

ORDINANCE NUMBER 100 - 07

**AN ORDINANCE AMENDING PORTIONS OF
MASON COUNTY DEVELOPMENT REGULATIONS
CHAPTER 17.04 RURAL LANDS DEVELOPMENT STANDARDS AND
CHAPTER 17.05 ADMINISTRATIVE PROCEDURES.**

AN ORDINANCE amending the Mason County Development Regulations, M.C.C 17.01 to 17.06, regarding height limits on necessary structural elements for otherwise compliant permitted land uses in Rural Residential and Commercial zones; certain permitted outdoor recreation land uses in Rural Tourist zones; adding automotive or non-automotive repair / service to the Rural Commercial 2 zone; standards on a change of use for Non-Conforming Uses by special use permit review; and listing required information for Special Use Permit submittal; 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 (M.C.C 17.01 to 17.06) was last amended by Ordinance No. 91-07 on July 31, 2007;

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 April 16, 2007 Mason County Planning Advisory Commission meeting, the proposed ordinance revisions to the Mason County Development Regulations, were presented, and the Planning Advisory Commission members discussed the revisions with staff and the public and then passed motions to recommend approval of these proposed ordinance changes;

WHEREAS, the Board of County Commissioners held a public hearing about the proposed revisions on September 4, 2007, 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 Mason County Development Regulations; and

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

100-07
Ordinance No. ~~06~~ (continued)

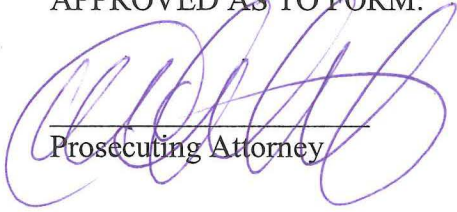
NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Mason County Board of Commissioners adopts a motion to approve amending the Mason County Development Regulations, M.C.C 17.01 to 17.06, regarding height limits on necessary structural elements for otherwise compliant permitted land uses in Rural Residential and Commercial zones; certain permitted outdoor recreation land uses in Rural Tourist zones; adding automotive or non-automotive repair / service to the Rural Commercial 2 zone; standards on a change of use for Non-Conforming Uses by special use permit review; and listing required information for Special Use Permit submittal; as described by ATTACHMENT B.

DATED this 4th day of September 2007.

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:


Prosecuting Attorney

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


Lynda Ring Erickson, CHAIRPERSON


Tim Sheldon, COMMISSIONER


Ross Gallagher, COMMISSIONER

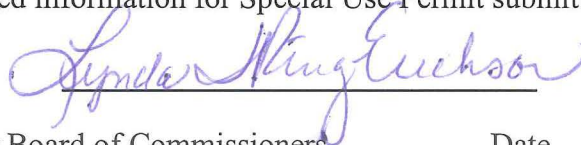
**AN ORDINANCE AMENDING PORTIONS OF
MASON COUNTY DEVELOPMENT REGULATIONS
CHAPTER 17.04 RURAL LANDS DEVELOPMENT STANDARDS AND
CHAPTER 17.05 ADMINISTRATIVE PROCEDURES.**

**MASON COUNTY BOARD OF COMMISSIONERS
September 4, 2007**

FINDINGS OF FACT

1. Under consideration are revisions to the Mason County Development Regulations, regarding height limits on necessary structural elements for otherwise compliant permitted land uses in Rural Residential and Commercial zones; certain permitted outdoor recreation land uses in Rural Tourist zones; adding automotive or non-automotive repair / service to the Rural Commercial 2 zone; standards on a change of use for Non-Conforming Uses by special use permit review; and listing required information for Special Use Permit submittal; under the authority of Chapters 36.70 and 36.70A RCW;
2. The Mason County Department of Community Development staff has prepared an evaluation report and presented the proposed revisions to the Mason County Development Regulations, which set forth certain development standards and procedures to evaluate and approve proposed development and land divisions in Mason County;
3. At the April 16, 2007 Mason County Planning Advisory Commission meeting, the proposed ordinance revisions to the Mason County Development Regulations, were presented, and the Planning Advisory Commission members discussed the revisions with staff and the public and then passed motions to recommend approval of these proposed ordinance changes;
5. At the September 4, 2007 public hearing, the Board of County Commissioners considered the recommendations of the Planning Advisory Commission, and the testimony of Department of Community Development staff and citizens regarding the proposed ordinance revisions to the Mason County Development Regulations;

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 the revisions to the Mason County Development Regulations, regarding height limits on necessary structural elements for otherwise compliant permitted land uses in Rural Residential and Commercial zones; certain permitted outdoor recreation land uses in Rural Tourist zones; adding automotive or non-automotive repair / service to the Rural Commercial 2 zone; standards on a change of use for Non-Conforming Uses by special use permit review; and listing required information for Special Use Permit submittal.



Chair, Mason County Board of Commissioners

Date

MASON COUNTY DEVELOPMENT REGULATIONS

17.04.210. Rural Residential 2.5 (RR 2.5)

17.04.214 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, or necessary structural elements for an otherwise compliant permitted land use.

