

ORDINANCE NUMBER 152- 02
AMENDMENTS TO THE MASON COUNTY DEVELOPMENT REGULATIONS
MASON COUNTY PARKING ORDINANCE, AND TITLE 16 PLATS AND SUBDIVISIONS.

AN ORDINANCE amending the Mason County Development Regulations, regarding binding site plans in urban growth areas; Mason County Parking Ordinance parking standards for business and professional office land uses, and portions of Title 16 Plats and Subdivisions regarding public interest and third party interests in land divisions, under the authority of Chapters 36.70 and 36.70A RCW.

WHEREAS, the Department of Community Development has prepared ordinance changes to these three implementing ordinances that Mason County Department of Community Development can review and evaluate proposed development that will result in the approval of a project that is conforming with clear development standards and is not in conflict with existing land uses and property rights.

WHEREAS, at the October 21, 2002 Mason County Planning Advisory Commission meeting, the proposed ordinance changes in the Development Regulations, Title 16 Plats and Subdivisions, and Mason County Parking Ordinance were presented, and Planning Advisory Commission members approved a motion to recommend approval of the proposed ordinance changes.

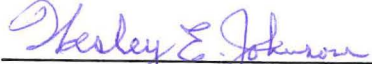
WHEREAS, the Board of County Commissioners held a public hearing about the proposed revisions on November 19, 2002, to consider the recommendations of the Planning Advisory Commission, and the Mason County Department of Community Development and citizens' testimony on the proposed revisions to Development Regulations, Title 16 Plats and Subdivisions, and Mason County Parking Ordinance;

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 approves and ADOPTS the amendments to the Mason County Development Regulations, regarding binding site plans in urban growth areas; Mason County Parking Ordinance parking standards for business and professional office land uses; and portions of Title 16 Plats and Subdivisions regarding public interest and third party interests in land divisions, as described by ATTACHMENT B.

DATED this 19th day of November 2002.

Board of County Commissioners
Mason County, Washington



Wesley E. Johnson, Chair

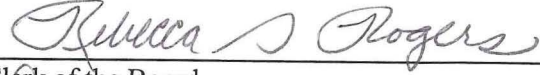


Herb Baze, Commissioner



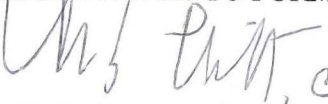
Bob Holter, Commissioner

ATTEST:



Clerk of the Board

APPROVED AS TO FORM:



Deputy Prosecuting Attorney

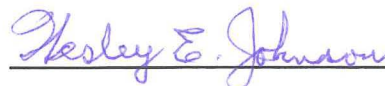
**AN ORDINANCE AMENDING
THE MASON COUNTY DEVELOPMENT REGULATIONS AND
TITLE 16 PLATS AND SUBDIVISIONS
AND MASON COUNTY PARKING ORDINANCE STANDARDS**

**MASON COUNTY BOARD OF COMMISSIONERS
November 19, 2002**

FINDINGS OF FACT

1. Under consideration is the proposed ordinance to amend review standards regarding binding site plans in urban growth areas; parking standards for business and professional office land uses, and revisions to portions of Title 16 Plats and Subdivisions regarding public interest and third party interests in land divisions.
2. The Mason County Development Regulations set forth land use designations and development standards for proposed projects in Mason County; these standards include zoning districts, permitted uses, and dimensional requirements for land divisions. Title 16 Plats and Subdivisions described the standards and review procedures for proposed land divisions. The Mason County Parking Ordinance sets the standards for adequate parking for proposed land uses.
3. The Mason County Department of Community Development staff have presented proposed changes in these development standards which needed to clarify evaluation standards for binding site plans and subdivision review, and to provide a new parking standard for the urban growth areas and in the rural activity centers, where business and professional offices are allowed
4. At the October 21, 2002 Mason County Planning Advisory Commission meeting, the Department of Community Development presented the proposed ordinance changes in the Development Regulations, Title 16 Plats and Subdivisions, and Mason County Parking Ordinance. Following discussion, Planning Advisory Commission members approved a motion to recommend approval of the proposed ordinance changes.
5. At the November 19, 2002 public hearing, the Board of County Commissioners heard the Department of Community Development staff report and considered the testimony from county staff and the public concerning the proposed revisions to Development Regulations, Title 16 Plats and Subdivisions, and Mason County Parking Ordinance.

