

**ORDINANCE NUMBER 23 - 02**  
**AMENDMENTS TO THE MASON COUNTY COMPREHENSIVE PLAN**  
**AND DEVELOPMENT REGULATIONS**

AN ORDINANCE amending the Mason County Comprehensive Plan, May 2000, and amending development regulations as follows: Mason County Development Regulations, Ord. No. 82-96, revising Chapters 1.02, 1.03, 1.05, and 1.06; establishing Chapter 1.04; and amending Development Area Maps, under the authority of Chapters 36.70 and 36.70A RCW.

WHEREAS, the Board of County Commissioners held a public hearing on February 26, 2002, to consider the recommendations of the Planning Commission, and the Mason County Department of Community Development and citizens' testimony on the proposed amendments;

WHEREAS, the Mason County Planning Commission formulated its recommendations after a public hearing on December 3, 2001;

WHEREAS, the Board of County Commissioners accepted additional written citizens' testimony on the proposed amendments until March 4, 2002;

WHEREAS, these hearings were duly advertised public hearings;

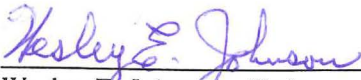
WHEREAS, these amendments are intended to comply with the Orders of the Western Washington Growth Management Hearings Board, Case No. 96-02-0023c;

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 Comprehensive Plan and Development Regulations, as amended, as described by ATTACHMENT B.

DATED this 5<sup>th</sup> day of March, 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

**Mason County Board of Commissioners**

**March 5, 2002**

**FINDINGS OF FACT**

**1. PROPOSED ACTION**

Under consideration is a proposal to amend the Mason County Comprehensive Plan and Development Regulations. These changes are proposed to update the county planning and regulations and to address the concerns of the Western Washington Growth Management Hearings Board in case #96-2-0023c addressed in their Findings and Order, dated December 15, 2000 and March 1, 2001.

**2. PUBLIC PARTICIPATION**

Mason County Department of Community Development held three public workshops with the general public to discuss new maps and standards for development districts in the Rural Area. A public hearing was held with the Mason County Planning Commission on February 21, 2002 and public testimony was received. A Mason County Board of Commissioners public hearing was held on February 26, 2002 to receive public testimony and accept additional comments until March 4, 2002. In addition, public participation was provided through the SEPA review process to agencies and interested parties in February 2002, other telephone public comment by the property owners, and public testimony at the hearings.

**3. ENVIRONMENTAL REVIEW**

A determination of non-significance (DNS) was issued by Mason County on February 14, 2002. No comments were received in response to this threshold determination and environmental checklist. After review of the public comments about the new standards and consideration of the changes proposed since that issuance, it was determined by the Department of Community Development that no significant adverse impacts are expected from this action.

**4. GROWTH MANAGEMENT HEARINGS BOARD COMPLIANCE - DISCUSSION**

The Growth Management Hearings Board (GMHB), Case #96-2-0023c, issued a Findings and Order on December 15, 2000 and March 1, 2001, finding Ordinance No. 36-00 invalid and ordering Mason County to address several issues which were found not compliant with the GMA. The discussion of these issues was presented in the staff reports for the public review before the Planning Commission and is summarized below:

*1) Bring its matrix of permitted uses in the Rural Areas into compliance.*

Mason County has changed the matrix table to include only Resource Lands (Long-Term Commercial Forest and Mineral), Agricultural Resource Lands, and Urban Growth Areas. Many of the regulations of land uses on the Rural Lands are now included in a new Development Regulations section (Section 1.04) that establishes rural development districts and the performance standards that proposed land uses must meet.

Rural Residential development will correspond to the Rural Development Densities for Mason County found no longer invalid in December 2000. Those densities within the Rural Lands include one dwelling unit per 2.5, 5, 10, and 20 acres. Other development districts for the Rural Lands include Rural Commercial, Rural Industrial, Rural Natural Resources, Rural Tourist, and Master Planned Resort.

The above mentioned development districts have been designated within the county at the 26 LAMIRDs and at additional locations of non-residential land development. The proposed designations are generally based upon the existing nature of the land use, and the appropriate district category is noted at parcel location. Development proposed at a certain location would need to comply with the stated development standards of the development district in which it is located.

2) *Assess the effects of the 13 previously undesignated LAMIRDs.*

The 26 LAMIRDs (three Rural Activity Centers, nine Hamlets, and fourteen Isolated Commercial and Industrial Areas) have been accurately mapped and a list of the parcels designated have been compiled. Mason County has carefully designated the logical outer boundaries of each LAMIRD, as of July 1990, to limit expansion or sprawling of these land uses into each of the local areas. The current draft does not changed the location or boundaries that were approved by the Western Washington Growth Management Hearings Board in their December 2000 Findings and Orders.

Mason County has not only kept the logical outer boundaries of these LAMIRDs tight to the area existing in July 1990, but has limited land uses to those similar with existing land uses, so that the demand for services and infrastructure by non-residential land uses is kept at present levels. Within each LAMIRD, existing land uses are designated as certain development districts, in order to locate similar development on adjoining properties and limit potential use conflicts.

Through the review of Assessor's Office data and the observation of actual land uses, a list of properties has been prepared that includes other parcels on which existing non-residential development has occurred, both prior to July 1990 (when Mason County undertook Growth Management planning) and since July 1990 up to December 1996 (when an Growth Management Hearings Board Order of Invalidity took effect). With this list, Mason County can account for the spectrum of non-residential land uses within the county not previously designated and track the status of each.

3) *Bring its open space and recreation area map into compliance.*

Mason County proposed three new Comprehensive Plan planning policies in the Chapter III-6

subsection on Parks and Trails which would address the use of railroad right-of-ways for trail corridors, an open space corridor designated between Belfair and Allyn for potential trail systems, and development of two properties in Mason County ownership as community parks or open space. These locations will be included in the Mason County Future Open Space Map for the purpose of planning and development of these features.

4) *Bring the DRs for the Allyn UGA into compliance.*

Several references regarding the Allyn Urban Growth Area have been added to Mason County Development Regulations. Both Belfair and Allyn are “stand alone” UGAs and would have the same general development requirements for urban growth areas. There is now a specific statement that binding site plans are required in both Allyn and Belfair Urban Growth Areas.

5) *Delineate LAMIRDS and rural areas densities on a final map.*

Mason County has prepared a set of maps showing: a) Development Areas, illustrating the rural area development densities; b) Mason County Rural Activity Centers; c) Mason County Hamlets; d) Mason County Western ICIA (Isolated Commercial Industrial Area); e) Mason County Eastern ICIA (Isolated Commercial Industrial Area).

On the first map, the array of designation areas of Long-Term Commercial and Agricultural Resource Lands, Urban Growth Areas, and the general LAMIRD locations are shown with the those densities within the Rural Lands that include one dwelling unit per 2.5, 5, 10, and 20 acres. On the last four maps are shown the logical outer boundaries of each LAMIRD, the parcels within the boundaries, and the rural development district or districts for those parcels. These maps will be essential to the Mason County review of a development proposal location and standards.

## **5. GROWTH MANAGEMENT HEARINGS BOARD COMPLIANCE - FINDINGS**

A. Mason County finds that these amendments and the provisions of the Mason County Comprehensive Plan and Development Regulations are an important part of the implementation of GMA and county goals for economic and environmental protection of county Rural Lands.

B. Mason County finds that the proposed Comprehensive Plan and Development Regulations designates areas of the county into development districts, regulates proposed development in these development districts, and works together with other development standards to guide development in the Rural Lands of Mason County.

C. Mason County finds that these development districts and development standards provide clear guidelines that support the goals of the Growth Management Act in the planning for future

**Ordinance # 23 - 02 Attachment A**

**Page 4**

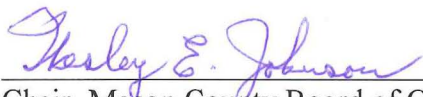
development in Mason County.

D. Mason County finds that all of the issues stated in the Growth Management Hearings Board Findings and Order of December 15, 2000 and March 1, 2001 have been addressed in the revisions made to the Mason County Comprehensive Plan and Development Regulations.

**6. CONCLUSIONS**

The Board of County Commissioners finds that the Comprehensive Plan and Development Regulations revisions are consistent with the county-wide planning policies and address the issues of the Growth Management Hearings Board, and finds that the proposed amendments balance the goals of the Growth Management Act.

The Mason County Board of Commissioners hereby adopts the Findings of Fact for Ordinance No. 23 - 02, the proposed changes to the Mason County Comprehensive Plan and Development Regulations.



\_\_\_\_\_  
Chair, Mason County Board of Commissioners

3-5-08

Date

**Page III-3.6**

RU 212 Resource based industries in rural lands existing as of July 1990 may be considered for designation for rural industrial use rather than only as for resource based industrial use. In such cases the designation will be limited to the lot or lots on which the buildings and other improvements existed as of 1990, and the area allowed for rural industrial use shall be no greater than the approximate area of the existing structures and improvements.

RU 212a New resource based industries can be established in the rural lands when the land is designated as Rural Natural Resource. Designation criteria for Rural Natural Resource districts include: development of the site is not expected to not have significant environmental impacts, the site is not adjacent to existing rural residential development at densities greater than one house per 5 acres, there will be no unmitigated impacts to critical areas, the site has adequate access to public roads, and designation of the site will not change the rural character of the area by being located in proximity to other more intensive development. These criteria are to be used in conjunction with other policies and goals of the plan in making the decision on whether to designate a site.

**Page III-6.4**

OS-604 Rail road right-of-way through Mason County are suitable corridors for open space between and within urban growth areas. Should the opportunity arise, such as through abandonment of the rail road line, then Mason County should pursue acquisition of the right-of-ways for use for trails, open space, bike trails or other suitable recreational applications. Right-of-ways should also be preserved for potential transportation purposes, rather than divided and lose utility.

Consistent with the counties transportation and open space policies, the Belfair By-Pass will provide a bicycle/pedestrian trail parallel to the county road, connected to State Route 3 north or the Belfair UGA, continuing through the UGA, to re-connect with State Route 3 south of the UGA.

Connecting with this route is a proposed corridor that would run from the north end of North Bay, up Coulter Creek for less than ½ mile until it turns west to the north end of Devereaux Lake, where it turns north until it reaches the Hood Canal at Lynch Cove. The route would provide a connection between the Puget Sound and Hood Canal. With a trail along North Bay or the North Bay Road, it could provide a trail/open space connection between the Allyn and Belfair UGAs by way of the Belfair Bypass trail.

Called the Lake Devereaux Region Corridor by the Allyn Sub-Area Plan Committee, a community planning group, this route and some associated open space areas around the trail would be the

**Page III-3.6**

RU 212 Resource based industries in rural lands existing as of July 1990 may be considered for designation for rural industrial use rather than only as for resource based industrial use. In such cases the designation will be limited to the lot or lots on which the buildings and other improvements existed as of 1990, and the area allowed for rural industrial use shall be no greater than the approximate area of the existing structures and improvements.

RU 212a New resource based industries can be established in the rural lands when the land is designated as Rural Natural Resource. Designation criteria for Rural Natural Resource districts include: development of the site is not expected to not have significant environmental impacts, the site is not adjacent to existing rural residential development at densities greater than one house per 5 acres, there will be no unmitigated impacts to critical areas, the site has adequate access to public roads, and designation of the site will not change the rural character of the area by being located in proximity to other more intensive development. These criteria are to be used in conjunction with other policies and goals of the plan in making the decision on whether to designate a site.

**Page III-6.4**

OS-604 Rail road right-of-way through Mason County are suitable corridors for open space between and within urban growth areas. Should the opportunity arise, such as through abandonment of the rail road line, then Mason County should pursue acquisition of the right-of-ways for use for trails, open space, bike trails or other suitable recreational applications. Right-of-ways should also be preserved for potential transportation purposes, rather than divided and lose utility.

Consistent with the counties transportation and open space policies, the Belfair By-Pass will provide a bicycle/pedestrian trail parallel to the county road, connected to State Route 3 north of the Belfair UGA, continuing through the UGA, to re-connect with State Route 3 south of the UGA.

Connecting with this route is a proposed corridor that would run from the north end of North Bay, up Coulter Creek for less than ½ mile until it turns west to the north end of Devereaux Lake, where it turns north until it reaches the Hood Canal at Lynch Cove. The route would provide a connection between the Puget Sound and Hood Canal. With a trail along North Bay or the North Bay Road, it could provide a trail/open space connection between the Allyn and Belfair UGAs by way of the Belfair Bypass trail.

Called the Lake Devereaux Region Corridor by the Allyn Sub-Area Plan Committee, a community planning group, this route and some associated open space areas around the trail would be the

highest priority for open space corridors and buffers, creating a permanent separation between the two UGAs. The route also enhances public access to shorelines and promotes other important purposes.

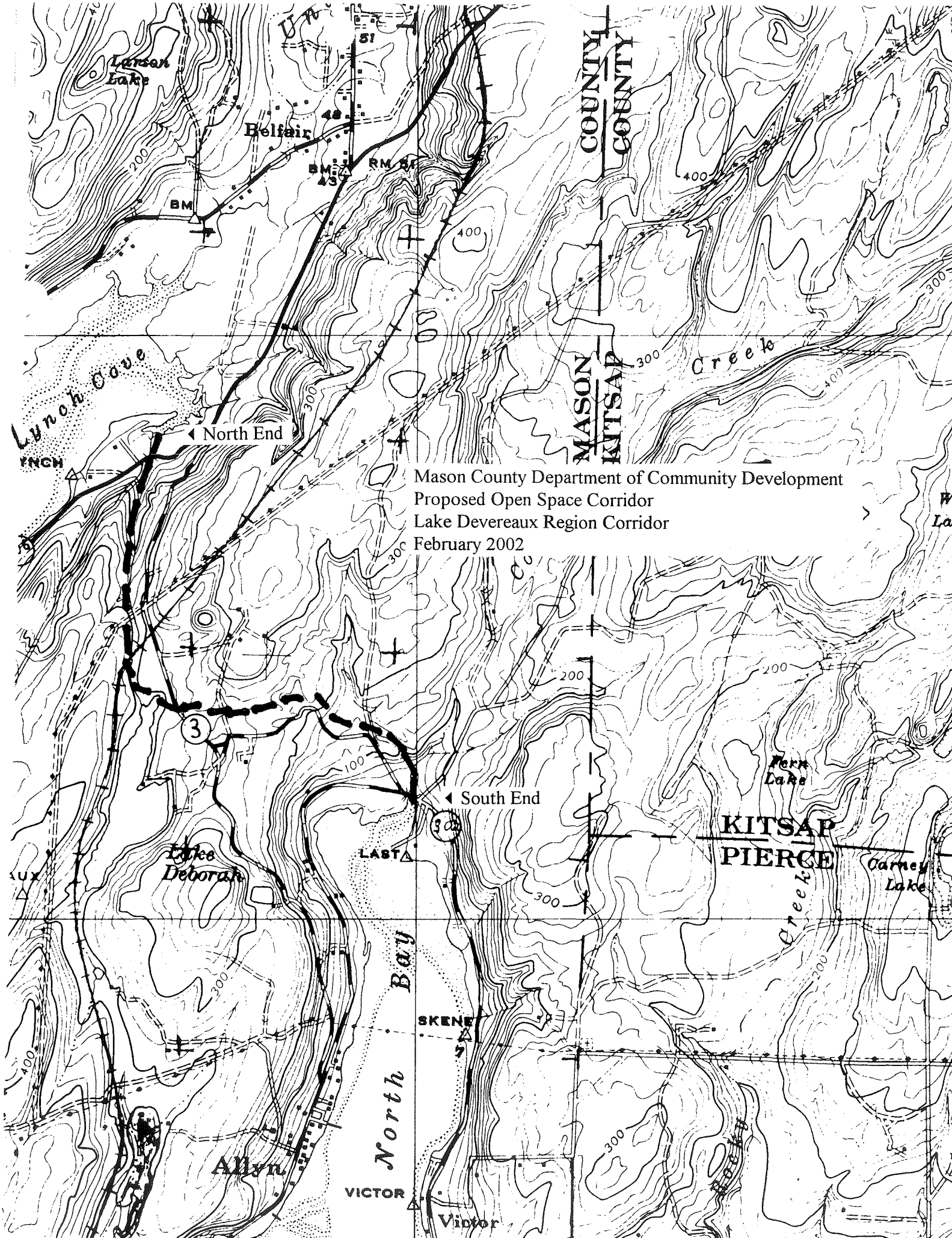
A second option identified by the Allyn Sub-Area Plan Committee is the Coulter Creek and the West Side of Coulter Creek Region Corridor. This route would follow Coulter Creek further to the north before turning west and connecting to the Theler Wetlands, Hood Canal, and Springwater Creek.

A third option identified by the Allyn Sub-Area Plan Committee is the Fern/Koeneman Lake Wildlife Area Region Corridor would not separate the Allyn UGA from Belfair UGA, but might be considered if Kitsap County proposes designating new UGA areas east of Allyn and Belfair.

OS-605        An open space corridor should be designated between the urban growth areas of Allyn and Belfair. This corridor should be mapped on the counties future open space map to identify it for further planning and possible development as a trail and corridor system by the county working in partnership with other agencies and the land owners.

