

ORDINANCE NUMBER 43 - 06

**AN ORDINANCE AMENDING SECTIONS OF THE
MASON COUNTY TITLE 8 ENVIRONMENTAL POLICY ORDINANCE
REGARDING SEPA APPEALS.**

AN ORDINANCE amending Title 8 Environmental Policy Ordinance regarding the administrative appeal of State Environmental Policy Act (SEPA) determinations for proposed actions, under the authority of Chapters 36.70 and 36.70A RCW.

WHEREAS, SEPA comment process allows parties to submit comment, argument, and evidence on both legislative and permit proposals, and this process gives the County an opportunity to respond to that evidence;

~~WHEREAS, under state law (Chap. 43.21C.060 RCW) such SEPA appeal processes are subject to adoption by local government;~~

WHEREAS, Mason County adopts these regulations pursuant to the authority of Chapters 36.70 and 36.70A RCW, and the County's police power, Article 11, Section 11 of the Washington Constitution, and any other applicable authority;

WHEREAS, the Mason County Code Title 8 Environmental Policy Ordinance was last amended by Ordinance No. 125-98 on December 1, 1998;

WHEREAS, at the March 20 and April 17, 2006 Mason County Planning Advisory Commission meetings, the Department of Community Development presented Title 8 Environmental Policy Ordinance and Title 15 Development Code revisions, the Planning Advisory Commission members discussed the proposed changes with staff and the public, and then passed a motion to recommend approval of the Title 8 Environmental Policy Ordinance revisions;

WHEREAS, the Board of County Commissioners held a public hearing about the proposed revisions on May 23, 2006, to consider the recommendations of the Planning Advisory Commission, and the testimony of the Mason County Department of Community Development and citizens on the proposed revisions to the Title 8 Environmental Policy Ordinance; 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.43 - 06 (continued)

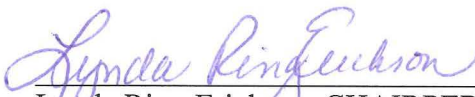
NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Mason County Board of Commissioners adopts a motion to approve the presented revisions that would delete several provisions to Title 8 Environmental Policy Ordinance regarding the administrative appeal of State Environmental Policy Act (SEPA) determinations for proposed actions, as described by ATTACHMENT B.

DATED this 23rd day of May 2006.

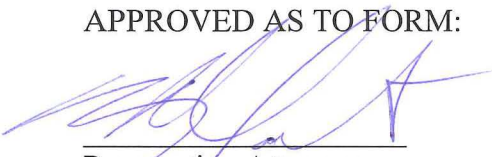
**BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON**

ATTEST:


Clerk of the Board


Lynda Ring Erickson, CHAIRPERSON

APPROVED AS TO FORM:


Prosecuting Attorney


Tim Sheldon, COMMISSIONER


Jayni Kamin, COMMISSIONER

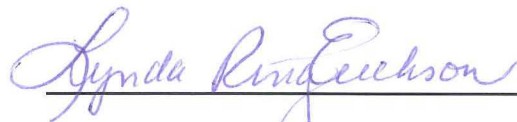
**AN ORDINANCE AMENDING SECTIONS OF THE TITLE 8
MASON COUNTY ENVIRONMENTAL POLICY ORDINANCE
REGARDING SEPA APPEALS.**

**MASON COUNTY BOARD OF COMMISSIONERS
May 23, 2006**

FINDINGS OF FACT

1. Under consideration is the amending Title 8 Environmental Policy Ordinance regarding the administrative appeal of State Environmental Policy Act (SEPA) determinations for proposed actions, under the authority of Chapters 36.70 and 36.70A RCW.
2. The Mason County Title 8 Environmental Policy Ordinance sets forth procedures for the environmental review of proposed development and the receiving and integrating of public comments made during that review.
3. The Department of Community Development presented proposed revisions to Title 8 Environmental Policy Ordinance and Title 15 Development Code that addressed the deletion of text referring to appeals of SEPA determinations.
4. At the March 20 and April 17, 2006 Mason County Planning Advisory Commission meetings, the Planning Advisory Commission members discussed these proposed changes with staff and the public, and then passed a motion to recommend approval of only the Title 8 Environmental Policy Ordinance revision, leaving Title 15 unchanged.
5. At the May 23, 2006 public hearing, the Board of County Commissioners considered the recommendations of the Planning Advisory Commission, and the testimony of the Mason County Department of Community Development and citizens regarding the proposed revisions to the Title 8 Environmental Policy Ordinance.

FROM THE PRECEDING FINDINGS, and based upon the staff report, proposed revisions, and public testimony, the Mason County Board of Commissioners adopts a motion to approve these revisions that delete provisions to Title 8 Environmental Policy Ordinance regarding the administrative appeal of State Environmental Policy Act (SEPA) determinations.



Chair, Mason County Board of Commissioners

Date

MASON COUNTY CODE TITLE 8
MASON COUNTY ENVIRONMENTAL POLICY ORDINANCE

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8.32.030 Appeals. [deleted by Ord. No. __ -06 May 23, 2006]

~~(a) Mason County establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:~~

~~(1) Any agency or person may appeal the county's procedural compliance with Chapter 197-11 WAC for issuance of the following:~~

~~(A) A Final DNS. Appeal must be made to the board of county commissioners within fourteen days of the date the DNS is final.~~

~~(B) A DS. The appeal must be made to the board of county commissioners within fourteen days of the date the DS is issued (14 days after issuance of the threshold determination).~~

~~(C) An EIS. Appeal of the FEIS must be made to the board of county commissioners within fourteen days of the date the FEIS or supplemental EIS is issued.~~

~~(2) Provided, however, that the appeal periods stated in subsection (a) of this section shall be extended for an additional seven days if state or local rules adopted pursuant to Chapter 43.21c RCW allow public comment on a determination of nonsignificance.~~

~~(3) Such appeal shall be reviewed in accordance with the requirements stated in Mason County Code, Title 15, Section 15.11.020.~~

~~(b) The county shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal. [Statutory Authority: RCW 43.21C.130, 84-13-036 (Order DE 84-25), § 173-806-170, filed 6/15/84. Formerly Chapter 173-805 WAC.] (Ord. 125-98 § 8.3, 1998; Ord. 55-97 § 8.3, 1997; Ord. 17-95, 1995; Ord. 99-84 § 8.3 (part), 1984).~~