FROM THE PRECEDING FINDINGS, the Mason County Board of Commissioners adopts a motion to approve the proposed revisions made by Department of Community Development staff in the proposed text in the Mason County Development Code (binding site plans), Title 16 Plats and Subdivisions (public interest and third party interests in land divisions), and Mason County Parking Ordinance (parking standards for business and professional office land uses).

 11-19-02

Chair, Mason County Board of Commissioners

Date

1.03.031 Binding Site Plan Required in the Belfair and Allyn Urban Growth Areas

- A. In the Belfair and Allyn_ urban growth areas_ and prior to the provision of public sewer or public water to a site, any approval for a commercial, industrial and mixed use development is required to include a binding site plan which:
- complies with the applicable health regulations and other Mason County building regulations; e.g. critical areas, storm water management, etc.
 - provides for the septic needs of the current proposal and shows how the remainder of the site will accommodate and not preclude urban services and densities, and.
 - provides for future sewer pipelines and other utilities.
- B. The binding site plan, prepared under this section *and reviewed and approved by the Director*, shall address the following: buffers, landscaping, traffic access and parking standards, current septic and future sewer provisions, height and scale in relation to surrounding uses and future uses, vegetation removal, storm water, potable water, and lot coverage.
- C. Development of the site shall be consistent with the approved site plan. Minor modification to the site plan may be allowed by the Director, provided that all other regulations and conditions placed on the approval are complied with.

1.06 Definitions.

Add to text:

Director: The Director of Community Development, and whose responsibilities may be delegated when not contrary to law or ordinance.

**MASON COUNTY PARKING STANDARDS
ORDINANCE NO. 815**

SECTION 9 TABLE OF MINIMUM STANDARDS

SECTION 9.02 PROFESSIONAL SERVICES

| (General Uses) | (Parking Space Requirement) |
|---|---|
| 1. Medical and dental clinics or offices: | One space each 150 sq. ft. of gross leasable area plus one <i>space</i> per each employee. |
| 2. Business and Professional offices | One space each 150 300 sq. ft. of gross leasable area plus one space per each employee. |
| 3. Professional Personal Services | One space per each working station plus one <i>space</i> per each employee. |

CHAPTER 16.16 PRELIMINARY PLATS

16.16.060 Approval. (a) ~~The Planning Commission~~ *Hearing Examiner* shall consider the preliminary plat at the next regularly scheduled *public hearing meeting* after the expiration of the 60 days required in section 16.16.010 and shall render a decision on such plat within forty days of the *public hearing meeting* at which the plat is first considered unless written permission is given by the applicant for a longer period of time. Prior to approval the ~~Planning Commission~~ *Hearing Examiner* shall make written findings that: (a) the preliminary plat makes appropriate provisions for public health, safety, and general welfare and for open spaces, drainage ways, streets or roads, light and air, ingress and egress, transit stops, sanitary wastes, parks and recreation areas, playgrounds, schools and schoolgrounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such land. If it finds that the proposed subdivision and dedication makes appropriate provisions and the public use and interest will be served, then the *Hearing Examiner* ~~Planning Commission~~ may *approve* ~~recommend approval of~~ the preliminary plat outright or conditionally to the ~~Board of County Commissioners~~. *The public interest shall not include the regulatory taking of any contractual rights, options, or any other third-party interest in land, which if the preliminary plat were approved, may render such interests valueless. In such case, the Hearing Examiner may deny the preliminary plat until such interest is removed from the property which is the subject of the preliminary plat.*