OS-606        Two undeveloped lots under Mason County ownership should be developed as community parks under Mason County Parks Department management. These properties (one within the Union RAC and the other at Latimer's Landing near Harstine Island) should be mapped on the counties future open space map to identify them for further planning and possible development as open space community parks by the county, working in partnership with other agencies and adjacent land owners.





Larson Lake

Hefair

BM

BM

RM

MASON COUNTY  
KITSAP COUNTY

Lynch Cove  
FNCH

North End

Mason County Department of Community Development  
Proposed Open Space Corridor  
Lake Devereaux Region Corridor  
February 2002

MASON COUNTY  
KITSAP COUNTY

Creek

Lake Deborah

South End

KITSAP  
PIERCE

Fern Lake

Garney Lake

LASTA

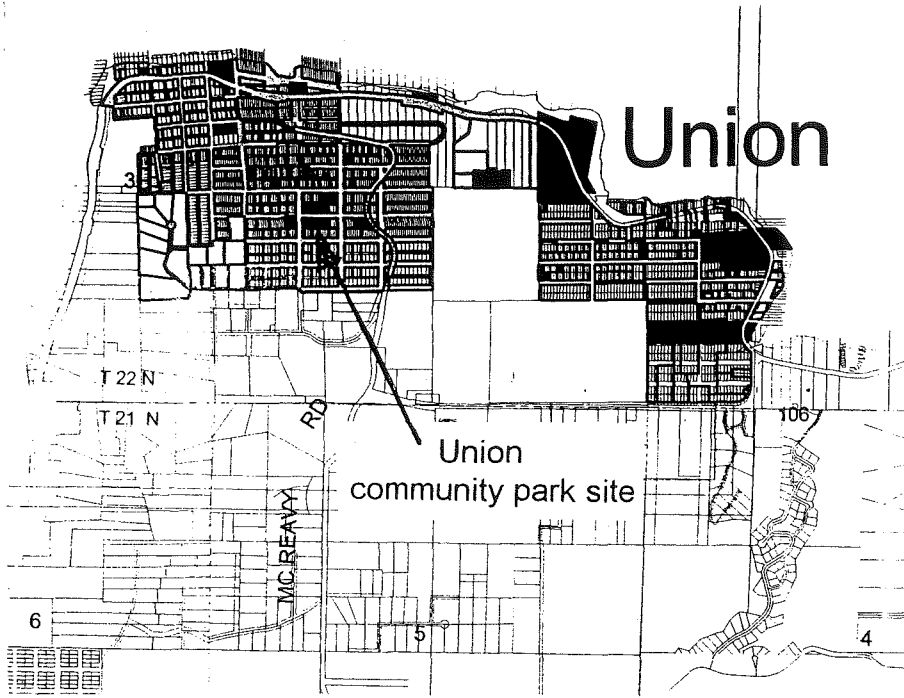
North Bay

SKENE

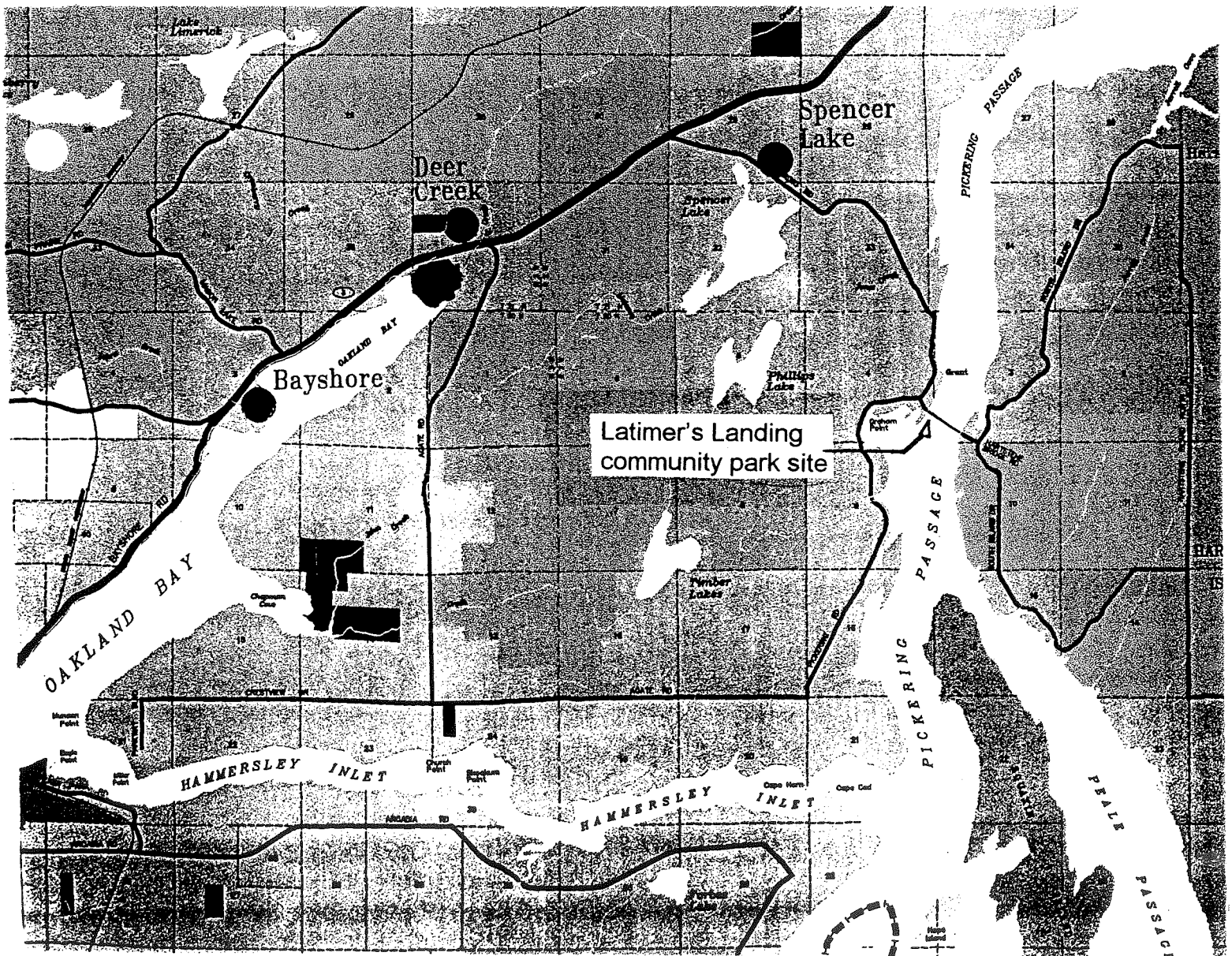
Allyn

VICTOR

Victor



POTENTIAL OPEN SPACE  
COMMUNITY PARK LOCATIONS  
IN MASON COUNTY.



**MASON COUNTY  
DEVELOPMENT REGULATIONS**

<b>1.01</b>	<b>General Provisions</b>	
1.01.010	Purpose	4
1.01.020	Short Title	4
<b>1.02</b>	<b>Development Areas Defined</b>	
1.02.010	General	5
1.02.020	Urban Growth Areas	5
1.02.022	Shelton UGA	5
1.02.024	Belfair UGA	5
1.02.026	Allyn UGA	5
1.02.030	Resource Areas	6
1.02.032	National Parks	6
1.02.034	National Forests	6
1.02.036	Long-Term Commercial Forests; Mineral Resource Lands	6
1.02.038	Agricultural Resource Lands	6
1.02.040	Rural Lands	6
1.02.041	Rural Residential	7
1.02.043	Rural Commercial	7
1.02.045	Rural Industrial	7
1.02.046	Rural Natural Resource	7
1.02.047	Rural Tourist	7
1.02.048	Master Planned Resort	8
1.02.049	Inholding Lands	8
1.02.060	Development Areas Map	8
1.02.062	Uncertainty of Boundaries	8
1.02.064	Changes in Boundaries	8
<b>1.03</b>	<b>Development Requirements</b>	
1.03.010	Permitted Uses, Generally	10
1.03.020	Matrix of Permitted Uses	10
1.03.021	Cottage Industries	10
1.03.022	Uses Otherwise Permitted	17
1.03.024	Similar Uses	17
1.03.026	Residential Uses as Special Uses	17
1.03.028	Essential Public Facilities	17
1.03.029	Accessory Dwelling Units	17
1.03.030	Dimensional Requirements and Performance Standards	18
1.03.031	Binding Site Plan Required in the Belfair and Allyn UGAs	19

	1.03.032	Development Densities and Dimensional Requirements	20
	1.03.033	Performance-Based Density Bonuses	24
	1.03.034	Classification of Land Uses Established	24
	1.03.035	Land Divisions in Resource Lands	24
	1.03.036	Buffer and Landscape Requirements	26
	1.03.037	Density Transfer and Agricultural Resource Lands	33
1.03.040		Off-street Parking and Loading	33
<b>1.04</b>		<b>Rural Lands Development Standards</b>	
	1.04.200	Rural Residential	34
	1.04.300	Rural Commercial	39
	1.04.400	Rural Industrial	42
	1.04.500	Rural Natural Resource	44
	1.04.600	Rural Tourist	46
	1.04.700	Master Planned Resort	47
<b>1.05</b>		<b>Administrative Procedures</b>	
	1.05.010	Non-conforming Buildings and Uses	
	1.05.011	Applicability	48
	1.05.012	Continuing Existing Uses	48
	1.05.014	Alterations and Enlargements	48
	1.05.016	Abandonment; Reconstruction	49
	1.05.018	Change of Use	49
1.05.020		Temporary Uses	
	1.05.022	Temporary Construction Buildings	49
	1.05.023	Temporary Construction Signs	50
1.05.030		Variances	
	1.05.031	Purpose	50
	1.05.032	Use Variances Prohibited	50
	1.05.034	Granting of Variances Authorized	50
	1.05.035	Findings Required for Approval of a Variance	50
	1.05.036	Procedural Requirements for a Variance	51
1.05.040		Special Uses	
	1.05.041	Purpose	51
	1.05.042	Authority	51
	1.05.044	Decision Criteria	52
	1.05.046	Procedural Requirements for a Special Use Permit	52
	1.05.048	Minor Amendment	52
1.05.050		Hearings and Notices	53
	1.05.052	Public Notice Requirements	53

	<b>1.05.054</b>	<b>Rules of Conduct: Hearings</b>	<b>53</b>
	<b>1.05.056</b>	<b>Decision and Findings</b>	<b>54</b>
<b>1.05.060</b>	<b>Appeals</b>		
	<b>1.05.062</b>	<b>Rules of Conduct: Appeals</b>	<b>54</b>
<b>1.05.070</b>	<b>Administration and Enforcement</b>		
	<b>1.05.071</b>	<b>Validity and Severability</b>	<b>54</b>
	<b>1.05.072</b>	<b>Enforcement</b>	<b>55</b>
	<b>1.05.074</b>	<b>Violations</b>	<b>55</b>
	<b>1.05.076</b>	<b>Penalties: Criminal</b>	<b>55</b>
	<b>1.05.078</b>	<b>Penalties: Civil</b>	<b>56</b>
	<b>1.05.079</b>	<b>Amendments</b>	<b>56</b>
	<b>1.05.080</b>	<b>Rezone Criteria</b>	<b>57</b>
<b>1.06</b>	<b>Definitions</b>		<b>59</b>

**1.01**  
**General Provisions**

**1.01.010 Purpose**

The purpose of this Chapter is to provide a framework for the development of land in Mason County; and to assure that such development occurs in such a way that it protects private property rights and existing land uses while also protecting natural resources, promoting economic growth and assuring the compatibility of proposed land uses with existing ones.

**1.01.020 Short Title**

This title shall be known as the Mason County Development Regulations.

**1.02**  
**Development Areas Defined**

**1.02.010      General**

For the purpose of regulating development activity within Mason County, the County is divided into three general types of development areas. These areas contain characteristics which have been identified in the Mason County Comprehensive Plan as worthy of preservation and/or enhancement, and their designation herein is intended to promote orderly development in a manner which is consistent with that Plan. The three area types, and their sub-types, are as follows:

**1.02.020      Urban Growth Areas**

Urban Growth Areas (UGA) are land areas identified as such in the Comprehensive Plan. These areas have urban characteristics, but they currently lie outside of incorporated cities. In recognition of the availability of urban services and the proximity to urban areas, these areas are designated to accommodate the majority of the growth which is expected to occur within the County in the foreseeable future. The widest variety of uses and the highest densities will be allowed in Urban Growth Areas. Three UGA's exist within the County: Shelton UGA, Belfair UGA, and Allyn UGA.

**1.02.022      Shelton UGA**

The Shelton UGA has separate development regulations to assure compatibility with the City of Shelton as these properties are annexed into the city. With regard to the Shelton UGA only, these Development Regulations are intended to serve as interim regulations until such time as mutual agreement is reached between the City of Shelton and Mason County concerning the adoption of more permanent regulations.

**1.02.024      Belfair UGA**

The Belfair UGA is a "stand-alone" area not affiliated with any incorporated city. Development regulations for this area are intended to accommodate existing land use patterns and densities, while planning for future growth.

**1.02.026      Allyn UGA**

The Allyn UGA is a "stand-alone" area not affiliated with any incorporated city. Development regulations for this area are intended to accommodate existing land use patterns and densities, while planning for future growth.

### **1.02.030 Resource Lands**

The term "resource land" is used to cover a variety of land use types in areas which have value due to their soil types, ground cover, or capacity for mineral extraction. Lands with intrinsic value due to aesthetic considerations are also included in this category. Examples of Resource areas are as follows:

#### **1.02.032 National Parks**

Lands set aside as National Parks are identified due to their natural or cultural value.

#### **1.02.034 National Forests**

National Forests are lands owned and managed by the federal government. These lands serve important functions as a resource for the supply of forestry products. In addition, these lands are recognized for their ecological value as wildlife habitat and other uses. As with National Parks, these lands are unavailable for development.

#### **1.02.036 Long-Term Commercial Forests; Mineral Resource Lands**

These land designations are 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 these land use types.

#### **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.

### **1.02.040 Rural Lands**

Rural land uses are divided into eleven districts to reflect the diversity of existing development patterns in the rural areas. There are five types of residential districts and three types of commercial districts. The business districts are primarily intended to provide for the economic sustain ability of existing commerce which provide needed jobs, goods and services t the surrounding rural populations. The business districts, however, are limited to small areas largely consisting of existing development. All development in the rural lands must be sustainable without urban style public services.



#### **1.02.041 Rural Residential**

There are five types of Rural Residential districts. These districts primarily provide for low density residential use, but also provide for some rural uses such as hobby farms.

##### **A. Rural Residential 2.5 (RR 2.5)**

This district provides for new residential subdivision, which exceeds a density of 2.5 acres per residential lot, and where areas of small lot residential development and subdivisions patterns were established before December 5, 1996.

##### **B. Rural Residential 5 (RR 5)**

This district provides for new residential subdivision on parcels of 5 acres or more.

##### **C. Rural Residential 10 (RR 10)**

This district provides for new residential subdivision on parcels of 10 acres or more.

##### **D. Rural Residential 20 (RR 20)**

This district provides for new residential subdivision on parcels of 20 acres or more.

##### **E. Rural Multi-Family (RMF)**

This district provides for existing multi-family residential development including mobile home parks.

#### **1.02.043 Rural Commercial**

There are three types of Rural Commercial districts. These districts provide for a variety of commercial areas reflecting the diversity of existing business areas

##### **A. Rural Commercial 1 (RC 1)**

This district includes very small areas of commercial development, often a single lot, at historical crossroads or along a highway consisting of a convenience or general store.

##### **B. Rural Commercial 2 (RC 2)**

This district includes historical neighborhood centers which serve primarily surrounding rural residential development.

##### **C. Rural Commercial 3 (RC 3)**

This district includes historical village centers comprised of a variety of goods and services which serve surrounding rural residents as well as tourists.

#### **1.02.045 Rural Industrial**

The Rural Industrial (RI) district provides for isolated areas of primarily existing industrial type uses.

#### **1.02.046 Rural Natural Resource**

The Rural Natural Resource (RNR) district provides for isolated areas of resource based industry outside of the designated resource lands.

#### **1.02.047 Rural Tourist**

The Rural Tourism (RT) district provides small scale recreational and tourist related activities in addition to tangential commercial services to tourists and adjacent rural populations.

**1.02.048 Master Planned Resort**

The Master Planned Resort district provides for self-contained and fully integrated planned unit development in a setting of significant natural amenity, with the primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

**1.02.049 Inholding Lands**

Inholding lands are lands surrounded by long-term commercial forests, but which are not suitable due to parcel size or other constraint for that purpose. Inholding lands may be developed, but only in a manner which assures the viability of the abutting forest land.

**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 shown on this map; however, where land use designations shown do not reflect the latest use designations, then the latest use designations shall control pending revision of the Development Areas 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 rural area designations and overlay the urban growth area designations on the Development Areas Map.

