

ORDINANCE NO. 146 - 02

**AN ORDINANCE TO AMEND THE MASON COUNTY
DEVELOPMENT REGULATIONS REGARDING SPECIAL USE PERMITS**

AN ORDINANCE to amend the Mason County Development Regulations (Ord. No. 82-96) to delete Section 1.05.048 Minor Amendment from Section 1.05.040 Special Use Permit, the procedures for permit review.

WHEREAS, the Mason County Board of Commissioners adopted Ordinance No. 82-96, which in part established a Special Use Permit review process to address those land uses which possesses unique characteristics due to size, nature, intensity of use, technological processes involved, demands upon public services, relationship to surrounding lands, or other factors;

WHEREAS, Ordinance No. 112-01, approved in October 2001, provided for minor changes to an approved Special Use Permit which did not constitute a significant change in the scope of the original permit or did not create a use inconsistent with the Special Use Permits decision criteria;

WHEREAS, in April 2002 the Western Washington Growth Management Hearings Board issued a Finding and Order to Mason County to make revisions to the ordinance text that define decision criteria and impact analysis of proposed minor amendments to special use permits;

WHEREAS, Mason County finds that the process of a minor amendment to an approved special use permit, with decision criteria and impact analysis, is equivalent to the evaluation of the application for a new special use permit;

WHEREAS, the Mason County Planning Advisory Commission formulated their recommendations after a public hearing on October 21, 2002;

WHEREAS, the Board of County Commissioners held a public hearing about the proposed revisions on November 5, 2002, to consider the recommendations of the Planning Advisory Commission, and the Mason County Department of Community Development and citizens' testimony on the proposed revisions;

WHEREAS, the Mason County Board of County Commissioners 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 adopts the amendments to the Mason County Development Regulations, as amended, with the deletion of Section 1.05.048 from Section 1.05.040 Special Use Permits, as described by ATTACHMENT B.

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DATED this 11/5/02 day of November, 2002.

**BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON**

ATTEST:

Rebecca S Rogers
Clerk of the Board

APPROVED AS TO FORM:

Don Nitroak DPA
Prosecuting Attorney

Wesley E. Johnson
Wesley E. Johnson, CHAIRPERSON

Herb Baze
Herb Baze, COMMISSIONER

Robert Holter
Robert Holter, COMMISSIONER

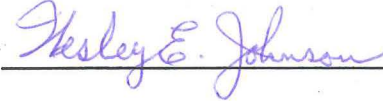
**ORDINANCE AMENDING THE MASON COUNTY DEVELOPMENT
REGULATIONS (Ord. No. 82-96) REGARDING SPECIAL USE PERMITS**

**MASON COUNTY BOARD OF COMMISSIONERS
NOVEMBER 5, 2002**

FINDINGS OF FACT

1. Under consideration is the proposed ordinance to amend the Mason County Development Regulations (Ord. No. 82-96) to delete Section 1.05.048 Minor Amendment from Section 1.05.040 Special Use Permit.
2. The Mason County Development Regulations (Ord. No. 82-96) contains Chapter 1.05.040 that address the review of proposed development that possess unique characteristics due to size, nature, intensity of use, demands upon public services, relationship to surrounding lands, technological processes involved, or other factors. These Special Use Permits have been subject to the public hearing review process before the Board of County Commissioners and each has been evaluated subject to permit conditions.
3. In October 2001, Mason County Board of Commissioners passed Ordinance No. 112-01, which provided for minor changes to an approved Special Use Permit which did not constitute a significant change in the scope of the original permit or did not create a use inconsistent with the Special Use Permits decision criteria.
4. In April 2002, the Western Washington Growth Management Hearings Board, in response to a petition for review, issued a Finding and Order that Mason County make revisions to the ordinance text that define decision criteria and impact analysis of proposed minor amendments to special use permits.
5. Mason County finds that the process of a minor amendment to an approved special use permit, with decision criteria and impact analysis, is equivalent to the evaluation of the application for a new special use permit.
6. At a public hearing on October 21, 2002, the Mason County Planning Advisory Commission discussed the importance in setting up a standard procedure for the review of such permits and formulated their recommendations of approval of the proposed revisions.
7. At this County Commissioners public meeting, the Department of Community Development proposed the deletion of ordinance text (Section 1.05.048) from the procedure for reviewing Special Use Permit (Section 1.05.040). The Commissioners discussed the public review process for Special Use Permits and any effects to deleting the proposed ordinance text.

From the preceding findings, the Mason County Board of Commissioners hereby adopts the amendments to the Mason County Development Regulations (Ord. No. 82-96), as amended, with the deletion of Section 1.05.048 from Section 1.05.040 Special Use Permits.



Chair, Mason County Board of Commissioners

Date

1.05.040 Special Uses**1.05.041 Purpose**

A Special Use is one which possesses unique characteristics due to size, nature, intensity of use, technological processes involved, demands upon public services, relationship to surrounding lands, or other factors. The purpose of this Section is to provide for adequate oversight and review of such development proposals, in order to assure that such uses are developed in harmony with surrounding land uses, and in a manner consistent with the intent of this Ordinance and the Comprehensive Plan.

1.05.042 Authority

The Board shall have authority to hear and decide all applications for Special Use permit. The Board may approve, approve with conditions, or deny any application for Special Use permit, based upon the Decision Criteria set forth in Section 1.05.044. The Board shall have the authority to attach such conditions as may be appropriate to accommodate the Decision Criteria set forth in Section 1.05.044.

1.05.044 Decision Criteria

The Board shall review Special Use permit applications in accordance with the following criteria. The Board shall not approve any application for a Special Use permit unless it makes an affirmative finding with regard to each of these criteria.

- A. That the proposed use will not be detrimental to the public health, safety and welfare;
- B. That the proposed use is consistent and compatible with the intent of the Comprehensive Plan;
- C. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated through appropriate measures to protect adjacent properties and the community at large;
- D. That the proposed use is served by adequate public facilities which are in place, or planned as a condition of approval or as an identified item in the County's Capital Facilities Plan;
- E. That the proposed use will not have a significant impact upon existing uses on adjacent lands; and
- F. If located outside an Urban Growth Area, that the proposed use will not result in the need to extend urban services.

1.05.046 Procedural Requirements for a Special Use Permit

- A. Application for a Special Use Permit shall be made to the Department of Community Development, on forms furnished by the County.
- B. Any application for a Special Use Permit shall include an application fee as established by the Board.
- C. Special Use Permit applications shall require a Public Hearing, as set forth in Section 1.05.050 of this Ordinance.

~~1.05.048 — Minor Amendment~~

~~A minor amendment may be made to an approved Special Use Permit, provided:~~

- ~~A. — The Administrator determines the scope of the minor amendment, and any prior minor amendments, does not constitute a significant change in the scope of the approved permit or create any additional material or environmental impact on the site, adjacent properties, or access roadways.~~
- ~~B. — The Administrator determines the minor amendment does not create a use which is inconsistent with the decision criteria detailed in Chapter 1.05.44.A to 1.05.44.F and the Mason County Resource Ordinance.~~
- ~~C. — The Administrator's written determination regarding A and B above, the proposed minor amendment, and the notice of date of proposed action by the Board of County Commissioners are mailed to adjacent property owners at least ten days, but not more than thirty days, prior to action by the Board.~~
- ~~D. — On the date of scheduled action, after taking public comment, the Board concurs with the written determination and approves the minor amendment.~~