~~Recommendations shall be submitted to the Board not later than fourteen days following action by the Commission. Upon receipt of the recommendation on any preliminary plat, the Board shall, at its next public meeting, set the date for the public meeting where it may adopt or reject the recommendations of the Commission. If, after considering the matter at a public meeting, the Board deems a change in the Planning Commission's recommendation approving or disapproving any preliminary plat is necessary, the change of the recommendation shall not be made until the Board shall conduct a public hearing and thereupon adopt its own recommendations and approve or disapprove the preliminary plat.~~

~~The Board of County Commissioners shall, prior to preliminary plat approval, make written findings that: (a) appropriate provisions are made for the public health, safety, and general welfare and for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and all other relevant facts, including sidewalks, and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication makes appropriate provisions and the public use and interest will be served, then the Board of County Commissioners shall approve the proposed subdivision and dedication.~~

In computing any period of time prescribed by this Title, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or a County legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, or a County legal holiday.

CHAPTER 16.36 SHORT SUBDIVISIONS

16.36.025 (B) Procedure - Administrative Written Findings. The Administrator shall, prior to final short subdivision approval, make written findings that: (a) Appropriate provisions are made for public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and all other relevant facts, including sidewalks, and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the *permitting the proposed subdivision of land. The public interest shall not include the regulatory taking of any contractual rights, options, or any other third-party interest in land, which if the short subdivision were approved, may render such interests valueless* ~~platting of such land into four (4) or fewer lots. If it finds that the proposed short subdivision makes appropriate provisions and the public use and interest are served, then the Administrator shall approve the proposed short subdivision.~~

Written findings shall be made on a cover sheet to the short subdivision application and shall be signed by the Administrator.

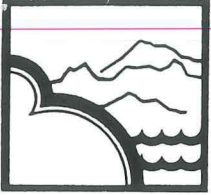
16.36.034 Re-subdivision Procedure. Land within a short subdivision, approved under this chapter, may not be further divided for five years or ~~until~~ a final plat of the re-subdivision has been approved and filed for record pursuant to Chapter 16.20 Mason County Code, *except that when a short subdivision contains fewer than four parcels, the owner who originally filed the short subdivision may alter the short subdivision to create up to a total of four lots within the original short subdivision boundaries within the five-year period.*

CHAPTER 16.38 LARGE LOT SUBDIVISIONS

16.38.016.2 Procedure - Administrative Written Findings. The Administrator shall, prior to final large lot subdivision approval, make written findings that: (a) Appropriate provisions are made for public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and all other relevant facts, including sidewalks, and other planning features that assure safe walking conditions for students who only walk to and from

school; and (b) the public use and interest will be served by the permitting the proposed subdivision of land. The public interest shall not include the regulatory taking of any contractual rights, options, or any other third-party interest in land, which if the short subdivision were approved, may render such interests valueless.

Written findings shall be made on a cover sheet to the large lot subdivision application and shall be signed by the Administrator.



**MASON COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT**

Planning
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November 19, 2002

STAFF REPORT

TO: Mason County Board of Commissioners
FROM: Planning Department, DCD

RE: Review of Proposed Changes to Development Regulations and Title 16 Plats and Subdivisions.

Summary. Background and reason for proposed revisions to portions of the Development Regulations, Mason County Parking Ordinance, and Title 16 Plats and Subdivision are presented. The proposed revisions address amendments to the Mason County Development Regulations regarding binding site plans in urban growth areas; parking standards for business and professional office land uses, and revisions to portions of Title 16 Plats and Subdivisions regarding public interest and third party interests in land divisions. Staff presents these revisions for the Board of County Commissioners consideration.

I. INTRODUCTION

The Mason County Department of Community Development is presenting proposed revisions to the Mason County Development Regulations and Title 16 Plats and Subdivisions that were needed to clarify review standards and to provide a new parking standard for the business and professional office land uses in all areas of the county.