**1.02.062 Uncertainty of boundaries.**

When uncertainty exists as to the boundaries of areas as indicated on the Development Areas map, the following rules shall apply:

- A. Boundaries shown as approximately following streets, alleys or highways shall be construed as following the centerline of such feature.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Distances not specifically indicated on the map shall be determined by applying the scale of the map.
- D. Where a boundary line divides a lot of single ownership, the less restrictive development requirements shall apply; provided, however, that the lot has street frontage in the less restrictive Development Area. If the lot has no frontage in the less restrictive development area, then the regulations for that

portion of the property where street frontage exists shall govern the entire parcel.

**1.02.064 Changes in Boundaries**

- A. Any change in any boundary shown on the Development Areas Map shall be made by adopting an amended Development Areas Map. The procedure for such an amendment is found in Section 1.05.079.
- B. No change in the boundary of any Development Area shall be approved unless such change is found to be in compliance with the Comprehensive Plan.

**INSERT MAP HERE**

**(Note: the Development Areas Map is derived from the Future Land Use map found at Section IV-1.3 of the Mason County Comprehensive Plan.**

## 1.03 Development Requirements

### 1.03.010 Permitted Uses, Generally

It is the intent of this Chapter to provide for the maximum amount of flexibility in the siting of differing types of land uses. For this reason, the performance standards and buffer yard requirements found at Section 1.03.036 have been developed. However, both the Comprehensive Plan and this Chapter recognize that some uses and densities will create inherent conflicts with surrounding land uses, and with the intent of the Comprehensive Plan. Thus, some uses are prohibited in some areas, and the intensity of some uses (such as residential, expressed in dwelling units per acre, and industrial, expressed in floor area ratio) are restricted in others. Many of the requirements that apply to Rural Lands have been placed in Chapter 1.04.

### 1.03.020 Matrix of Permitted Uses

The intent of this section is to assist proponents and staff in determining whether a proposed land use is consistent with the appropriate policies of the Comprehensive Plan. Those policies were formed with the intention to allow property owners and project proponents as much flexibility as possible in the use of their property, within the constraints of the Growth Management Act. Therefore, the following matrix is intended to identify, for the sake of simplicity of usage, whether a particular land use fits the urban or resource rural character of the area where it is proposed. However, it is recognized that such an approach is limited in its ability to deal fairly with each unique project proposed. If a proponent can demonstrate, through studies of such measures as trip generation, type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele characteristics of the use, that the land use of the project as proposed is appropriate for the location proposed, such demonstration shall be considered by the Administrator in addition to the information in the matrix. These requirements, as they apply to Rural Lands, have been placed in Chapter 1.04.

### 1.03.021 Cottage Industries

Unless noted by an asterisk (\*) any use shown in FIGURE 1.03.020, or any use permitted pursuant to Sections 1.03.022 or 1.03.024, is permitted in any development area as a home-based occupation, or as a cottage industry. The activity shall comply with the criteria in RU-524A, and shall be required to obtain a special use permit unless they comply with the following standards:

- A. Parking areas shall accommodate residents and employees only; any provision for additional parking shall require a Special Use Permit.
- B. The outdoor storage of merchandise or materials is allowed if they are not visible to the public from off the site.

C. A cottage industry shall involve the owner or lessee of the property who shall reside within the dwelling unit, and shall not employ on the premises more than five (5) non-residents. A temporary increase in the number of employees is permitted to accommodate a business that is seasonal in nature. However, not more than five additional persons shall be employed on a temporary basis (up to six weeks) without a Special Use Permit.

D. More than one business may be allowed, in or on the same premises provided that all of the criteria are met for all business combined.

E. There shall be no alterations to the outside appearance of the buildings or premises that are not consistent with the residential use of the property, or other visible evidence of the conduct of such cottage industry, other than one sign no larger than 32 square feet.

F. No equipment or process shall be used in such home occupations which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the property.

G. The cottage industry shall not create an increase of 5% or more in local traffic.

X=Permitted Use T=permitted only as tourist related use R=permitted only as resource based use S=special use permit required \*=not allowed as cottage industry

[PLEASE NOTE: Rural Land Uses are addressed in Section 1.04]

MASON COUNTY MATRIX OF PERMITTED USES FIGURE 1.03.020				
Description of Use	Land Use Classification	Urban Growth Areas	Resource Areas	Agricultural Resource Lands
Accessory apartment or use	I	X	X	X
Adult retirement community	III	X		
Adult day-care facility (less than 8)	II	X		
Adult-day care facility (greater than 8)	III	X		
Agricultural buildings	I		X	X
Agricultural crops; orchards	I		X	X
Airport*	VI	X		
Ambulance service	V	X		
Animal Hospital	V	X		
Aquaculture	IV	X	X	X
Assisted living facility*	III	X		
Auction house/barn (no vehicle or livestock)	V	X		
Automobile service station*	V	X		
Automobile wash*	V	X		
Automobile, repair	V	X		
Automobile, sales*	V	X		
Bakery	IV	X		
Banks, savings & loan assoc.*	IV	X		
Bed & breakfast	IV	X		X
Bicycle paths, walking trails	II, I	X	X	X
Billiard hall & pool hall*	V	X		
Blueprinting & photostating	V	X		
Boat yards*	V	X		
Bowling Alley*	II	X		
Buy-back recycling center*	V	X		
Cabinet shops (see Industry, light)	V	X		

X=Permitted Use T=permitted only as tourist related use R=permitted only as resource based use S=special use permit required \*=not allowed as cottage industry

[PLEASE NOTE: Rural Land Uses are addressed in Section 1.04]

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

X=Permitted Use T=permitted only as tourist related use R=permitted only as resource based use S=special use permit required \*=not allowed as cottage industry

[PLEASE NOTE: Rural Land Uses are addressed in Section 1.04]

Description of Use	Land Use Classification	Urban Growth Areas	Resource Areas	Agricultural Resource Lands
Furniture repair (see Industry, light)	V	X		
Garage, private (accessory to dwelling)	I	X	X	X
Garage, public parking	V	X		
Gravel extraction*	VI		R	
Greenhouses, private & non-commercial	I	X	X	X
Group homes	III	X		
Hardware stores 3,000 sf or less	IV	X		
Hardware stores more than 3,000 sf*	V	X		
Health club*	V	X		
Heavy Industry*	VI	X		
Home occupation	I	X	X	X
Horticultural nursery, wholesale and retail	IV	X	X	X
Hospitals*	V	X		
Hotel*	IV	X		
Industry, light	V	X		
Inn	IV	X		
Kennels	IV	X		X
Libraries*	II	X		
Liquor stores*	V	X		
Livestock	IV		X	X
Locksmiths	IV	X		
Logging	VI		R	R
Lumber yards*	V	X		
Machine shops, punch press up to 5 tons (see Industry, light)	V	X		
Marina*	V	X		
Medical-dental clinic	IV	X		
Mining*	VI		R	
Mobile home park*	III	X		
Mobile Home Sales*	V	X		
Mortuaries*	IV	X		
Motel*	IV	X		



X=Permitted Use T=permitted only as tourist related use R=permitted only as resource based use S=special use permit required \*=not allowed as cottage industry

[PLEASE NOTE: Rural Land Uses are addressed in Section 1.04]

Description of Use	Land Use Classification	Urban Growth Areas	Resource Areas	Agricultural Resource Lands
Motor vehicle impound yard in enclosed bldg. (see Industry, light) *	V	X		
Non-automotive, motor vehicle and related equipment sales, rental, repair and service	V	X		
Paint shop (see Industry, light) *	V	X		
Parcel service delivery (see Industry, light)	V	X		
Parking area, private	I	X	X	X
Parking area, public	IV	X		
Pasture	I		X	X
Pesticide application service (see Industry, light)	V	X		
Pet shop	IV	X		
Plumbing shop (see Industry, light)	V	X		
Plumbing supply yards (see Industry, light)*	V	X		
Post Office, branch or contract station	II	X		
Post Office, distribution center or terminal*	V	X		
Printing establishments	V	X		
Professional offices	IV	X		
Public parks	II	X	X	X
Public utility offices	I	X		
Public utility service yard*	V	X		
Radio & TV repair shops	IV	X		
Radio & TV transmission towers (incl. cellular phone towers)*	IV	X		
Rail-dependent uses*	VI	X		
Recreational Vehicle Park*	II	X		
Resource Based Industry	VI	X	R	
Restaurant*	V	X		
Restaurants, drive-through*	V	X		
Rifle Range *	VI			
Sawmills	VI	X	R	
Schools, private, elementary or secondary	II	X		
Secondhand store	V	X		

X=Permitted Use T=permitted only as tourist related use R=permitted only as resource based use S=special use permit required \*=not allowed as cottage industry

[PLEASE NOTE: Rural Land Uses are addressed in Section 1.04]

Description of Use	Land Use Classification	Urban Growth Areas	Resource Areas	Agricultural Resource Lands
Self-service storage facility*	V	X		
Shoe stores or repair shop	IV	X		
Small engine repair	V	X		
Special Needs Housing	III	X		
Stable	IV		X	X
Stationary store (see Retail sales)	IV	X		
Studios (i.e. recording, artist, dancing, etc.)	IV	X		
Taverns*	V	X		
Theaters, enclosed*	V	X		
Tool sales & rental	V	X		
Tourist-related uses	V	X		
Trailer-mix concrete plant* (resource-dependent use)	VI		R	
Upholstering	V	X		
Video store (rental, not adult) > 3,000 sf*	V	X		
Video store (rental, not adult) 3,000 s.f. or less	IV	X		
Vocational school	II	X		
Warehousing	V	X		
Welding shops & sheets metal shops	V	X		
Wholesale	V	X		
Wrecking/Junk yards*	VI	X		

### **1.03.022 Uses Otherwise Permitted**

The list of uses set forth in FIGURE 1.03.020 or in Chapter 1.04 is not intended to be all-inclusive. If an applicant proposes a use which is not listed, the Administrator may, but is not required to, determine whether the use is similar to a permitted use, utilizing the procedure set forth in Section 1.03.024. If the Administrator can not make an affirmative determination, then the Administrator may, but is not required to, look to the Comprehensive Plan to determine whether such use was contemplated within the development area. The Administrator shall maintain a list of all such determinations and interpretations for use by future applicants, which list shall be submitted to the Board for review not less than once each year. All uses not specifically provided for by being listed or by interpretation under 1.03.22 and 1.03.24 are prohibited.

### **1.03.024 Similar Uses**

The Administrator may, but is not required to, authorize uses for all Development Areas that have similar characteristics to uses specifically cited in Chapter 1.03.020 or in Chapter 1.04. In making an affirmative determination that a use is similar to one specifically cited in Chapter 1.03.020 or in Chapter 1.04, the Administrator shall find that the land use characteristics fit the urban or rural character of the surrounding area by using measures such as trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele characteristics of the use. In making an affirmative determination, the Administrator should find that the use characteristics differ by less than 10 percent from the characteristics of the use specifically cited in Chapter 1.03.020.

### **1.03.025 Residential Uses as Special Uses**

On any lot abutting a railroad track or airport, a Special Use Permit shall be required for a residential use of that property. A residential dwelling located more than one hundred fifty (150) feet from such a facility shall be exempt from this requirement, if the lot upon which the dwelling is to be placed is located within an Urban Growth Area.

### **1.03.028 Essential Public Facilities**

Essential Public Facilities shall require a Special Use Permit in any development area.

### **1.03.029 Accessory Dwelling Unit Requirement**

In Rural Lands, Accessory Dwelling Units (ADU) must meet the following requirements.

- A. The ADU shall be subject to a special use permit, unless in the shoreline jurisdiction it is subject to a shoreline permit.
- B. The owner of the ADU must reside on the lot in either the principal residence or ADU.
- C. The ADU shall be located within 150 feet of the principal residence or shall be a conversion of an existing detached structure (i.e. garage).
- D. The ADU shall not exceed 50% of the square footage of the habitable area of the primary residence or 900 feet, whichever is smaller.
- E. All setback requirements must be met by the ADU.
- F. All applicable health district standards for water and sewer must be met by the ADU.
- G. No recreational vehicles shall be allowed as ADU.
- H. Only one ADU is allowed on any property.
- I. An additional off-street parking space must be provided for the ADU.

**1.03.030 Development Requirements and Performance Standards**

- A. The following development requirements and performance standards apply to all property proposed for development which is within the jurisdiction of Mason County. No development approval shall be given, and no building permit shall be issued, unless the proposed development is in compliance with the provisions of this Chapter.
- B. Nothing in this Ordinance shall be construed as prohibiting the placement of an on-site septic system in an Urban Growth Area, unless the property is located within five hundred (500) feet of an existing sewer line which has capacity to accommodate the proposed development. Such on-site septic system shall be professionally sited, designed, installed, monitored and maintained. System considerations shall include the following:
  - 1. Meeting the regulations of the Mason County Health Department, Washington State Department of Health, or Washington State Department of Ecology, as appropriate.
  - 2. Consider advanced forms of pretreatment prior to discharge into the soil.
  - 3. Consider proprietary pretreatment devices to refine high strength commercial wastes prior to soil treatment and disposal.
  - 4. Disinfection prior to disposal into the more sensitive environments.
  - 5. System maintenance and monitoring by certified professionals under a program managed by the Mason County Health Department.

- C. If a septic system is proposed for placement in an area identified for sewer line extension in the County's Capital Facilities Plan, for new development other than single family residential construction, the County shall issue any approval for the septic system with a condition that it be decommissioned and the property connected to the sewer system within one year of sewer extension. Within this paragraph, "new development" means any development which requires wastewater/sanitary sewer provisions which can not be met with an existing system.

**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 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.

### 1.03.032 Development Densities and Dimensional Requirements

- A. Development Densities. Development densities for residential development are calculated as the allowed number of dwelling units per acre (DU/ac). For non-residential development, development densities are calculated as the amount of building floor area allowed per gross acre of land, the "floor area ratio" (FAR). For all Development Areas within the County, these development densities are shown in FIGURE 1.03.032 or are included in Chapter 1.04 for Rural Lands.
- B. This chapter regulates residential lot development through the use of Standard Residential Density limits and Maximum Residential Density limits, as contained in Figure 1.03.032 and Chapter 1.04. The Standard Residential Density shall be applied as follows:
1. On a lot existing at the time of the initial adoption of this chapter (June 17, 1998) and otherwise suitable for residential use, the Standard Residential Density limit is used to determine the allowed number of dwelling units on the site. For example, in the Rural Area the Standard Residential Density is one dwelling unit per five acres. Therefore, a lot of five acres would comply with the Standard Residential Density requirement for one dwelling.
  2. If said existing lot does not have an adequate area to comply with the applicable Standard Residential Density requirement, then one dwelling unit may be allowed. For example, in the Rural Activity Centers the Standard Residential Density is one dwelling unit per 2.5 acres. Therefore, if a lot was less than 2.5 acres, a dwelling unit may be allowed, provided that the lot could comply with all other applicable standards and requirements.
  - 3.a. No residential lot of less than the Standard Residential Density may be created or reduced in size, except through an approved subdivision or performance subdivision, pursuant to Mason County Code Title 16, in which the allowed residential density (allowed number of dwelling units) of the entire original property is allocated to the lots created, or through the provisions of 3b or 3c below. For example, in the Rural Area the Standard Residential Density is one dwelling unit per five acres. Therefore, a Rural Area property or parcel of 20 acres might be divided into three lots of two acres each and one lot of 14 acres, provided that the 14 acre lot would have the right to only one dwelling, and could not be further subdivided for residential purposes.
  - 3.b. If a lot has more than one, but not more than four existing residential dwellings, then the Director may approve the division of the lot in a manner that establishes each dwelling on a separate lot. Provided that:

- (1). Any new lot created by this method shall be considered a conforming lot.
- (2). The provisions of this section shall apply only to lots and dwellings that were legally created and built.
- (3). The provisions of this section shall not apply to dwellings that were permitted as accessory dwellings or temporary dwellings.
- (4). In approving such a subdivision of land, the Director shall make the following determinations:
  - (a) Each dwelling shall have access by frontage or easement to a public way;
  - (b) Each dwelling shall be connected to a septic system or sewer line adequate to serve the dwelling;
  - (c) Each dwelling shall be served by a sufficient supply of potable water; and
  - (d) The division of land shall occur in a manner that minimizes any non-conformity related to minimum lot size or setback requirement.

3.c Boundary line adjustments.

- (1) Boundary line adjustments to existing lots in rural residential districts may reduce the size of a lot that is already non-conforming as to density provided that the lot is not reduced below the minimum lot size of 2 acres. When land is transferred from an existing lot that does not meet the density requirement to another lot under this provision, no rights to increase density are transferred with the land.
- (2) The Administrator may allow expansion of existing lots through boundary line adjustments into adjoining land use districts without requiring compliance with lot size or density requirements of the adjoining district provided that the adjustment is solely for the purpose of resolving an adverse possession claim. The administrator must find the adverse possession claim clear and convincing and the minimum necessary to resolve the dispute, or a court must have granted the claim, in order to approve the adjustment. The administrator shall keep a docket of such approvals for consideration as map amendments at the next annual review.

4. Title 16, Mason County Code, regulates land divisions in Mason County and establishes a review process by which all applicable regulations can be addressed. The allowable size and configuration of any given lot in a land division is determined through this process. Issues to be considered in establishing a minimum size for any particular lot shall include adequate provisions for buffer yards, as set forth in Section 1.03.036 or setbacks in Chapter 1.04.

