

ORDINANCE NUMBER 47 - 02
AMENDMENTS TO THE MASON COUNTY DEVELOPMENT REGULATIONS

AN ORDINANCE amending the Mason County Development Regulations, Ord. No. 82-96, revising portions of Chapter 1.05.080, Rezone Criteria, 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 May 6, 2002;

WHEREAS, the Board of County Commissioners held a public hearing about the proposed revisions on May 14, 2002;

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

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Board of County Commissioners of Mason County hereby approves and ADOPTS the amendments to the Mason County Development Regulations, as amended, as described by ATTACHMENT B.

DATED this 14th day of May, 2002.

Board of County Commissioners
Mason County, Washington

Absent 5/14/02
Wesley E. Johnson, Chair


Herb Baze, Commissioner


Bob Holter, Commissioner

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:


Deputy Prosecuting Attorney

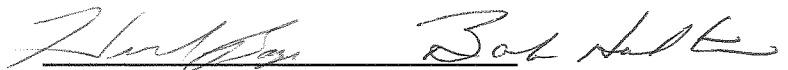
**AN ORDINANCE AMENDING
THE MASON COUNTY DEVELOPMENT REGULATIONS (Ord. No. 82-96)
REGARDING REZONE CRITERIA**

**MASON COUNTY BOARD OF COMMISSIONERS
May 14, 2002**

FINDINGS OF FACT

1. Under consideration is the proposed ordinance to clarify the review standards for reviewing proposed rezones of property in Mason County.
2. The Mason County Development Regulations (Ord. No. 82-96) contains Chapter 1.05.080 Rezone Criteria that addresses the review of proposed changes in land use designations set forth in the Mason County Comprehensive Plan and Development Regulations maps. These rezone criteria are the basis of the public hearing review process prior to the decision of the Board of County Commissioners.
3. Since their March 5, 2002 adoption, these Chapter 1.05.080 criteria have been the subject of discussion between the Mason County deputy prosecuting attorney and the Mason County Department of Community Development staff. From these discussions, a set of text clarifications has been proposed to clearly show limits to the number of rezones approved each year by the Board of County Commissioners.
4. At the May 6, 2002 Mason County Planning Commission meeting, the Department of Community Development proposed the changed ordinance text (Chapter 1.05.080) to strike out an introductory phrase and revise a criteria stating the number of rezone proposals approved annually. Following discussion, Planning Commission members approved a motion to support the strikeout of the introductory phrase and to leave unchanged the criteria I text (stating the number of rezones approved annually) from the March 5, 2002 Development Regulations.
5. At the May 14, 2002 public hearing, the Mason County Board of Commissioners heard the Department of Community Development staff report on the reasons for the proposed revisions, the discussion of the Planning Commission recommendations, the suggested text revisions to Criteria E ("designation") and Criteria I ("calendar"), and the public testimony.

From the preceding findings, the Mason County Board of Commissioners adopts the proposed strikeout of introductory text and the two suggested one word revisions [Criteria E ("designation") and Criteria I ("calendar")] in the Mason County Development Regulations 1.05.080 Rezone Criteria, as presented by the Mason County Department of Community Development.



Chair, Mason County Board of Commissioners

Date

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, including criteria in the Comprehensive Plan and the Growth Management Act, 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 ~~designations~~ assumptions. A faulty designation 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 rural commercial per calendar year, and For the purposes of this section, the numerical limit shall include both direct rezones for rural residential to rural commercial or rural industrial, as well as, intervening rezones from rural residential to rural tourist or rural natural resources with subsequent rezonings to rural commercial or rural industrial.

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 rural activity center, hamlet, or isolated commercial or industrial area ~~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.