

ORDINANCE NUMBER 33 - 05

AMENDMENTS TO THE MASON COUNTY DEVELOPMENT REGULATIONS

AN ORDINANCE amending the Mason County Development Regulations, Ordinance No. 82-96, Chapter 1.03.032 Development Densities and Dimensional Requirements, adding a provision to review the redesign of undeveloped plats or contiguous lots in the Rural Area, under the authority of Chapters 36.70 and 36.70A RCW.; Article 11, Section 11 of the State Constitution, the County's police power; and any other applicable authority.

WHEREAS, the Mason County Development Regulations (adopted as Ordinance No. 82-96) was last amended by Ordinance No. 128-04 on December 14, 2004;

WHEREAS, the Department of Community Development has prepared revisions to this implementing ordinance by which the Department of Community Development can evaluate and approve a proposed development and land divisions that are conforming with clear development standards and are not in conflict with existing land uses and property rights;

WHEREAS, at the December 14, 2004 and February 17, 2005 Mason County Planning Advisory Commission meetings, the proposed ordinance revisions in the Development Regulations were presented, and the Planning Advisory Commission members evaluated and passed motions to recommend approval of these proposed revisions;

WHEREAS, the Board of County Commissioners held public hearings about the proposed revisions on March 15, 2005, to consider the recommendations of the Planning Advisory Commission, and the testimony and letters of the Mason County Department of Community Development and citizens on the proposed revisions to the Mason County Development Regulations; and

WHEREAS, based upon the staff report, text of the proposed revisions, and public testimony, the Mason County Board of Commissioners has approved findings of fact to support its decision as ATTACHMENT A.

Ordinance No. 33 - 05 (continued)

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Mason County Board of Commissioners hereby approves and ADOPTS the revisions amending the Mason County Development Regulations, Ordinance No. 82-96, Chapter 1.03.032 Development Densities and Dimensional Requirements, adding provision (5) to review the redesign of undeveloped plats or contiguous lots in the Rural Area, as described by ATTACHMENT B.


DATED this 5^h day of April 2005.

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

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:


Prosecuting Attorney


Jayni L. Kamin, Chairperson


Lynda Ring Erickson, Commissioner


Tim Sheldon, Commissioner

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WHEREAS, based upon the staff report, text of the proposed revisions, and public testimony, the Mason County Board of Commissioners has approved findings of fact to support its decision as ATTACHMENT A.

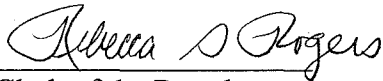
Ordinance No. 33 - 05 (continued)

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DATED this 5^h day of April 2005.

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

ATTEST:

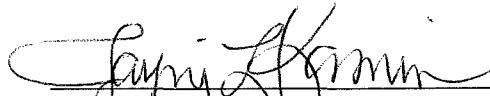


Clerk of the Board

APPROVED AS TO FORM:



Prosecuting Attorney


Jayne L. Kamin, Chairperson


Lynda Ring Erickson, Commissioner


Tim Sheldon, Commissioner

AN ORDINANCE AMENDING
MASON COUNTY DEVELOPMENT REGULATIONS

MASON COUNTY BOARD OF COMMISSIONERS
April 5, 2005

FINDINGS OF FACT

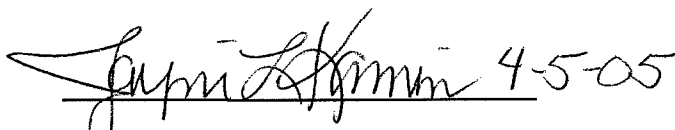
1. Under consideration is the ordinance amending the Mason County Development Regulations, Ordinance No. 82-96, Chapter 1.03.032 Development Densities and Dimensional Requirements, adding a provision to review the redesign of undeveloped plats or contiguous lots in the Rural Area.
2. The Mason County Development Regulations set forth land use designations and development standards for proposed projects in Mason County; these standards include zoning districts, permitted uses, and dimensional requirements for land divisions.
3. The Mason County Department of Community Development staff has presented a proposed set of revisions to this ordinance, which establish or clarify evaluation standards for proposed development and land division.
4. At the December 14, 2004 and February 17, 2005 Mason County Planning Advisory Commission meetings, the proposed ordinance revisions in the Development Regulations were presented, and the Planning Advisory Commission members evaluated through discussions with staff and the public and, then passed motions to recommend approval of this proposed ordinance change.
5. At the March 15, 2005 public hearing, the Board of County Commissioners considered the recommendations of the Planning Advisory Commission, and the letters and testimony of the Mason County Department of Community Development and citizens regarding the proposed revisions to the Mason County Development Regulations standards.
6. Rural lots sizes will continue to be limited by setbacks from property lines, setbacks from wells, setbacks from critical areas, and setbacks from septic fields. In many cases, it is necessary to combine numerous lots and adjust property lines in order to make a viable lot. For example, in Mason County Planner Allan Borden's experience, it might be necessary to combine 4 or 5 lots from the Plat of Detroit to make a viable lot for development.
7. Lot combinations and boundary line adjustments can be done by existing regulations. In the Mason County subdivision planner's opinion, the existing regulations may provide about the same degree of flexibility as the proposed amendments. The Planning Department's opinion is that this amendment allows applicants to treat small-parcel, pre-existing rural subdivisions as a

whole, rather than as a series of individual boundary line adjustments and/or lot combinations. The proposal might simply ease a procedural hurdle.