- C. Dimensional Requirements. Dimensional requirements include setbacks, building height restrictions, and maximum allowed lot coverage. These requirements for each Development Area are set forth in FIGURE 1.03.032. Maximum height restrictions shall not apply to storage silos, antennas, transmission towers or water tanks.



**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'	**
Allyn Urban Growth Area	4 du/ac	6 du/ac	1:2	10,000 sf (2)	35' (1)	**
Mineral Resource Areas (x)	1 du/40 ac	1 du/40 ac	n/a	n/a	35'*	**
Agricultural Resource Lands (x)	(a)	(a)	1:20	n/a	35'*	**
In-Holding Lands	1 du/5 ac	1 du/5 ac	1:20	10,000 sf	35'*	**

FOR DEVELOPMENT STANDARDS IN RURAL AREA, SEE CHAPTER 1.04

- \* resource-based activities are exempt from this requirement
- \*\* see buffer yard standards
- \*\*\* fire stations exempt from this requirement
- (1) except that the maximum building height in the Allyn UGA is 25 feet East of State Highway 3 between Wade Street and Evans Street (which is known as Lakeland Drive)
- (2) may be increased to 20,000 sf with a Special Use Permit
- (x) clustering of residential development is required
- (a) see the density provisions of section 1.03.037

### **1.03.033 Performance-Based Density Bonuses**

Where they are greater than the standard residential densities, the "Maximum Residential Densities" shown in FIGURE 1.03.032 and in Chapter 1.04 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.

### **1.03.034 Classification of Land Uses Established**

In order to determine the compatibility of differing land uses, and to minimize the impacts that development may have on abutting property, all land uses permitted in Mason County are classified into six categories. Those categories are illustrated in FIGURE 1.03.034.

### **1.03.035 Land Divisions in Resource Lands**

- A. Cluster development, as provided in Chapter 16.23, Mason County Code, is required for all residential subdivisions or short plats located in the following development areas: Agricultural Resource Lands, Long-term Commercial Forests, and Mineral Resource Areas.
  - 1. No lot for which the construction of a residential dwelling is proposed under this Section and Chapter 16.23, Mason County Code, shall exceed two acres in gross land.
  - 2. In Agricultural Resource Lands, no open space lot shall be less than ten (10) acres, as defined in Section 16.23.035, Mason County Code.
  
- B. Land Divisions for purposes other than residential development shall have a minimum lot size of 10 acres for Agricultural Resource Land; provided, however, that lots created for and restricted to the use of fire stations or for utilities are not required to meet the minimum lot sizes defined in this section.

**FIGURE 1.03.034**  
**Classification of Land Uses**

**Category I**

**Open Space**

- Passive recreation areas
- Walking or hiking trails
- Cemeteries

**Residential, Type I**

- Detached, single-family dwelling; 1du/20 ac. or greater
- Accessory apartment
- Home occupation
- Child day care, family

**Agriculture, Type I**

- Crops
- Orchards
- Vineyards
- Pasture
- Farm stands
- Greenhouses, no sales to the public

**Category II**

**Residential, Type II**

- Detached, single-family dwelling; 1du/ac. to 1du/20 ac.
- Two to four-family dwelling; 1du/ac. or greater

**Public Institutional**

- Schools
- Churches
- Libraries
- Post Offices

**Recreation**

- Parks
- Active recreation areas
- Bicycle/equestrian trails

**Group Care Facilities, Type I**

- Adult-day care facility
- Child day care, commercial
- Group homes

**Lodging, Type I**

- Campgrounds
- RV parks
- Bed and Breakfast, 12 or fewer guest rooms
- Vacant land

**Category III**

**Residential, Type III**

- Attached or detached single-family dwellings, more than 1 du/ac
- Multi-family dwellings
- Mobile home parks

**Group Care Facilities, Type II**

- Adult retirement communities
- Assisted living facilities

**Category IV**

**Lodging, Type II**

- Bed and Breakfast
- Motel
- Boarding House
- Hotel

**Commercial, Type I**

(hours of operation limited to 7:00a.m. to 8:00p.m.)

- Professional offices
- Retail, less than 10,000 s.f.
- Medical clinics
- Banks

**Agriculture, Type II**

- Greenhouses
- Nursery yards
- Livestock
- Kennels
- Parking Areas, Lots
- Cottage Industries

**Category V**

**Commercial, Type II**

- Retail, general
- Hospitals
- Animal clinics
- Automobile service station
- Vehicle sales
- Vehicle repairs
- Auction house
- Contractor yards
- Home and garden centers
- Health clubs
- Wholesale
- Boat yards/marinas
- Mobile home sales

**Industrial, Type I**

- Warehouse, distribution
- Light Industry
- Wholesale

**Category VI**

**Industrial, Type II**

- Heavy industry
- Mining, extraction
- Airport

**Agriculture, Type III**

- Forestry
- Logging

**Rifle range**

**Wrecking/junk yard**

### **1.03.036 Buffer and Landscape Requirements**

As a method for allowing the placement of differing land uses adjacent to one another, buffer yards shall be required, except that in Rural Lands, the standards included in Chapter 1.04 shall be applied, provided that subsection (F) the additional requirement for land adjacent to Agricultural Resource lands continue to apply to Rural Lands. The location, size and type of buffer yard shall be determined by comparing the category of the proposed land use with the categories of all abutting land uses, in accordance with FIGURE 1.03.036. Buffer yard requirements are stated in terms of the number of plant units required per one hundred (100) linear feet of buffer yard. Any land set aside as a buffer yard may be used in calculating the development density of a parcel of land.

- A. It is the intent of this section that the establishment of any buffer yard pursuant to the criteria set forth herein will result in full compliance with the standards for maximum environmental noise levels as set forth in WAC 173-60. Buffer yards exceeding the minimum requirements of this Section may be required in the event that maximum environmental noise level requirements are not met. It shall be the sole responsibility of the owner of the property upon which the buffer yard is established to assure compliance with these state-established noise levels.
  
- B. Determination of Buffer Yard Requirements. To determine the type of buffer yard required between two adjacent parcels, or between a parcel and a street, the following procedure shall be followed:
  - 1. Identify the land use category of the proposed use by referring to FIGURE 1.03.034.
  - 2. Identify the uses of all adjacent properties by on-site survey.
  - 3. Identify the land use categories of all adjacent parcels by referring to FIGURE 1.03.034.
  - 4. Determine the buffer yard required on each boundary (or boundary segment) by referring to FIGURE 1.03.036.
  
- C. Responsibility for buffer yard.
  - 1. When a use is the first use to develop on one of two adjacent, vacant parcels, the first use shall provide the buffer which FIGURE 1.03.034 requires next to vacant land. The second use to develop shall, at the time of its development, provide all additional plant material and/or land necessary to provide the total buffer yard required between those two uses.
  - 2. When an existing use changes to a higher intensity use as determined by

FIGURE 1.03.034, all of the buffer yard requirements of this Chapter shall be met.

3. When an existing use expands, the Administrator shall determine whether the extent and location of the expansion shall require conformity with this Chapter. In making such determination, the Administrator may consider the size, location and purpose of the expansion, the relationship of any existing structures to the expansion, and the nature of surrounding land uses.

D. Exemption from Buffer Yard Requirements. When a land use requires direct and unobstructed access to an adjacent transportation facility such as a railroad or airport, the requirements of this Chapter shall be waived to the extent necessary to allow for such access.

E. Use of Existing Materials.

1. Existing, healthy plant materials on a parcel may be used to meet the requirements of this Chapter.
2. Any open space created pursuant to Chapter 16.22 may be used to meet the requirements of this Chapter.
3. Any wetland or associated buffer set aside pursuant to any federal, state or County environmental regulation may be used to meet the requirements of this Chapter.

F. Additional requirements for Agricultural Lands

For lands adjacent to Agricultural Resource Lands, in addition to the bufferyard requirements otherwise required, all structures or uses shall maintain a minimum setback of one hundred (100) feet from designated agricultural tracts for land designated as Urban Growth Areas, Rural Activity Centers or Rural Community Centers, or fifty (50) feet for lands designated as Rural Areas, except for any structure or uses which have been identified as permitted uses in Agricultural Resource Lands. Residential clusters created on lands adjacent to Agricultural Resource Lands through a performance subdivision as provided in Chapter 16-22, MCC, shall be separated from the Agricultural Resource land by the designated open space areas to a minimum width of one hundred (100) feet on lands designated as Urban Growth Areas, Rural Activity Centers or Rural Community Centers, or fifty (50) feet for lands designated as Rural Areas.

G. Required Plant Material Specifications. FIGURE 1.03.039 identifies the minimum sizes of the various types of plant materials required under this Chapter.

H. Substitution of Plant Materials.

1. In buffer yards D, E, and F, evergreen canopy or evergreen under story trees may be substituted for deciduous canopy or under story without limitation.
2. In buffer yards A, B, and C, up to fifty (50%) percent of deciduous canopy or under story may be substituted with evergreen canopy or under story.
3. In all buffer yards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.

I. Maintenance of Plant Materials.

1. All planting materials required by this Section shall be maintained by the property owner in a manner to assure the health of the planting, and to assure that the buffer yard continues to serve its intended function.
2. If any required planting materials shall cease to serve their intended function due to size, age or health, the property owner shall replace such planting material with the same or similar plant types, as provided herein.

J. Variations of buffer yard requirements.

1. In all buffer yards, planting requirements may be reduced by twenty-five (25%) percent by increasing the width of the buffer by fifty (50%) percent.
2. In all buffer yards, the required width of the buffer yard may be reduced by fifty (50%) percent by increasing the amount of plantings by one hundred (100%) percent.
3. In buffer yards A and B, the buffer yard width OR the amount of planting may be reduced by fifty (50%) percent if any fence or berm shown in FIGURE 1.03.037 is used.
4. In buffer yard C, the buffer yard width OR the amount of planting may be reduced by fifty (50%) percent if a structure F3 or above is used.
5. In buffer yard D, the buffer yard width OR the amount of planting may be reduced by fifty (50%) percent if a structure F4 or B2 or above is used.
6. In buffer yards E and F, the buffer yard width OR the amount of

planting may be reduced by fifty (50%) percent if a structure F6 or BW1 is used.

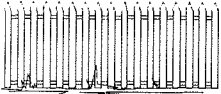
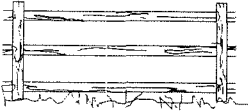
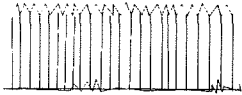
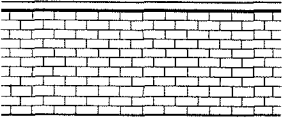
- K. Uses allowed in a buffer yard.
1. Where a wetland or open space set aside for any other purpose is used as a buffer yard, any use normally allowed in such wetland or open space may be allowed also within the buffer yard, except that mining, logging, or other forestry activities shall not be permitted in a buffer yard.
  2. Required stormwater facilities may be located within buffer yards, provided that the landscaping of such facility complies with the requirements of this Section.

<b>Figure 1.03.036 Buffer Yard Requirements</b>						
	<b>Adjacent Existing Land Use Classification</b>					
<b>Proposed Land Use Intensity Class</b>	<b>I</b>	<b>II</b>	<b>III</b>	<b>IV</b>	<b>V</b>	<b>VI</b>
<b>I</b>	A	B	C	D	E	F
<b>II</b>	B	A	B	D	D	F
<b>III</b>	C	B	A	C	D	E
<b>IV</b>	D	D	C	B	D	E
<b>V</b>	E	D	D	D	C	D
<b>VI</b>	F	F	E	E	D	D

## Illustrations of Berms & Fences

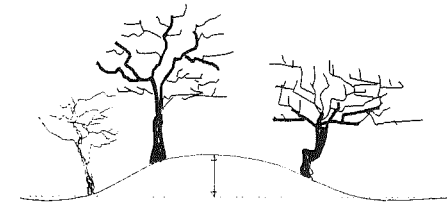
Figure 1.03.037

### FENCES

Symbol	Height	Material
F1	44"	 Wood Picket
F2	48"	 Wood Rail
F3	6'	 Wood Stockade
F4	8'	
F5	6'	 Masonry Wall (Poured Concrete, Cement Block, Brick, etc)
F6	8'	

### BERMS

Symbol	Height	Material
B1	4'	Earth
B2	5'	
B3	6'	

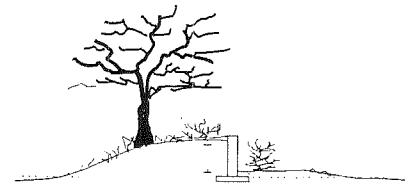


Berm Height ↗

### BERM WALLS

BW1	4' Berm w/6' Masonry Wall
BW2	5' Berm w/7' Masonry Wall
BW3	6' Berm w/8' Masonry Wall

Less Intensive | More Intensive





**FIG. 1.03.038,  
BUFFER YARD STANDARDS**

	<b>Bufferyard A</b>	<b>Bufferyard B</b>	<b>Bufferyard C</b>	<b>Bufferyard D</b>	<b>Bufferyard E</b>	<b>Bufferyard F</b>
Buffer Width	5'	10'	15'	20'	25'	50'
<b>STRUCTURE REQUIRED</b>	no	no	no	F3 or B1*	F4 or B2*	F5 or B3*
<b>PLANT UNITS/100'</b>						
CANOPY TREES	0.6	1	2	3	4	8
UNDER STORY TREES	1	2	4	6	6	12
SHRUBS	0	3	6	9	24	48
EVERGREENS	0	0	0	0	12	24

\* see FIGURE 1.03.037 for structure details.

**Figure 1.03.039  
Plant Material Types**

<b>Plant Material Type</b>	<b>Planting in Buffer Yards abutting Vacant Lands</b>	<b>All Other Plantings</b>
<b>Canopy Tree (Deciduous)</b>		
<b>Single Stem</b>	1 ½ inch caliper	2 inch caliper
<b>Multi-Stem Clump</b>	6 feet height	8 feet height
<b>Under story Tree (Deciduous)</b>	4 feet height	6 feet height
<b>Evergreen</b>	4 feet height	6 feet height
<b>Shrub</b>		
<b>Deciduous</b>	1 gal (15 inches height)	2 gal (24 inches height)
<b>Evergreen</b>	1 gal (12 inches height)	2 gal (18 inches height)

**NOTE:** These requirements refer to the minimum size of plant materials at the time of planting.

### **Section 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. The standard residential density allowed for development on Agricultural Resource Lands is one dwelling unit per 10 acres, except as otherwise provided in this section.
  1. Resource subdivisions or short plats in Agricultural Resource Lands are subject to the cluster subdivision provisions of Chapter 16.23 of the Mason County Code. The maximum allowed density of such cluster subdivisions is one dwelling unit per five acres. The maximum number of residential lots that may be created, not including any lots restricted to agricultural/open space use, is equal to the number of dwelling units allowed. However, where there was a single family dwelling on the property as of December 30, 1997, then an additional residence lot may be created, subject to the following:
    - a. Only one such additional lot may be created for all land which was contiguous and in and in the same ownership as of December 31, 1997.
    - b. Each residence existing or vested at the time of application for the land division shall be each placed on their own residential lot.
  2. Each residential lot created as provided in subsection 1. above, is allowed one dwelling unit
- B. Agricultural Resource Lands are hereby granted an additional density of one dwelling unit per five acres, except that those Agricultural Resource lands which lie within an Urban Growth Area are granted an additional density of four dwelling units per acre, provided that, in both cases, this additional density shall only be used if transferred to land which is not Agricultural Resource Land but which is within the Urban Growth Area.
- C. Part or all of the Agricultural Resource Lands maximum allowed residential density may be transferred for use on land which is not Agricultural Resource Land but which is within 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.

### **Section 1.03.040 Off-Street Parking and Loading**

**Note: These requirements will be adapted from ordinance #815, Mason County Parking Standards**

**1.04**  
**Rural Lands Development Standards**

**1.04.200 RURAL RESIDENTIAL**

**1.04.210 Rural Residential 2.5 (RR 2.5)**

**1.04.211 Purpose.** This district provides for residential development, at a density of 2.5 acres per residential lot, and where areas of small lot residential development and subdivisions patterns were established before December 5, 1996.

**1.04.212 Uses Permitted.**

- A. USES: Single family residential, Hobby farm (Small scale commercial agriculture, including aquaculture and wood lots), Group homes, Cell towers, Public utilities.
- B. ACCESSORY USES: Cottage Industry (home occupation)

**1.04.213 Lot Requirements.**

- A. Density and lot size. Maximum of 1 dwelling unit per 2.5 acres and one accessory dwelling unit per parcel; a minimum lot size of 2 acres, except as provided for in an approved performance subdivision.
- B. Lot width and depth. All lots shall have a minimum average width of not less than one-third of the median length and a minimum width at any point of 50 feet.
- C. Front yard setback. 25 feet
- D. Side and rear yard setbacks. Side and rear yard setbacks for the residential dwelling and accessory building is five feet, and for accessory structures used for agricultural purposes or home occupations is 50 feet.
- E. A lot created by short plat, large lot or long plat subdivision which is restricted to special purposes, such as storm water storage, community play areas, or utility facilities, and is restricted by perpetual covenants meeting county requirements to said purpose, is not required to meet minimum lot size requirements.