The process for the review of Development Regulation changes is set forth in Title 15 Mason County Development Code. The review of proposed and requested changes is held in public hearings before the Planning Advisory Commission and the Board of County Commissioners, and decisions on such requests are made by the Board of County Commissioners based upon information and testimony at their public hearing.

II. PURPOSE

The Department of Community Development implements the standards contained in the Development Regulations and Title 16 Plats and Subdivisions. The standards for

requiring and reviewing binding site plan for developments in the Belfair and Allyn Urban Growth Areas, Development Regulations Section 1.03.031 B, did not clearly indicate that a plan needed to be reviewed and approved by the Community Development Director as part of the binding site plan approval. This additional text was added for clarification on page 1 of the Development Regulations revisions.

An application for amendment to the Development Regulations was submitted to the Department of Community Development. The request is to modify the Mason County Parking Ordinance standard (the number of parking stalls provided) for business and professional offices from one stall per 150 square feet of gross floor area plus one stall per employee to one stall per 300 square feet of gross floor area. The Department of Community Development has not completed a comprehensive review of the Parking Ordinance standards to this date, but in consideration of this request to make a change to the parking stall requirements for business and professional offices, the request was accompanied with parking standards of other jurisdictions for these land use which were in the range similar to the request. This proposed new standard would be applied in the urban growth areas and in the rural activity center (Hoodsport, Union, and Taylor Towne) where business and professional offices are allowable. In addition, it should be noted that providing adequate parking needs for the maximum usage should be balanced with the creation of parking lots of large impervious surface area and the need for stormwater treatment of resulting increased runoff. Staff concludes that the request to modify the standard to one parking stall per 300 square feet of gross floor area is a reasonable change in the parking standards. This revised text was added to the table on page 1 of the proposed Parking Ordinance change.

Proposed changes to Title 16 Plats and Subdivisions amend four portion of this Title. One revision is the additional text to Subsection 16.36.034 Re-Subdivision Procedure, where clarifying language states how an owner may alter an original short subdivision to create up to a total of four lots within the original short plat boundaries within a five-year period. This revision makes Title 16 consistent with the same provision that is contained in the state code RCW 58.17.060 short subdivision requirements.

The other three revisions (to Chapter 16.16 Preliminary Plats, Chapter 16.36 Short Subdivisions, and Chapter 16.38 Large Lot Subdivisions) add the same text regarding the public interest not including the regulatory taking of contractual rights, options, or other third-party interest in land. If such interests are allowed following the approval of a land subdivision, the subdivision of land may become non-conforming to the comprehensive plan. It is a matter of policy that Mason County avoids the takings of third-party interests when subdivisions are reviewed and approved.

III. BASIS FOR ACTION

The proposed revisions to the Development Regulations and Title 16 Plats and Subdivision are presented to address several changes that were needed to clarify evaluation standards for binding site plans and subdivision review, and to provide a new

parking standard for the urban growth areas and in the rural activity center (Hoodsport, Union, and Taylor Towne), where business and professional offices are allowed. With this set of proposed revisions, Mason County Department of Community Development can review and evaluate proposed development that will result in the approval of a project that is conforming with clear development standards and is not in conflict with existing land uses and property rights.

IV. SEPA DETERMINATION

The threshold determination of the environmental checklist for these proposed development regulations revisions was issued by Mason County Department of Community Development on October 11, 2002. A 14 day comment period included copies of the Determination and the environmental checklist being sent to agencies and affected parties. Comment letters received by the Department of Community Development will be considered along with public testimony at this Board of County Commissioners public hearing.

V. REQUEST FOR ACTION

Based upon the comments received and the discussion of the County Commissioners, the Department of Community Development respectfully requests that the Board of County Commission consider the proposed revisions to portions of the Development Regulations and Mason County Parking Ordinance, and to Title 16 Plats and Subdivision. Based upon the decision made, the Department of Community Development will provide findings of fact for signature by the Chair of the Board of County Commissioners.