8. The Hofert Family Trust has testified numerous times and has met numerous times with staff with regards to the zoning of their property and with regard to this proposal. Although it is felt by the County that the existing regulations may provide virtually as much flexibility, the County does not feel that the proposed amendments are in conflict with the requirement to protect rural character and so are otherwise harmless amendments. If anything, with the incentive of encouraging lot combinations and transferable densities, the proposal should encourage rural lot aggregations and development in urban areas (via the transferable densities). In deference to the Hofert Family Trust’s many, many hours of work on the proposal, and in the view of the County that the amendments are harmless and if anything helpful to rural character, it is the County’s opinion that the amendments are not inconsistent with the Growth Management Act and if anything should help implement it.

9. The County Commissioners have carefully considered the whole record including the supplemental report of staff presented on April 5, 2005. The Board would concur with staff’s presentation. The County considers mandatory lot combinations as impinging on a most fundamental aspect of property ownership and thereby to possibly be a takings and a violation of a Goal 6 of the GMA.

FROM THE PRECEDING FINDINGS, and based upon the staff report, text of the proposed revisions, and public testimony, the Mason County Board of Commissioners adopts a motion to approve these revisions amending the Mason County Development Regulations, Ordinance No. 82-96, Chapter 1.03.032 Development Densities and Dimensional Requirements, adding provision (5) to review the redesign of undeveloped plats or contiguous lots in the Rural Area.

 4-5-05

Chair, Mason County Board of Commissioners

Date

MASON COUNTY DEVELOPMENT REGULATIONS

In Section 1.03.032, Development Densities and Dimensional Requirements, add a new Subsection 5 of "B." as follows:

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5. Redesigning an undeveloped plat or groups of contiguous lots:

(a) Defining the number of lots involved:

In existing (as of June 17, 1998) contiguous lots in Rural Areas that are principally undeveloped, owner(s) may plat or re-plat the contiguous lots and may preserve some of the allowed density of the nonconforming existing lots as follows:

(1) For the non-conforming lots, one lot for every four existing lots, or one lot per 2.5 acres, whichever is the greater number of lots; provided that existing lots greater than 2.5 acres shall not count for more than one lot in the proposed plat or re-plat.

(2) For conforming lots that are included in the plat or groups of contiguous lots, the acreage of those lots is as determined by the density allowed in the designated zone. Areas proposed to be dedicated for public roads are to be included in the 2.5 acres per lot standard for determination of the number of lots allowed in the re-plat of lot layout.

(b) Criteria for proposed lot design for lots less than 2 acres in size.

The layout of lots that are less than 2 acres in size set forth in (a) above should use the following standards.

(1) Designation of Primary Conservation Areas (when present). Primary Conservation Areas, as defined in M.C.C. Title 16, Plats and Subdivisions, shall be clearly identified, and shall be set aside as permanent open space. Primary Conservation areas shall be included in the calculation of both standard and maximum density allowed, but they shall not be used in calculating the percentage of permanent open space required.

(2) Designation of Secondary Conservation Areas (when present). Secondary Conservation Areas, as defined in M.C.C. Title 16, Plats and Subdivisions, shall be identified and shall, to the greatest extent possible, be avoided as development areas. At least ten (10%) percent of the buildable area of the property be set aside as permanent open space. Buildable area excludes Primary Conservation Areas, but includes Secondary Conservation areas.

(3) When applicable, the design of an open space area should address the following:

- i. Interconnection with designated open space on abutting properties;
- ii. The preservation of important site features, such as rare or unusual stands of trees, unique geological features, or important wildlife habitat;
- iii. Direct access from as many lots as possible within the development; and
- iv. Minimizing the fragmentation of the open space areas. To the greatest extent possible, the designated open space should be located in large, undivided areas.
- v. A curvilinear roadway design which minimizes the visual impact of houses as may be seen from the exterior of the site.

(4) When applicable, the design of the proposal should avoid the following:

- i. The interruption of scenic views and vistas;
- ii. Construction on hill tops or ridge lines;
- iii. Direct lot access or frontage on existing public ways;
- iv. A “linear” configuration of open space (except when following a linear site feature, such as a river, creek or stream); and

(5) Lots intended for residential use of less than 20,000 square feet area are not allowed.

(6) Residential lots shall be grouped into clusters of two to eight lots with an open space separation of at least 100 feet between clusters.

(c) Transfer of density derived from this review.

Upon analysis of all of the opportunities and constraints identified on a specific group of parcels of land, if it is determined that the use of the provisions set forth in this Chapter will not result in the use of the maximum density allowed, then the applicant shall have the right to transfer any unused development density to any parcel of land located in an Urban Growth Area. By use of this transfer right, maximum density allowed in the Urban Growth Area may be exceeded by up to fifty (50%) percent.

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