**1.04.214 Building Regulations.**

- A. Floor Area Ratio. 1:10
- B. Size. 3,000 sq. feet maximum for non-agricultural and accessory buildings except for dwellings and agricultural buildings.
- C. Height. 35 feet except for agricultural buildings, cell towers, antennas, or water tanks.

**1.04.216 Off-street parking.**

Two spaces per lot.

**1.04.217 Special Provisions.**

- A. Cell towers shall be located per Ordinance No. 5-98 Telecommunication Towers.
- B. Accessory dwelling units are required to meet Section 1.03.029 standards.
- C. Government operated day care centers, essential public facilities, community centers, and schools may exceed 3,000 sq. feet as approved by a special use permit.
- D. Essential public facilities, commercial day care centers, and schools which were in existence prior to June 17, 1996 and without a prior special use permit, may expand up to 15% cumulatively from their size prior to June 17, 1996, without a special use permit. Expansions over 15% will require a special use permit.

#### **1.04.220 Rural Residential 5 (RR 5)**

**1.04.221 Purpose.** This district provides for residential development on parcels of 5 acres or more.

#### **1.04.222 Uses Permitted.**

- A. USES: Single family residential, Hobby farm (Small scale commercial agriculture, including aquaculture and wood lots), Church, Local community and recreation centers, Group homes, Cell towers, Fire station, Fish hatchery, Public utilities.
- B. ACCESSORY USES: Cottage Industry (home occupation), Single family residence.
- C. SPECIAL PERMIT REQUIRED USES: Essential public facility, Schools, commercial day care centers, Home occupations and Cottage Industries that do not meet the standards in Section 1.03.021.

#### **1.04.223 Lot Requirements.**

- A. Density and lot size. Maximum of 1 principal residence per 5 acres or 1/128th of a section and one accessory dwelling unit per parcel; minimum lot size of 2 acres, except in an approved performance subdivision the minimum lot size is 20,000 sq. ft., and except for fire stations.
- B. Lot width and depth. All lots shall have a minimum average width of not less than one-third of the median length and a minimum width at any point of 50 feet.
- C. Front yard setback. 25 feet
- D. Side and rear yard setbacks. Side and rear yard setbacks for the residential dwelling is five feet, for accessory buildings shall be five feet, for accessory structures used for agricultural purposes or home occupations shall be 50 feet, and for buildings of non-residential land uses shall be 25 feet.
- E. A lot created by short plat, large lot or long plat subdivision which is restricted to special purposes, such as storm water storage, community play areas, or utility facilities, and is restricted by perpetual covenants meeting county requirements to said purpose, is not required to meet minimum lot size requirements.

#### **1.04.224 Building Regulations.**

- A. Floor Area Ratio. 1:20, except for fire stations.
- B. Size. 3,000 sq. feet maximum for non-agricultural and accessory buildings except for dwellings and agricultural buildings.
- C. Height. 35 feet except for agricultural buildings, cell towers, antennas, or water tanks.

#### **1.04.226 Off-street parking.**

Two spaces per residence. See Parking Ordinance for other land uses; parking setback for non-residential land uses shall be 25 feet.

#### **1.04.227 Special Provisions.**

- A. Cell towers shall be located per Ordinance No. 5-98 Telecommunication Towers.
- B. Accessory dwelling units are required to meet Section 1.03.029 standards.
- C. Government operated day care centers, essential public facilities, community centers, and schools may exceed 3,000 sq. feet as approved by a special use permit.
- D. Essential public facilities, commercial day care centers, and schools which were in existence prior to June 17, 1996 and without a prior special use permit, may expand up to 15% cumulatively from their size prior to June 17, 1996, without a special use permit. Expansions over 15% will require a special use permit.

**1.04.230 Rural Residential 10 (RR 10)**

**1.04.231 Purpose.** This district provides for new residential development on parcels of 10 acres or more.

**1.04.232 Uses Permitted.**

- A. USES: Single family residential, Hobby farm (Small scale commercial agriculture, including aquaculture and wood lots), Church, Local community and recreation centers, Group homes, Cell towers, Fire station, Fish hatchery, Public utilities.
- B. ACCESSORY USES: Cottage Industry (home occupation), Single family residence.
- C. SPECIAL PERMIT REQUIRED USES: Essential public facility, Commercial Child Care Centers, and Home occupations and Cottage Industries that do not meet the standards in Section 1.03.021.,

**1.04.233 Lot Requirements.**

- A. Density and lot size. Maximum of 1 principal residence per 10 acres or 1/64th of a section and one accessory dwelling unit per parcel; minimum lot size of 2 acres, except as provided for in an approved performance subdivision the maximum density which may be allowed is 1 dwelling per 5 acres or 1/128th of a section and minimum lot size is 20,000 sq. ft.
- B. Lot width and depth. All lots shall have a minimum average width of not less than one-third of the median length and a minimum width at any point of 50 feet.
- C. Front yard setback. 25 feet
- D. Side and rear yard setbacks. Side and rear yard setbacks for the residential dwelling is 20 feet, and accessory buildings shall be 20 feet, and for accessory structures used for agricultural purposes or home occupations shall be 50 feet.
- E. A lot created by short plat, large lot or long plat subdivision which is restricted to special purposes, such as storm water storage, community play areas, or utility facilities, and is restricted by perpetual covenants meeting county requirements to said purpose, is not required to meet minimum lot size requirements.

**1.04.234 Building Regulations.**

- A. Floor Area Ratio. 1:20, except for fire stations.
- B. Size. 3,000 sq. feet maximum for non-agricultural and accessory buildings except for dwellings and agricultural buildings.
- C. Height. 35 feet except for agricultural buildings, cell towers, antennas, or water tanks.

**1.04.236 Off-street parking.**

Two spaces per residence. See Parking Ordinance for other land uses; parking setback for non-residential land uses shall be 25 feet.

**1.04.237 Special Provisions.**

- A. Cell towers shall be located per Ordinance No. 5-98 Telecommunication Towers.
- B. Accessory dwelling units are required to meet Section 1.03.029 standards.
- C. Government operated day care centers, essential public facilities, community centers, and schools may exceed 3,000 sq. feet as approved by a special use permit.
- D. Essential public facilities, commercial day care centers, and schools which were in existence prior to June 17, 1996 and without a prior special use permit, may expand up to 15% cumulatively from their size prior to June 17, 1996, without a special use permit. Expansions over 15% will require a special use permit.

#### **1.04.240 Rural Residential 20 (RR 20)**

**1.04.241 Purpose.** This district provides for new residential development on parcels of 20 acres or more.

#### **1.04.242 Uses Permitted.**

- A. USES: Single family residential, Hobby farm (Small scale commercial agriculture, including aquaculture and wood lots), Church, Local community and recreation centers, Fire station, Fish hatchery, Cell towers, Public utilities.
- B. ACCESSORY USES: Cottage Industry (home occupation), Single family residence.
- C. SPECIAL PERMIT REQUIRED USES: Essential public facility, Home occupations and Cottage Industries that do not meet the standards in Section 1.03.021.

#### **1.04.243 Lot Requirements.**

- A. Density and lot size. Standard density of 1 principal residence per 20 acres or 1/32nd of a section and one accessory dwelling unit per parcel; minimum lot size of 2 acres, except for an approved performance subdivision the maximum density which may be allowed is 1 dwelling per 10 acres or 1/64th of a section and minimum lot size is 20,000 sq. ft.
- B. Lot width and depth. All lots shall have a minimum average width of not less than one-third of the median length and a minimum width at any point of 50 feet.
- C. Front Yard Setback. 25 feet
- D. Side and rear yard setbacks. Side and rear yard setbacks for the residential dwelling is 20 feet, accessory buildings shall be 20 feet, and for accessory structures used for agricultural purposes or home occupations shall be 50 feet.
- E. A lot created by short plat, large lot or long plat subdivision which is restricted to special purposes, such as storm water storage, community play areas, or utility facilities, and is restricted by perpetual covenants meeting county requirements to said purpose, is not required to meet minimum lot size requirements.

#### **1.04.244 Building Regulations.**

- A. Floor Area Ratio. 1:20, except for fire stations.
- B. Size. 3,000 sq. feet maximum for non-agricultural and accessory buildings except for dwellings and agricultural buildings.
- C. Height. 35 feet except for agricultural buildings, cell towers, antennas, or water tanks.

#### **1.04.246 Off-street parking.**

Two spaces per residence. See Parking Ordinance for other land uses; parking setback for non-residential land uses shall be 25 feet.

#### **1.04.247 Special Provisions.**

- A. Cell towers shall be located per Ordinance No. 5-98 Telecommunication Towers.
- B. Accessory dwelling units are required to meet Section 1.03.029 standards.
- C. Essential public facilities may exceed 3,000 sq. feet as approved by the special use permit.
- D. Essential public facilities, which were in existence prior to June 17, 1996 and without a prior special use permit, may expand up to 15% cumulatively from their size prior to June 17, 1996, without a special use permit. Expansions over 15% will require a special use permit.

**1.04.250 Rural Multi-Family (RMF)**

**1.04.251 Purpose.** This district provides for existing multi-family residential development including mobile home parks.

**1.04.252 Uses Permitted.**

Uses: Multi-family residences, duplex, mobile home park

**1.04.253 Lot Requirements.**

- A. Density and lot size. Minimum lot size of 5 acres.
- B. Lot width and depth. All lots shall have a minimum average width of not less than one-third of the median length and a minimum width at any point of 50 feet; designate limited and safe access(es) to roads.
- C. Front yard setback. 25 feet
- D. Side and rear yard setbacks. Side and rear yard setbacks for the residential dwelling is 20 feet, and accessory buildings shall be 20 feet.

**1.04.254 Building Regulations.**

- A. Floor Area Ratio. 1:20
- B. Size. 3,000 sq. feet maximum except for dwellings.
- C. Height. 35 feet except for cell towers, antennas, or water tanks.

**1.04.256 Off-street parking.**

Off street parking (stall number and arrangement) shall be provided according with the provisions of the Mason County Parking Standards; locate parking to side or rear of building.

**1.04.257 Special Provisions.**

Mobile home park expansions shall comply with the Mobile home park ordinance.



**1.04.300 RURAL COMMERCIAL**

**1.04.320 Rural Commercial 1 (RC 1)**

**1.04.321 Purpose.**

This district includes very small areas of commercial development, often a single lot, at historical crossroads or along a highway consisting of a convenience or general store.

**1.04.322 Uses Permitted.**

- A. USES: Convenience/general store, Gas, Restaurant, Bed and breakfast, Laundry
- B. ACCESSORY USES: Owner occupied residential.

**1.04.323 Lot Requirements.**

- A. Density. 1 owner occupied residence per lot. Lot size. Dependent on subject property location.
- B. Lot width and depth. All lots shall have a minimum average width of not less than one-third of the median length and a minimum width at any point of 50 feet; designate limited and safe access(es) to roads.
- C. Front yard setback. 15 feet.
- D. Side and rear yard setbacks. 5 feet on interior lots adjacent to other commercial lots. Adjacent to other land use designations, the side setback shall be 10 feet and the rear setback shall be 20 feet. At minimum, buffer plantings shall be in the first 5 feet of this setback.

**1.04.324 Building Regulations.**

- A. Floor Area Ratio. 1:5, except for fire stations.
- B. Size. 4,500 sq. feet maximum except for dwellings.
- C. Height. 35 feet maximum except for agricultural buildings, antennas, or water tanks.

**1.04.325 Signs.**

RESERVED.

**1.04.326 Off-street parking.**

Off street parking (stall number and arrangement) shall be provided according with the provisions of the Mason County Parking Standards.

## **1.04.330 Rural Commercial 2 (RC 2)**

**1.04.331 Purpose.** This district includes historical neighborhood centers which serve primarily surrounding rural residential development.

### **1.04.332 Uses Permitted.**

A. USES: Convenience/general store, Gas, Retail, Restaurant, Small office, Self storage, Laundry, Professional services, Public meeting space, Nursery, Post office/Fire Station, Church, Local community and recreation centers, Commercial/government operated day care, Single-family residential.

### **1.04.333 Lot Requirements.**

A. Density. 1 owner occupied residence per lot. Lot size. Dependent on subject property location.

B. Lot width and depth. All lots shall have a minimum average width of not less than one-third of the median length and a minimum width at any point of 50 feet; designate limited and safe access(es) to roads.

C. Front yard setback. 15 feet.

D. Side and rear yard setbacks. 5 feet on interior lots adjacent to other commercial lots. Adjacent to other land use designations, the side setback shall be 10 feet and the rear setback shall be 20 feet. At minimum, buffer plantings shall be in the first 5 feet of this setback.

### **1.04.334 Building Regulations.**

A. Floor Area Ratio. 1:5, except for fire stations.

B. Size. Maximum of 4,500 sq. feet for single tenant and 7,500 sq. feet for multiple tenant; no maximum for dwellings.

C. Height. 35 feet maximum except for agricultural buildings, antennas, or water tanks.

### **1.04.335 Signs.**

RESERVED.

### **1.04.336 Off-street parking.**

Off street parking (stall number and arrangement) shall be provided according with the provisions of the Mason County Parking Standards.

### **1.04.337 Special Provisions.**

RESERVED

**1.04.340 Rural Commercial 3 (RC 3)**

**1.04.341 Purpose.** This district includes historical village centers comprised of a variety of goods and services which serve surrounding rural residents as well as tourists.

**1.04.342 Uses Permitted.**

A. USES: Convenience/general store, Gas, Retail, Restaurant, Small office, Self storage, Laundry, Professional services, Personal services, Public meeting space, Nursery, Public facilities - Post office/Fire station/Fish hatchery/Library/Ranger station, Church, Local community and recreation centers, Lodging facilities, including motels, RV parks, Campgrounds and Bed and breakfast, Marina - Sales, Service and Storage, Auto service and repair, Medical/Dental clinic, Animal clinic, Winery, Commercial/government operated day care, Single-family residential accessory use or apartment.

B. OTHER USES: Uses not explicitly enumerated in this section, but closely similar thereto, are determined by the Administrator.

**1.04.343 Lot Requirements.**

A. Density. 1 owner occupied residence per lot.

B. Lot width and depth. All lots shall have a minimum average width of not less than one-third of the median length and a minimum width at any point of 50 feet; designate limited and safe access(es) to roads.

C. Front yard setback. 15 feet.

D. Side and rear yard setbacks. 5 feet on interior lots adjacent to other commercial lots. Adjacent to other land use designations, the side setback shall be 10 feet and the rear setback shall be 20 feet. At minimum, buffer plantings shall be in the first 5 feet of this setback.

**1.04.344 Building Regulations.**

A. Floor Area Ratio. 1:3, except for fire stations.

B. Size. 7,500 sq. feet maximum.

C. Height. 35 feet maximum except for antennas or water tanks.

**1.04.345 Signs.**

RESERVED.

**1.04.346 Off-street parking.**

Off street parking (stall number and arrangement) shall be provided according with the provisions of the Mason County Parking Standards.

**1.04.347 Special Provisions.**

RV parks existing at the date of Development Regulations adoption will comply with the existing standards of the Mobile Home and Recreational Vehicle Parks Ordinance. RV parks reviewed after this date of adoption shall comply with the following additional standards:

A. No recreational vehicle shall remain in the RV park for rental purposes or for a time period of more than 120 consecutive days and 180 days in a 360 day period. The RV park management shall maintain daily rental records identifying the each RV and shall present them to the county on written request. Failure to maintain or to present these records on request shall be sufficient grounds to rescind the RV park permit.

B. The recreational vehicle shall be built on a chassis and self-propelled or permanently towable, and shall not be set up in a RV park as a permanent structure for limited use.

## 1.04.400 RURAL INDUSTRIAL (RI)

**1.04.401 Purpose.** The Rural Industrial (RI) district provides for isolated areas of primarily existing industrial type uses.

### 1.04.402 Uses Permitted.

USES: Manufacturing, Warehousing, Truck yards, Contractor yards

ACCESSORY USES: Retail space not to exceed 10% of the floor area.

### 1.04.403 Lot Requirements.

- A. Density and lot size. Dependent on subject property location.
- B. Lot width and depth. Designate limited and safe access(es) to roads.
- C. Front yard setback. 15 feet.
- D. Side and rear yard setbacks. The side setback shall be 20 feet and the rear setback shall be 20 feet. At minimum, buffer plantings shall be in the first 5 feet of this setback.
- E. The setback requirements of this section may be waived to the extent necessary to provide for direct and unobstructed access to an adjacent transportation facility such as a railroad or airport.

### 1.04.404 Building Regulations.

- A. Floor Area Ratio. 1:5 in Rural areas or 1:3 in RAC, except for fire stations.
- B. Size. 7,500 sq. ft. maximum or reviewed through Special Use Permit.
- C. Height. 35 feet maximum except for agricultural buildings, cell towers, antennas, or water tanks.

### 1.04.405 Signs.

One monument sign, 10-foot height and 140 sq ft. size limit; one wall sign that faces towards street or public access, 40 sq ft size limit, and no more than 10 percent of wall area.

