource industry and accessory buildings in the Rural Area of Mason County.
3. Natural resource industries are identified as permitted uses in the Rural Area by the Matrix of Permitted Uses, Section 1.03.020 of the Mason County Development Regulations, Ordinance 82-96, as amended, which was invalidated pursuant to the Growth Management Act by the Order of the Western Washington Growth Management Hearings Board of January 14, 1999.
4. RCW 36.70A.302 (5) states "A county or city subject to a determination of invalidity may adopt interim controls and other measures to be in effect until it adopts a comprehensive plan and development regulations that comply with the requirements of this chapter. A development permit may vest under an interim control or measure upon determination by the board that the interim controls and other measures do not substantially interfere with the fulfillment of the goals of this chapter".
5. Mason County has not adopted revised development regulations that have been determined by the Growth Management Hearings Board to comply with the requirements of the Growth Management Act.
6. Modifications to existing natural resource businesses are necessary to maintain the economic viability of the firms in an ever changing market, and it is the public interest to maintain employment and the tax base of natural resource based industries in the county.
7. The Growth Management Act recognizes in RCW 36.70A.030(14) that rural character includes fostering of rural based economies and opportunities to work in rural areas. The amendments include additional restrictions intended to maintain the rural character of the permitted development.
8. The goals of the Growth Management Act include the preservation and enhancement of natural resource industries in RCW 36.70A.020 (8).

From the preceding findings, it is concluded that these interim provisions should be adopted.



Chair, Mason County Board of Commissioners

6/5/01
Date