### 1.04.406 Off-street parking.

Off street parking (stall number and arrangement) shall be provided according with the provisions of the Mason County Parking Standards.

### 1.04.407 Special Provisions.

New development shall be constructed and operated to meet the following performance standards:

- A. Noise shall be controlled to comply with Chapter 9.36 Mason County Code.
- B. Odor shall be controlled to comply with Olympic Air Pollution Control Authority Regulation 1, Section 9.11.
- C. Light and glare shall be controlled such that:
  - 1. No light or combination of lights that cast light upon a public street or non-residentially zoned property shall exceed one (1) foot-candle meter reading as measured at the edge of roadway or property line,
  - 2. No light or combination of lights that cast light upon a residentially zoned property shall exceed 0.4 foot-candle meter reading as measured at the residential property line.
  - 3. Direct or sky-reflected glare, whether from floodlights or from high-temperature processes, such as combustion or welding, shall not be directed into any adjoining property,
  - 4. No flickering or flashing lights shall be allowed except to the extent necessary to meet state or Federal safety requirements.
- D. No vibration shall be permitted which is discernible beyond the property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour, nor any vibration producing an acceleration of more than 0.1g, or which results in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines, Bulletin "Quarry Blasting" on any structure.
- E. Local traffic impact shall be limited to no more than five percent (5%) of the existing traffic, except as provided that by special use permit. Criteria for approval shall include limits on traffic

and hours of operation.

- F. Outside storage of materials shall be screened and not visible from adjacent properties by the use of landscaping, berming, and/or fencing.

Where development existed as of the date of this ordinance, it shall not meet the above performance standards, but that development and the adjoining lands shall continue to meet buffer yard standards as provided in Section 1.03.036.

## **1.04.500 RURAL NATURAL RESOURCE (RNR)**

**1.04.501 Purpose.** The Rural Natural Resource (RNR) district provides for isolated areas of resource based industry outside of the designated resource lands.

### **1.04.502 Uses Permitted.**

USES: Processing of native natural materials, including Forest products, Mining, Aquaculture, Agriculture,

ACCESSORY USES: Storage of finished products, Retail sales of products up to 10% of building area.

### **1.04.503 Lot Requirements.**

- A. Density and lot size. 5 acres or greater dependent on subject property location.
- B. Lot width and depth. Designate limited and safe access(es) to roads.
- C. Front yard setback. 15 feet
- D. Side and rear yard setbacks. The side setback shall be 20 feet and the rear setback shall be 20 feet. At minimum, buffer plantings shall be in the first 5 feet of this setback.
- E. The setback requirements of this section may be waived to the extent necessary to provide for direct and unobstructed access to an adjacent transportation facility such as a railroad or airport.

### **1.04.504 Building Regulations.**

- A. Floor Area Ratio. 1:20.
- B. Size. 2000 sq. feet additions or 5 percent of floor area of existing use buildings; 10,000 sq. feet building maximum size for new development, except when larger building sizes are approved by Special Use Permit.
- C. Height. Exempt from 35 feet limit.

### **1.04.505 Signs.**

One monument sign, 10-foot height and 140 sq ft. size limit; one wall sign that faces towards street or public access, 40 sq ft size limit, and no more than 10 percent of wall area.

### **1.04.506 Off-street parking.**

Off street parking (stall number and arrangement) shall be provided according with the provisions of the Mason County Parking Standards.

### **1.04.507 Special Provisions.**

New development shall be constructed and operated to meet the following performance standards:

- A. Noise shall be controlled to comply with Chapter 9.36 Mason County Code.
- B. Odor shall be controlled to comply with Olympic Air Pollution Control Authority Regulation 1, Section 9.11.
- C. Light and glare shall be controlled such that:
  1. No light or combination of lights that cast light upon a public street or non-residentially zoned property shall exceed one (1) foot-candle meter reading as measured at the edge of roadway or property line,
  2. No light or combination of lights that cast light upon a residentially zoned property shall exceed 0.4 foot-candle meter reading as measured at the residential property line.
  3. Direct or sky-reflected glare, whether from floodlights or from high-temperature processes, such as combustion or welding, shall not be directed into any adjoining property,
  4. No flickering or flashing lights shall be allowed, except to the extent necessary to meet state or Federal safety requirements.
- D. No vibration shall be permitted which is discernible beyond the property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour, nor any vibration producing an acceleration of more than 0.1g, or which results in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines, Bulletin "Quarry

Blasting” on any structure.

- E. Local traffic impact shall be limited to no more than five percent (5%) of the existing traffic, except as provided that by special use permit. Criteria for approval shall include limits on traffic and hours of operation.
- F. Outside storage of materials shall be screened and not visible from adjacent properties by the use of landscaping, berming, and/or fencing.

Where development existed as of the date of this ordinance, it shall not meet the above performance standards, but that development and the adjoining lands shall continue to meet buffer yard standards as provided in Section 1.03.036.

## **1.04.600 RURAL TOURIST (RT)**

**1.04.601 Purpose.** The Rural Tourism (RT) district provides small scale recreational and tourist related activities in addition to tangential commercial services to tourists and adjacent rural populations.

### **1.04.602 Uses Permitted.**

USES: Marina - Sales, Service and Storage, Lodging facilities, including motel, RV park, Campgrounds, and Bed and breakfast, Golf course, Retail, Gas, Self storage, Restaurant, Retreat centers, Outdoor recreation.

ACCESSORY USES: Employee housing

### **1.04.603 Lot Requirements.**

- A. Density and lot size. Dependent on subject property location.
- B. Lot width and depth. All lots shall have a minimum average width of not less than one-third of the median length and a minimum width at any point of 50 feet; designate limited and safe access(es) to roads.
- C. Front yard setback. 15 feet.
- D. Side and rear yard setbacks. 5 feet on interior lots adjacent to other commercial lots. Adjacent to other land use designations, the side setback shall be 10 feet and the rear setback shall be 20 feet. At minimum, buffer plantings shall be in the first 5 feet of this setback.

### **1.04.604 Building Regulations.**

- A. Floor Area Ratio. 1:5 in Rural areas or 1:3 in RC3, except for fire stations.
- B. Size. 5,000 sq. ft. maximum or reviewed by RV Park or Special Use Permit.
- C. Height. 35 feet maximum except for agricultural buildings, cell towers, antennas, or water tanks, or as reviewed by Special Use Permit.

### **1.04.605 Signs.**

For bed and breakfasts, signs are limited to 6 sq. ft. in size and unlighted; other uses, signs are reviewed at each proposal.

### **1.04.606 Off-street parking.**

Off street parking (stall number and arrangement) shall be provided according with the provisions of the Mason County Parking Standards. For bed and breakfasts, 1 stall for each bedroom shall be provided.

### **1.04.607 Special Provisions.**

- A. Application to RT uses requires applicant to provide such information: Access to state and county roads; location and size of lot(s); land uses on adjacent properties; potential impacts to existing residential uses; how is proposed use related to recreational and tourist activities and/or to commercial services to tourists and adjacent rural populations.
- B. RV parks existing at the date of Development Regulations adoption will comply with the existing standards of the Mobile Home and Recreational Vehicle Parks Ordinance. RV parks reviewed after this date of adoption shall comply with the following additional standards:
  1. No recreational vehicle shall remain in the RV park for rental purposes or for a time period of more than 120 consecutive days and 180 days in a 360 day period. The RV park management shall maintain daily rental records identifying the each RV and shall present them to the county on written request. Failure to maintain or to present these records on request shall be sufficient grounds to rescind the RV park permit.
  2. The recreational vehicle shall be built on a chassis and self-propelled or permanently towable, and shall not be set up in a RV park as a permanent structure for limited use.



## 1.04.700 MASTER PLANNED RESORT (MPR)

**1.04.701 Purpose.** The Master Planned Resort district provides for self-contained and fully integrated planned unit development in a setting of significant natural amenity, with the primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

### **1.04.702 Uses Permitted.**

USES: Recreation facilities; Lodging facilities including hotel, motel, RV park, Campgrounds; Restaurant; Retail; Marina - Sales, Service and Storage; Golf course; Casino; Gas

ACCESSORY USES: Employee housing

### **1.04.703 Lot Requirements.**

- A. Density and lot size. Dependent on subject property location.
- B. Lot width and depth. Designate limited and safe access(es) to roads.
- C. Front yard setback. Minimize clearing of vegetation buffer and integrate parking to side or rear of building.
- D. Side and rear yard setbacks. The side setback shall be 20 feet and the rear setback shall be 20 feet. At minimum, buffer plantings shall be in the first 5 feet of this setback.

### **1.04.704 Building Regulations.**

- A. Floor Area Ratio. 1:20.
- B. Size. Reviewed through Special Use Permit.
- C. Height. 35 feet maximum except for agricultural buildings, cell towers, antennas, or water tanks.

### **1.04.705 Signs.**

Reviewed as part of Special Use Permit.

### **1.04.706 Off-street parking.**

Off street parking (stall number and arrangement) shall be provided according with the provisions of the Mason County Parking Standards.

### **1.04.707 Special Provisions.**

- A. Master Planned Resorts must be designated by plan amendment and consistent with the Mason County Comprehensive Plan policies for master planned resorts.
- B. RV parks existing at the date of Development Regulations adoption will comply with the existing standards of the Mobile Home and Recreational Vehicle Parks Ordinance. RV parks reviewed after this date of adoption shall comply with the following additional standards:
  1. No recreational vehicle shall remain in the RV park for rental purposes or for a time period of more than 120 consecutive days and 180 days in a 360 day period. The RV park management shall maintain daily rental records identifying ~~the~~ each RV and shall present them to the county on written request. Failure to maintain or to present these records on request shall be sufficient grounds to rescind the RV park permit.
  2. The recreational vehicle shall be built on a chassis and self-propelled or permanently towable, and shall not be set up in a RV park as a permanent structure for limited use.

**1.05**  
**Administrative Procedures**

**1.05.010 Nonconforming Buildings and Uses**

**1.05.011 Applicability**

The provisions of this Section shall apply to buildings, lands or uses which become nonconforming as a result of the application of this Ordinance to them, or from the classification or reclassification of the property under this Ordinance, or any subsequent amendment thereto.

**1.05.012 Continuing Existing Uses**

- A. Any lawful use of land and/or building or structure, either existing or under construction, may be continued, without regard to whether the use or building becomes nonconforming as a result of application of this Ordinance.
- B. Any lawful use of land and/or building or structure for which a use or building permit has been applied may (subject to the issuance of such permit) be completed, and may be used as intended, without regard to whether the use or building would be nonconforming as a result of application of this Ordinance.
- C. Any lawful use of land and/or building or structure which is vested by application of state law may be completed, and may be used as intended, without regard to whether the use or building would be nonconforming as a result of application of this Ordinance.

**1.05.014 Alterations and Enlargements**

- A. Unless otherwise specifically provided in this Ordinance, nonconforming buildings shall not be enlarged or structurally altered unless the enlargement or alteration is required by law, or unless the enlarged building area is occupied by a conforming use. Any such enlargement or structural alteration shall meet the buffer requirements of this Ordinance, as those buffer requirements are applied to the entire parcel of land, subject to the determination of the Administrator, as set forth in Section 1.03.036(C)(3).
- B. Nonconforming non-residential uses and structures located outside Urban Growth Areas may be permitted to expand, subject to the following conditions:
  - 1. The floor area of the existing building(s) shall not increase by more than twenty (20%) percent or ten thousand square feet, whichever is greater; and
  - 2. The buffer yard requirements of this Ordinance shall be applied to the entire parcel of land, and shall be met, subject to the determination of the Administrator, as set forth in Section 1.03.036(C)(3).
- C. Normal upkeep, repair and maintenance of nonconforming structures is permitted, provided that such activities shall not increase the nonconformity of the use or structure(s).

- D. Unless otherwise specifically provided in this Ordinance, no nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than occupied by such use at the time this Ordinance becomes effective.
- E. Unless otherwise specifically provided in this Ordinance, no nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel of land occupied by the nonconforming use at the time this Ordinance becomes effective.

**1.05.016 Abandonment; reconstruction**

- A. If any nonconforming use of land and/or building is abandoned, or ceases for any reason whatsoever (including destruction of the building) for a period of two years or more, then any future use of such land and/or building shall conform to the provisions of this Ordinance. Upon written request of the property owner, the Administrator shall grant one, one-year extension to the aforementioned two-year period.
- B. Any nonconforming building or structure which has been damaged or destroyed by fire, earthquake, flood, wind or other disaster may be rebuilt for the same nonconforming use only, subject to the following restrictions:
  - 1. The restoration or repair of such nonconforming building shall not serve to extend or increase the nonconformance of the original building or use; and
  - 2. A building permit allowing for such restoration or repair must be issued within two years of the disaster. Upon written request of the property owner, the Administrator shall grant one, one-year extension to the aforementioned two-year period.

**1.05.018 Change of Use**

- A. Any nonconforming use of land shall not be changed to any other use, unless the new use conforms to the provisions of this Ordinance.
- B. Any nonconforming use of a structure shall not be changed to any other use, unless:
  - 1. The new use conforms to the provisions of this Ordinance; or
  - 2. The new use is of equal or lesser intensity than the previous use, as determined by the Classification of Land Uses, FIGURE 1.03.034.

**1.05.020 Temporary Uses**

**1.05.022 Temporary Construction Buildings**

Temporary structures for the housing of tools and equipment, or buildings containing supervisory

offices in connection with construction projects, may be established and maintained during the progress of construction on such progress. Such buildings and/or structures shall be abated and removed from the premises within thirty (30) days after completion of the project, or thirty (30) days of cessation of work.

#### **1.05.023 Temporary Construction Signs**

Signs identifying persons engaged in or responsible for construction on a site shall be permitted while construction is in progress upon the issuance of a building or use permit. Such sign shall not exceed 64 square feet (per face) in size, and shall be removed within six (6) months of its placement on the site.

#### **1.05.030 Variances**

##### **1.05.031 Purpose**

The purpose of this Section is to provide a means of altering the requirements of this Ordinance in specific instances where the strict application of these regulations would deprive a property of privileges enjoyed by other properties which are similarly situated, due to special features or constraints unique to the property involved.

##### **1.05.032 Use Variances Prohibited**

No variance shall be granted to permit the establishment of a use otherwise prohibited within the development area in which the property concerned is located, except as provided in Section 1.05.018(B). Applications for such variances shall not be accepted for processing or review.

##### **1.05.034 Granting of Variances Authorized**

- A. The Board of County Commissioners shall have the authority to grant a variance from the provisions of this Ordinance when, in their opinion, the conditions set forth in Section 1.05.036 have been met. The Board shall have the authority to attach conditions to any such variance when, in their opinion, such conditions are necessary to protect the public health, safety or welfare, or to assure that the spirit of this Ordinance is maintained.
- B. The Administrator shall have the authority to grant a variance from the provisions of this Ordinance when the granting of such variance will result in a measurable deviation of ten (10%) percent or less from the provisions set forth in this Ordinance. In issuing such variance, the Administrator shall make a positive determination that the conditions set forth in Section 1.05.035 have been met. The Administrator shall have the authority to attach conditions to any such variance when, in his (her) opinion, such conditions are necessary to protect the public health, safety or welfare, or to assure that the spirit of this Ordinance is maintained.

##### **1.05.035 Findings Required for Approval of a Variance**

Before any variance is granted, the granting authority shall make a positive determination regarding

each of the following factors:

- A. That there are special circumstances applicable to the subject property such as shape, topography, location or surroundings, which circumstances do not apply generally to other properties in the same Development Area;
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity, but because of special circumstances is denied to the property in question;
- C. That the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity in which the subject property is located; and
- D. That the granting of the variance is in substantial harmony with the Comprehensive Plan.

#### **1.05.036 Procedural Requirements for a Variance**

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

#### **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.

### **1.05.050 Hearings and Notices**

Upon receipt of any application which requires a public hearing, the Administrator shall set the date for such hearing. The hearing date shall be established in such a manner as to allow for adequate public notice as set forth in Section 1.05.052, and shall also allow for sufficient time to allow for the Department of Community Development to review the proposal and provide a report to the Board.

#### **1.05.052 Public Notice Requirements**

The following are the minimum requirements for public notice for any hearing. Any costs associated with mailings or publication required under this Section shall either be paid by the applicant directly, or reimbursed by the applicant to the County prior to the date of the public hearing.

- A. Notice shall be published not less than ten (10) days prior to the hearing in a newspaper of general circulation within the County, and in a newspaper of general circulation in the area where the property which is proposed to be developed is located.
- B. Special notice of the hearing shall be given to adjacent landowners by any other method that the Administrator deems necessary.
- C. If the subject property is located within the Shelton Urban Growth Area, or within one thousand (1,000) feet of said Urban Growth Area, notice of the hearing shall be provided to the Shelton City Clerk.

#### **1.05.054 Rules of Conduct: Hearings**

The Board shall have the authority to establish such rules as it may deem appropriate for the conduct of the public hearing. At a minimum, the following rules shall apply:

- A. All testimony taken shall be sworn testimony.
- B. The Board shall keep and maintain a written record of all proceedings.
- C. Any interested party shall have the opportunity to present oral or written testimony, which shall become a part of the written record. This opportunity may be subject to such time limitations as may be imposed by the Board.

- D. At the conclusion of the hearing, the Board may elect to hold the record open for the purpose of soliciting additional testimony.

**1.05.056 Decision and Findings**

Within thirty (30) days of the conclusion of the public hearing, the Board shall issue its decision. The decision shall be made in writing, and shall include findings of fact which support the decision. The Board may attach such conditions as it deems necessary to assure that the proposed development is constructed in a manner consistent with the intent of this Ordinance. Notice of the decision of the Board shall be sent to the County Assessor, the Administrator, the applicant, and to any other party who has requested receipt of such decision.

**1.05.060 Appeals**

- A. Any decision of the Administrator made pursuant to this Ordinance may be appealed to the Board, subject to the following provisions:
  - 1. Any appeal must be filed within thirty (30) days of the decision being appealed.
  - 2. An appeal shall be accompanied by a filing fee as established by the Board.
- B. Any appeal of a decision of the Board shall be made in Superior Court.

**1.05.062 Rules of Conduct: Appeals**

With regard to an appeal made to the Board, the following rules of conduct shall apply:

- A. Within thirty (30) days of receiving a notice of appeal, the Board shall meet to consider the matter.
- B. Issues before the Board shall be limited to the information contained in the notice of appeal, and the written record of the decision-making body. The Board may hear oral arguments recapitulating the written record, but it shall not consider any new testimony from any source. A public hearing shall not be held.
- C. The Board may continue its deliberations through more than one meeting in order to provide adequate time to consider the issues involved in the appeal.
- D. The Board shall render its decision in writing within forty-five (45) days of its meeting to consider the matter.

**1.05.070 Administration and Enforcement**

**1.05.071 Validity and Severability**

- A. This Ordinance shall be governed by the laws of the State of Washington. In the event that any portion or section of this Ordinance be declared invalid or unconstitutional by a court



of competent jurisdiction, the remainder of the Ordinance shall not be affected and shall remain in full force and effect.

- B. This Ordinance is intended to conform to and promote the provisions of the Mason County Comprehensive Plan. In the event of conflict between the two documents, the more specific interpretation shall apply.

**1.05.072 Enforcement**

No permit for the construction, alteration or expansion of any building, structure or part thereof shall be issued unless the plans, specifications and intended uses of the subject property conform in all respects to the provisions of this Ordinance.

- A. It shall be the responsibility of the Administrator to enforce any section of this Ordinance which addresses land use, including buffer yard requirements.
- B. It shall be the responsibility of the Building Official to enforce any section of this Ordinance which addresses requirements for any structure, including signs.
- C. It shall be the responsibility of the County Engineer to enforce any section of this Ordinance which addresses street design and construction (whether public or private), parking lot design and construction, or the design and construction of stormwater facilities.

**1.05.074 Violations**

It shall be unlawful and a violation of this Ordinance for any person to use or occupy any portion of any premises, and part of which has been constructed, equipped or is used in violation of the provisions of this Ordinance, until such unlawful use has ceased and such unlawful construction and equipment has been removed from the premises. Each day that a violation continues to exist shall be considered as a separate offense.

**1.05.076 Penalties: Criminal**

- A. Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor, and shall be punished by a fine of not more than one thousand (\$1,000.00) dollars, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.
- B. In addition to any other penalties set forth in this Ordinance, any violation of the provisions of this Ordinance may be declared to be a public nuisance and may be abated through proceedings for injunctive or similar relief in superior court or other court of competent jurisdiction.
- C. Upon determination that a violation of this Ordinance has occurred, the Building Official shall have the authority and discretion to withhold building permits for the subject property until corrective action is taken by the responsible party.

**1.05.078 Penalties: Civil**

- A. As a supplement or alternative to the remedies set forth in Section 1.05.076, the County shall have the authority to seek civil penalties for any violation of the provisions of this Ordinance. Any person who violates the provisions of this Ordinance shall, upon a proper showing, be deemed to have committed a civil infraction. Mason County Superior Court is hereby vested with jurisdiction to hear civil infraction cases under this Ordinance. Said cases shall be heard by the Court without jury and, upon a finding that the infraction has occurred by a preponderance of the evidence, the defendant shall be subject to civil penalties at the discretion of the Court not to exceed five thousand (\$5,000.00) dollars for each separately charged violation.
- B. **Presumption.** For the purposes of administration and prosecution of alleged violations of this chapter, there is hereby created a rebuttable presumption that the person whose name appears on the tax records of the Mason County Assessor, with respect to the real property in question, has the responsibility for insuring that violations of the provisions of this Ordinance do not occur on the property in question.
- C. In addition to any other penalties set forth in this Ordinance, any violation of the provisions of this Ordinance may be declared to be a public nuisance and may be abated through proceedings for injunctive or similar relief in superior court or other court of competent jurisdiction.
- D. Upon determination that a violation of this Ordinance has occurred, the Building Official shall have the authority and discretion to withhold building permits for the subject property until corrective action is taken by the responsible party.

**1.05.079 Amendments**

This Ordinance may be amended whenever required by public necessity, convenience or welfare. Amendments may be initiated by the Board, the Planning Commission, the Administrator, or by any owner of property within Mason County. Amendments may be made either to the text, or to the Development Areas Map. The procedure for an amendment shall be as follows:

- A. Petitions for amendment shall be received by the Administrator, who shall forward such petition to the Planning Commission and the Board for review.
- B. The Planning Commission shall, in public session, review and consider the proposed amendment. Upon due deliberation, the Commission shall forward its recommendation to the Board. The Commission shall not make an affirmative recommendation unless it finds that the proposed amendment is in conformity to the Comprehensive Plan.
- C. Upon receipt of the recommendation of the Commission, the Board shall set a date for a public hearing on the amendment. Notice requirements for the public hearing shall be as set forth in Section 1.05.052.

- D. The Board shall conduct its hearing in accordance with the provisions set forth in Section 1.05.054.
- E. In its deliberations, the Board shall first determine whether the proposed amendment is in conformity with the Comprehensive Plan. The Board shall not approve an amendment unless it makes such an affirmative finding.

**1.05.080 Rezone Criteria**

The County shall review a rezone proposal and enter written findings for the following criteria, none of which shall by itself be determinative.

- A. The proposed rezone's relationship to public health, safety and welfare.
- B. That the most appropriate zone designation shall be that for which the provisions and locational criteria for designation of the zone type match the characteristics of the area to be rezoned better than any other zone designation.
- C. The cumulative impacts of the proposal, prior rezones, and anticipated future rezones in light of the goals of the Growth Management Act. A rezone shall not materially intensify low-intensity sprawl in Rural Areas.
- D. The reasonably anticipated impacts on service capacities including but not limited to: streets, parking, utilities, fire protection, schools, and police.
- E. Whether there has been a change of circumstances or regardless of the limits of criteria I below, whether the assumptions of prior designation are no longer valid. There shall not be a numerical limit on the number of rezones per year based on faulty assumptions. A faulty assumption only occurs when the property was provided a land use designation which rendered the property nonconforming, there was a land use designation which would have rendered the lot conforming to the designation, and the lot satisfies all applicable locational criteria of the land use designation.
- F. The anticipated effect upon the rate or distribution of population growth, employment growth, development and conversion of the land as envisioned by the Comprehensive Plan and the goals of the Growth Management Act.
- G. Anticipated impacts on critical areas and designated agricultural, forest and mineral resource lands.
- H. That the proposed amendment will not create significant pressure to change the land use designation of other properties and does not materially affect the land uses and growth projections which are the basis of the Comprehensive Plan.
- I. In rural activity centers and hamlets, any rural land use rezone may be appropriate provided that the criteria above are satisfied. Outside of rural activity centers and hamlets, the rezone of rural residential to rural industrial or commercial is strongly discouraged, and no more

than 5 rural residential properties shall be rezoned rural industrial or commercial per year, and such rezones must involve small scale businesses as defined in MCC 1.06, be isolated as envisioned in the Growth Management Act, and may not occur within 1/2 mile of any other area of more intensive rural development unless there are special circumstances, including but not limited to streams, ravines, railroad tracks, or other aesthetic and physical buffers, which would prevent and mitigate adverse impacts to the rural character. As a condition of the rezone, the county shall, to the extent authorized by law, require a covenant be placed on the land requiring the land be limited to small scale businesses. Rural commercial 3 shall not be allowed outside of rural activity centers and hamlets. Rural natural resource, rural tourist, rural residential, and master planned resorts may occur anywhere in rural areas provided that the criteria above are satisfied.

**1.06**  
**Definitions**

**Accessory Dwelling Unit or ADU.** A second dwelling unit added onto, created within or detached from an existing single-family detached dwelling for use as a completely independent or semi-independent unit with provisions for cooking, eating, sanitation and sleeping. See section 1.03.029 for requirements for ADUs.

**Accessory building or use.** Any building or use which:

- A. Is subordinated to, and serves a principal building or principal use; and
- B. Is subordinate in area, extent or purpose to the principal building or principal use served; and
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- D. Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

**Adequate Public Facilities.** Facilities which have the capacity to serve development without decreasing levels of service below locally established minimums. (WAC 365-195-210)

**Administrator.** The Director of Community Development for Mason County shall serve as the administrator. The Board may also designate an acting administrator who shall have all of the duties and powers of the administrator in the absence of or inability of the administrator to act.

**Adult day-care facility.** An establishment providing for regularly-scheduled care and supervision of adults whose age or medical condition warrants such care, and where such care is provided for periods of less than twenty-four (24) hours.

**Adult retirement community.** A residential development for persons who are at least fifty-five (55) years of age. Such development may include the following as accessory uses:

- A. Social and recreation activities;
- B. Communal meal service;
- C. Limited health care facilities;
- D. Transportation facilities; and
- E. Personal services.

**Agricultural Lands.** Land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock.

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

**Aquaculture.** The commercial cultivation of aquatic life, such as fish, shellfish and seaweed.

**Assisted living facility.** An “assisted living facility” is an institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for twenty-four or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption.

**Available Public Facilities.** Indicates that facilities or services are in place or that a financial commitment has been made to provide that facilities or services within a specified time. In the case of transportation, the specified time is six years from the time of development. (WAC 365-195-210)

**Bed and Breakfast.** Overnight accommodations and a morning meal in a room or suite of rooms provided to guests for compensation, where such room or suite is located in a building occupied by the owner of the facility.

**Best Management Practices.** A physical, structural, or managerial practice which has gained general acceptance for its ability to prevent or reduce environmental impacts.

**Board.** The Mason County Board of County Commissioners.

**Buffer yard.** An area of plantings surrounding a land use which screens or blocks vision, noise pollutants, or other negative by-products associated with that use. The bufferyard might consist of open space, landscaped areas, undisturbed areas of natural vegetation, fences, walls, berms, or any combination thereof.

**Building.** A structure intended for use or occupancy by humans.

**Capacity.** The measure of the ability to provide a level of service on a public facility.

**Capital Improvement.** Land, improvements to land, structures (including design, permitting, and construction), initial furnishings and selected equipment. Capital improvements have an expected useful life of at least 10 years.

**Carrying Capacity.** The intrinsic constraints on the development of an area. The development that may be allowed without an (unacceptable) significant adverse impact, on a cumulative basis, on an environmental or social value intended to be protected by the comprehensive plan. Carrying capacity in the biological sciences is the population of a species in a particular environment which can be sustained on an on-going basis. “The maximum number of inhabitants that an environment can support without detrimental effects.” (Websters 11) For human populations, this concept less useful in the sense that resources which are locally in short supply can be transferred from anywhere in the world, and the level of impact that human society has on the environment is variable based on the technology used and the way that technology and other human activities are managed. Humans do not have the limited range of behaviors other species have. Examples of values to be protected in the plan would be native fisheries or rural character.

**Child care center, family.** An establishment providing for regularly-scheduled care, supervision and protection of children for periods less than twenty-four (24) hours, in a dwelling, where such care and supervision is provided by a resident of the dwelling, and where no non-resident is regularly employed. Such establishment shall be subject to licensing and regulation requirements pursuant to WAC 388-150.

**Child care center, commercial.** An establishment providing for regularly-scheduled care, supervision and protection of children for periods less than twenty-four (24) hours. Such establishment shall be subject to licensing and regulation requirements pursuant to WAC 388-155.

**City.** Any city or town, including a code city. (RCW 36.70A.030)

**Clustered Development.** Grouping the allowed development on only a portion of the site in such a way that a significant proportion of the site remains in common open space, recreation, resource-based use, any combination of those uses, or remains undeveloped with some kind of restriction on additional development.

**Commercial Uses.** Businesses involved in: 1) the sale, lease or rent of new or used products to the consumer public; 2) the provision of personal services to the consumer public; 3) the provision of leisure services in the form of food or drink and passive or active entertainment; or 4) the provision of product repair or servicing of consumer goods.

**Commission.** The Mason County Planning Commission.

**Community On-site Septic Systems.** A sewage system used to serve multi-family residential complexes or groups of individual residences.

**Comprehensive Land Use Plan, Comprehensive Plan, or Plan.** The Mason County Comprehensive Plan, as adopted pursuant to the Growth Management Act, and as thereafter may be amended.

**Concurrency.** Adequate public facilities are available when the impacts of development occur. This definition includes the two concepts of “adequate public facilities” and of “available public facilities” as defined in this section. (WAC 365-195-210)

**Consistency.** A term which means that no feature of a plan or regulation is incompatible with any other feature of a plan or regulation. Consistency is indicative of a capacity for orderly integration or operation with other elements in a system. (WAC 365-195-210)

**Contiguous Development.** Development of areas immediately adjacent to one another. (WAC 365-195-210)

**Convenience Store.** Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

**Cottage Industry.** A business, occupation, or profession that is incidental to a residential use and is carried on by a member or members of the household living in the residential unit on the site. There may be up to five employees

working on the site who do not reside on the site. Cottage industries may be conducted within the residential dwelling or within an accessory structure.

**Critical Areas.** Areas which include the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flowed areas; and (e) geologically hazardous areas. (RCW 36.70A.030)

**Density.** A measure of the intensity of development, generally expressed in terms of dwelling units per acre. Density can also be expressed in terms of population (i.e., people per acre).

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

**Design Guidelines.** A set of guidelines defining parameters to be followed in site and/or building design and development.

**Design Standards.** A set of standards defining parameters to be followed in site and/or building design and development.

**Development.** The construction, reconstruction, conversion, structural alteration, relation or enlargement of any structure, and any mining, excavation, filling, or other associated land disturbance.

**Development Districts.** Development Districts are areas in which a variety of development options are allowed if they are consistent with the purpose of the district.

**Development Regulations.** Any controls placed on development or land use activities by a county or city. Including, but not limited to, zoning ordinances, subdivision ordinances, and binding site plan ordinances. (RCW 36.70A.030)

**Domestic Water System.** Any system providing a supply of potable water which is deemed adequate pursuant to RCW 19.27.097 for the intended uses of a development. (WAC 365-195-210)

**Easement.** A covenant which grants or restricts a specific right of use.

**Environmental Impact Statement (EIS).** A document detailing the expected environmental impacts of a proposed action.

**Erosion Hazard Areas.** Those areas that because of natural characteristics, including vegetative cover, soil texture, slope gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

**Erosion.** The wearing away of the earth's surface as a result of the movement of wind, water, or ice.



**Essential Public Facilities.** Essential Public facilities include facilities such as prisons, correctional facilities, juvenile detention centers, wastewater/sanitary treatment facilities and systems, courthouses, solid waste facilities, airports, and hospitals.

**Facility.** The physical structure or structures in which a service is provided.

**Fire Flow.** The amount of water volume needed to provide fire suppression. Adequate fire flows are based on industry standards, typically measure in gallons per minute (gpm). Continuous fire flow volumes and pressures are necessary to insure public safety. The fire flow volume shall be in addition to the requirements of the water system for domestic demand.

**Floodplain.** That area of land adjoining a body of water that has been or may be covered by floodwater.

**Floor Area Ratio.** The “floor area ratio” is determined by summing the gross horizontal areas of the all floors of a building, measured from the exterior walls, or the centerline of walls separating two buildings, and dividing that sum by the gross area of the parcel proposed for use or development. Space devoted to off-street parking or loading is not included in this calculation.

**Front Yard.** The space extending the full width of the lot between a structure or building and the front lot line and measured perpendicular to the building to the closest point of the front lot line.

**Fully Contained Community (FCC).** A reserved capacity for new urban development that will be characterized by urban densities and intensities, urban governmental services, and meets the criteria established in the comprehensive plan and in RCW 36.70A.350.

**Geologically Hazardous Areas.** Areas that because of the susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns. (RCW 36.70A.030)

**Greenbelt.** A linear corridor of open space which often provides passive recreation and nonmotorized transportation opportunities, serves as a buffer between developments and varying land uses, or creates a sense of visual relief from urban landscapes.

**Groundwater.** Water that fills all the unblocked pores of material lying beneath the water table.

**Group Homes.** A nonprofit or for-profit boarding home for the sheltered care of persons with special needs, which may provide food, shelter, and a combination of personal care, social and counseling services, and transportation.

**Growth Management Act (GMA), or Act.** The Growth Management Act as enacted in 1990 and subsequently amended by the State of Washington.

**Hamlet.** Hamlets are intended to provide a focal point and community identity for surrounding rural area, while they meet some of the immediate needs of rural residents, resource dependent industry, and visitors. They may include one or two civic, community, or retail uses such as post office, community center, church, grange, gas

station, or small convenience store. Residential uses are not included in Hamlets. They may be served by community water systems and community sewage treatment facilities but have only rural governmental services.

**Hobby Farm.** Rural parcel(s) with a principal residential land use and secondary non-commercial or small-scale commercial farming, livestock raising, aquiculture, or forestry activities conducted on the property.

**Home Occupation.** A business, occupation, or profession that is incidental to and carried on within a portion of a residential dwelling unit by a member or members of the household. The business may have up to three employees in addition to members of the household.

**Household.** All persons who occupy a housing unit which is intended as separate living quarters and having direct access from the outside of the building or through a common hall. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements. (U.S. Department of Commerce, Bureau of the Census)

**Hotel.** A facility offering guest lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.

**Impact Mitigation.** The mitigation of the negative impacts of a development proposal. Mitigation includes, but is not limited to the following: avoiding the impact through change in the proposal, minimizing the impact through changes to the proposal, rectifying the impact by repairing, rehabilitating or restoring the affected environment, reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action, compensating for the impact by replacing, enhancing, or providing substitute resources or environments, and monitoring the impact and taking appropriate corrective measures. The term includes to voluntary and mandatory actions to compensate for the costs of reducing impacts; including traffic impacts.

**Infill.** The development of housing or other buildings in vacant sites in an already developed area.

**Infrastructure.** Facilities and services needed to sustain industry, residential, and commercial activities. Infrastructure may include, but not be limited to, water and sewer lines, streets, and power and communication lines.

**Inholding Land.** Blocks of land that are surrounded on all sides by designated Long-Term Commercial Forest Lands and are crucial for conservation of those lands but are not directly of long-term commercial significance for forestry.

**Inn.** A commercial facility for the housing and feeding of guests, where the principal structure of such facility has been converted from a residential use.

**Intensity.** a measure of land use activity based on density, use, mass, size and impact.

**Level of Service (LOS).** An established minimum capacity of public facilities or services that must be provided per unit demand or other appropriate measure of need. (WAC 365-195-210); a qualitative measure describing the operational conditions within the traffic stream, and their perception by motorists and passengers.

**Local and Community Recreation Centers or Community Centers.** Places and buildings primarily designed for use by local residences for sports, leisure-time activities, or assembly for the public or for community service groups.

**Long-Term Commercial Forests or Long-Term Commercial Forest Land.** Land so designated by the County in order to provide special protection for the continued use of the land for the production of timber. Land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production as defined in RCW 36.70A.30 (8) and (10).

**Lot.** a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

**Major Arterial or Principal Arterial.** Roads which convey traffic along corridors to areas of a high density of commercial or industrial activity. Major arterial or principal arterial emphasize mobility and de-emphasize access.

**Master Planned Resort.** a self contained and fully integrated development in a setting of significant natural amenities that includes short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreation facilities. It may also include permanent residential uses as an integrated pan of the overall resort development. (WAC 365-195-210)

**Minerals.** a term which includes gravel, sand, and valuable metallic substances. (RCW 36.70A.030)

**Minor Arterial or Secondary Arterial.** Roads which link activity centers and convey traffic onto major arterial. Minor arterial provide both mobility and access.

**Mixed Use.** Development that combines two or more different land uses in the same project. For example, a mixed use project may include both commercial uses and residential uses.

**Mobile Home Park.** a tract of land occupied or designed for occupancy by two or more mobile homes.

**Mobile Home.** a factory-assembled structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein.

**Modular Housing.** "Modular home" refers to a dwelling that is designed for human habitation and is either entirely or substantially prefabricated or assembled at a place other than a building site. Modular homes or modular housing, commonly referred to as factory built housing, are placed on permanent foundations. For the purposes of this chapter, modular homes shall be treated the same as any other single-family dwelling units.

**Multi-Family.** a structure containing four or more, joined dwelling units.

**Non-traditional Housing Types.** Dwelling types other than on-site built housing units. Nontraditional housing types include, but are not limited to, manufactured housing, mobile homes, and houseboats.

**Nonconforming Land Use.** a use or activity that was lawful prior to the adoption, revision or amendment of the this Ordinance but fails by reason of such adoption, revision or amendment to conform to the present performance standards of the Mason County Development Regulations.

**Nonconforming Structure.** a structure that was lawful prior to the adoption, revision or amendment to this Ordinance but fails by reason by such adoption, revision or amendment to conform to the present performance standards of the Mason County Development Regulations.

**Office.** a structure that generally houses a business, government, professional, medical or financial institution for the non-daily needs of individuals, groups or organizations.

**Open Space.** There are three kinds of open space land: private, common use, and public open space. Private open space includes farms, forest lands, and other parcels of undeveloped land. Common use open space is land within a residential development or other development which is designated for common access by the residents of the development or by the general community. Public open space is publicly-owned land available for recreational use of the entire community. Open water areas, such as the Hood Canal or lakes, is also often considered as open space because it creates a sense of openness.

**Performance Standards.** Criteria that are established and must be met before a certain use or intensity of use will be permitted. These measures are designed to guide development of property and include, but are not limited to, open space requirements, site design, bufferyards, screening, size and heights limits for buildings, noise, vibration, glare, heat, air or water contaminants, and traffic.

**Performance Subdivision.** A subdivision or short subdivision in which the applicant seeks to gain additional residential density by designing the proposed development in clusters of development and areas of open space which recognizes and preserves those land elements which are deemed worthy of protection. Within this ordinance, performance subdivisions include those authorized under Chapter 16.22 and 16.23. Mason County Code,

**Permitted Use.** Any use which is authorized or allowed outright, not requiring a Special Use Permit or the approval of the Board.

**Person.** Within the context of this Ordinance, "person" is intended to include an individual, firm, partnership, association or corporation; or a state, or any political subdivision of a state, or any agency thereof.

**Personal Services.** Establishments primarily engaged in providing services involving the care of a person, or his or her personal goods or apparel.

**Planned Unit Development (PUD).** a residential development that includes a mix of housing types such as single family, townhouses, and other multifamily, and groups uses to provide common open space or to include recreation such as golfing as part of the development.

**Plat.** a map or plan, especially of a piece of land dividing into building lots.

**Primary Treatment.** The first step in wastewater treatment in which solids in a wastewater stream are allowed to settle out. The suspended solids and the BOD (Biochemical Oxygen Demand) are reduced by 25 to 40 percent.

**Public Services.** Public Services include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection and other governmental services. (RCW 36.70A.030)

**Public Water System.** Any systems of water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission, and distribution facilities where water is being furnished to any community, collection, or number of individuals, but excluding a water systems serving on single family residence. (WAC 248.54)

**RCW.** Revised Code of Washington.

**Rear Yard and Rear Yard Setback.** The rear yard is the space extending the full width of the lot between a structure or building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. The Setback is the closest distance from the structure to the rear lot line. See Figure 1.06 A.

**Recreational Vehicle (RV) Park.** As defined in the Mobile Home and Recreational Parks Ordinance No. 118-91.

**Rehabilitation.** The physical improvement, remodeling, or partial reconstruction of existing structures rather than their demolition and replacement.

**Resource Lands.** Those lands which are suitable for agriculture, forest mineral extraction and protected by resource lands regulations.

**Resource-Based.** a use that is dependent upon, or supports uses that are dependent upon, natural resources including but not limited to, forestry, agriculture, aquaculture, horticulture, and mineral extraction.

**Resource-Based Industry.** a manufacturing, industrial, or commercial business which requires a location near agricultural land, forest land, or mineral resource land or aquicultural area upon which it is dependent or supports. Examples include sawmills, plant nurseries, feed stores.

**Retail.** The selling of goods or merchandise to the public use and providing services incidental to the sale of such goods.

**Right of Way.** Land owned by a government or an easement for a certain purpose over the land of another, used for a road, ditch, electrical transmission line, pipeline, or public facilities such as utility or transportation corridors.

**Road Adequacy Standards.** Standards by which government agencies can assess whether adequate road facilities are being provided and regulated.

**Runoff.** Water from rain, snowmelt, or irrigation that flows over the ground surface and returns to streams.

**Rural Activity Center (RAC).** Concentrated settlements within Rural Lands that may include a variety of residential, small scale commercial, resource-based and rural light industrial, recreation, and public uses. They may also include a compact, pedestrian-oriented core. They may be served by community water systems and have community sewage treatment facilities but have only rural governmental services. They reflect an existing development pattern, but they are not intended to expand. RAC boundaries are established in the Comprehensive Plan.

**Rural Areas.** Rural Areas in Mason County include those areas not designated as Urban Areas, Resource Lands, RACs, or Hamlets. They currently provide for rural residential, farming, forestry, recreation, and single-purpose commercial, retail, and industrial uses. These uses are expected to continue and increase over the next 20 years. In rural Areas, the rural landscape will remain dominant, and include a variety of protected natural features.

**Rural Lands.** Those areas outside of designated Resource Lands and Urban Growth Areas. Natural features contribute significantly to rural character of these lands. These features include, but are not limited to, forests, farmlands, and farm buildings, pastures, meadows, shorelines, wetlands, streams, lakes, hills and mountains. Types of uses within Rural Lands include resource-based land uses, recreational uses, residential uses, and low intensity nonresidential uses. Rural Lands can be served by rural governmental services and included districts such as Rural Activity Centers, Hamlets, and Rural Areas.

**Sanitary Sewer Systems.** All facilities, including approved on-site disposal facilities, used in the collection, transmission, storage, treatment or discharge of any waterborne waste, whether domestic in origin or a combination of domestic, commercial or industrial waste. (WAC 365-195-210)

**Secondary Treatment.** The second step in purifying sewage which uses biological processes in addition to settling and provides purification from 85 to 95 percent.

**Seismic Hazard Areas.** Areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction.

**Sewage.** The total of organic waste and wastewater generated by residential, industrial and commercial establishments.

**Sewer.** The closed pipe which carries raw sewage from a home or business to a treatment facility.

**Sewerage.** The entire system of sewage collection, treatment, and disposal.

**Side yard and Side Yard Setback.** the space extending the full width of the lot between a structure or building and the side lot line and measured perpendicular to the building to the closest point of the side lot line. The side yard setback is the closest distance from the structure to the side lot line. See Figure 1.06 A.

**Sight Distance.** The length of a roadway required which is sufficient enough to ensure safe operation of a motor vehicle at posted speeds.

**Sign.** Any name, identification, description, display, or illustration which is affixed to or reproduced directly or indirectly upon a building, structure, or piece of land, and which is used to advertise, identify, display, attract or

direct attention to an event, object, product, place, activity, person, institution, organization or business by any means including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

**Single Family Dwelling.** a detached building containing one dwelling unit.

**Small Scale.** a term which indicates that development regulations will limit the intensity, size, scale, number of uses and other factors of a particular development.

**Small Scale Business.** Any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has twenty or fewer employees.

**Solid Waste.** All putrescible and nonputrescible solid and semisolid wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials. (RCW 70.95.030)

**Special Needs Housing.** All housing that is designed for an individual or family who requires supportive social services in order to live independently or semi-independently. These households require all types of housing including emergency, transitional and permanent housing. Special needs groups include, but are not limited to the homeless; elderly; AIDS victims; single parents; runaway and homeless youth; severely physically handicapped; mentally and emotionally disturbed; chronically mentally ill, developmentally disabled; farm workers (migrant labor households) and persons with substance abuse problems. (Washington State Department of Community Development, Assessing your Community's Needs, a Practical Guide to Preparing Housing Assessments under the GMA and CHAS Requirements, June 1992.)

**Special Use Permit.** a "special use" refers to a land use that are found to possess characteristics relating to their size, numbers of people involved, the traffic generated, and their immediate impact on the area which makes impractical their being identified exclusively with any particular performance district as herein defined. In order to determine that the location of these uses will not be unreasonably incompatible with uses permitted in the surrounding areas; and to permit the planning commission to recommend stipulations and conditions as may reasonably assure that the basic intent of this chapter will be served, these uses will be subject to review and recommendation by the Planning Commission and final determination by the Board regarding the approval, denial or approval with conditions for the issuance of an special use permit by the Mason County Community Department of Community Development.

**State Environmental Policy Act (SEPA).** a Washington state law requiring the systematic assessment of the environmental impacts of any action that is expected to significantly affect the environment.

**Structure.** Anything constructed in the ground, or anything erected which requires location on the ground, or is attached to something having location on or in the ground, but not including fences less than six feet in height, driveways, or other paved areas.

**Subdivision.** The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose of sale, lease, or transfer of ownership, unless specifically exempted in RCW Chapter 58.17.040.

**Surface Waters.** Streams, rivers, ponds, lakes or other waters designated as “waters of the state by the Washington Department of Natural Resources (WAC 222-16-030).

**Tertiary Treatment.** The third step in purifying sewage that removes additional nutrient levels.

**Urban Governmental Services.** Include those governmental service historically and typically delivered by cities, and include storm and sanitary sewer services, fire and police protection services, public transit services and other public utilities associated with urban areas and normally not associated with non urban areas. (RCW 36.70A.030)

**Urban Growth Area.** Those areas designated by a county pursuant to RCW 36.70A.110.

**Urban Growth.** Growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. “Characterized by urban growth” refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth. (RCW 36.70A.030)

**Urban Level of Facilities and Services.** Those services defined as “urban governmental services” with levels of service as defined within Capital Facilities Element of the Mason County Comprehensive Plan.

**Utilities or Public Utilities.** Enterprises or facilities serving the public by means of an integrated systems of collection, transmission, distribution, and processing facilities through more or less permanent physical conditions between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunications services, and water for the disposal of sewage. (WAC 365-195-210).

**Water Dependent Use.** a use or portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of some water dependent uses include: boat ramps, swimming areas, aquaculture, marinas, water intakes and outfalls, fish pens and fish screens.

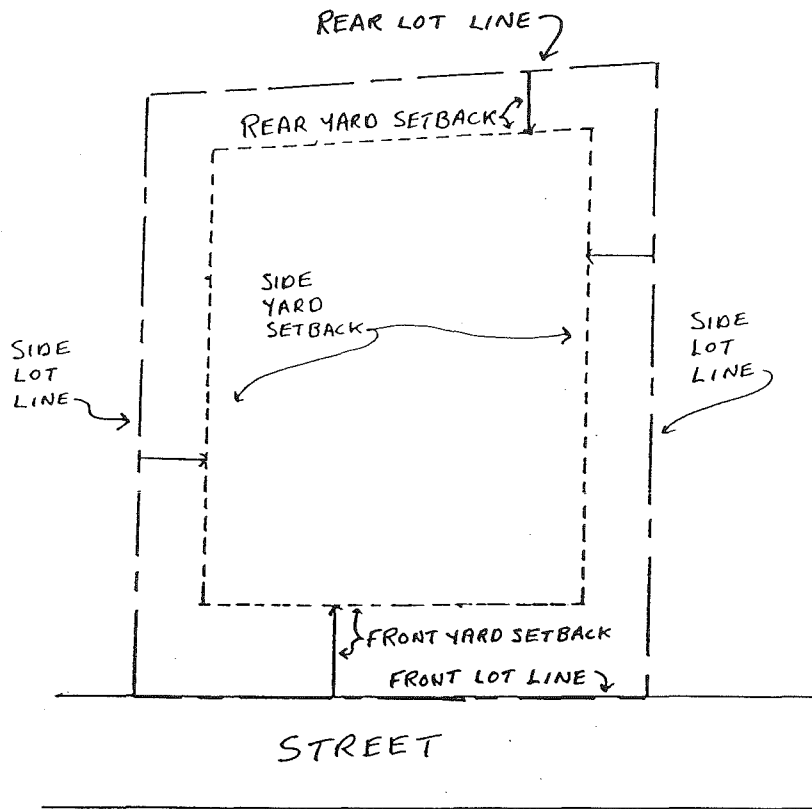
**Watershed.** Region drained by or contributing water to a stream, lake or other body of water.

**Wetland or Wetlands.** Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands. (RCW 36.70A.030)

**Zoning.** The process by which a county or municipality legally controls the use of property and physical configuration of development upon tracts of land within its jurisdiction, The City of Shelton is the only jurisdiction in Mason County that has a zoning ordinance.



**FIGURE 1.06 A**



## REFERENCES

The following works were consulted in the preparation of the Mason County Development Regulations. It is recommended that applicants desiring to develop land in Mason County refer to these materials to assist in their development plans.

1. **Arendt, Randall;** *Designing Open Space Subdivisions: a Practical Step-by-Step Approach.* Media, PA, Natural Lands Trust, 1994.
2. **Kendig, Lane;** *Performance Zoning.* Chicago, IL, Planners Press, 1980.
3. **Moskowitz, Harvey S. and Lindbloom, Carl G.;** *The New Illustrated Book of Development Definitions.* New Brunswick, NJ, Center for Urban Policy Research, 1993.