17.04.220. Rural Residential 5 (RR 5)

17.04.224 Building Regulations.

- A. Floor Area Ratio. 1:20, except for fire stations.
- D. Size. 3,000 sq. feet maximum for non-agricultural and accessory buildings except for dwellings and agricultural buildings.
- E. Height. 35 feet, except for agricultural buildings, cell towers, antennas, or water tanks, or necessary structural elements for an otherwise compliant permitted land use.

17.04.230. Rural Residential 10 (RR 10)

17.04.234 Building Regulations.

- A. Floor Area Ratio. 1:20, except for fire stations.
- F. Size. 3,000 sq. feet maximum for non-agricultural and accessory buildings except for dwellings and agricultural buildings.
- G. Height. 35 feet, except for agricultural buildings, cell towers, antennas, or water tanks, or necessary structural elements for an otherwise compliant permitted land use.

17.04.240. Rural Residential 20 (RR 20)

17.04.244 Building Regulations.

- A. Floor Area Ratio. 1:20, except for fire stations.
- H. Size. 3,000 sq. feet maximum for non-agricultural and accessory buildings except for dwellings and agricultural buildings.
- I. Height. 35 feet, except for agricultural buildings, cell towers, antennas, or water tanks, or necessary structural elements for an otherwise compliant permitted land use.

17.04.330 Rural Commercial 2 (RC 2)

17.04.331 Purpose. *(See Section 17.02.043)*

17.04.332 Uses Permitted.

- A. USES: Convenience/general store, Retail, Restaurant, vehicle and equipment repair and maintenance (automotive, truck, farm implement, and small engines), Small office, 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.

- B. USES PERMITTED WITH SPECIAL USE PERMIT: Gas, Self storage.

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17.04.334 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. Two floors not to exceed 35 feet maximum except for agricultural buildings, cell towers, antennas, ~~or~~ water tanks, or necessary structural elements for an otherwise compliant permitted land use.

17.04.340 Rural Commercial 3 (RC 3)

17.04.344 Building Regulations.

- A. Floor Area Ratio. 1:5, except for fire stations.
- D. Size. Maximum of 4,500 sq. feet for single tenant and 7,500 sq. feet for multiple tenant; no maximum for dwellings.
- E. Height. Two floors not to exceed 35 feet maximum except for agricultural buildings, cell towers, antennas, ~~or~~ water tanks, or necessary structural elements for an otherwise compliant permitted land use.

17.04.350 Rural Commercial 4 (RC 4)

17.04.354 Building Regulations.

- A. Floor Area Ratio. 1:5, except for fire stations.
- F. Size. Maximum of 4,500 sq. feet for single tenant and 7,500 sq. feet for multiple tenant; no maximum for dwellings.
- G. Height. Two floors not to exceed 35 feet maximum except for agricultural buildings, cell towers, antennas, ~~or~~ water tanks, or necessary structural elements for an otherwise compliant permitted land use.

17.04.600 RURAL TOURIST (RT)

17.04.601 Purpose. (See Section 17.02.047)

17.04.602 Uses Permitted.

- A. USES: Marina - Sales, Service and Storage; overnight lodging facilities, including motel, RV park, campgrounds, and bed and breakfast; golf course, restaurant, retreat centers, and commercial or non-profit recreational activity facilities (such as water parks, bicycle courses, and racquet court sports).
- B. ACCESSORY USES: Employee housing; Retail and Gas (1,000 sq. ft. maximum building size); Self Storage (Contained space has 1,000 sq. ft. maximum building size; outdoor storage limited to recreation storage).
- C. SPECIAL PERMIT REQUIRED USES: Motorized commercial outdoor recreation; air transportation; and rifle ranges.

17.04.607 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 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 (this standard applies to new occupants at existing mobile home and recreational vehicle parks, and to new mobile home and recreational vehicle parks). The RV park management shall maintain rental records identifying each RV and registered occupant 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.
- ~~C. The following Additional information, stated in Section 17.05.046, is required for special use permits, to aid in analyzing the request, preparing necessary conditions, and providing consistency with dimensional and performance standards in these and other relevant county regulations. including but not limited to: the location and size of lot(s); site plan with areas of proposed use; access to state and county roads; land uses on adjacent properties and potential impacts to those uses by the proposal; provision of parking areas and stormwater facilities; hours of operations; anticipated sources of noise, glare, or odors from proposed use(s); grading proposed; stormwater and erosion control plans; sanitation and support services provided; and traffic studies from activities proposed.~~

17.04.610 RURAL TOURIST – CAMPGROUND (RTC)

17.04.611 Purpose. (See Section 17.02.047)

17.04.612 Uses Permitted.

- A. **USES:** Overnight lodging facilities, including RV park, and campgrounds; Golf course, retreat centers, and commercial or non-profit recreational activity facilities (such as water parks, bicycle courses, and racquet court sports).
- B. **ACCESSORY USES:** Employee housing; motel and bed and breakfast; Marina - sales, service and storage; retail, gas, self storage, restaurant.
- C. **SPECIAL PERMIT REQUIRED USES:** Motorized commercial outdoor recreation; and rifle ranges.

17.04.617 Special Provisions.

- A. Application to RTC 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 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 (this standard applies to new occupants at existing mobile home and recreational vehicle parks, and to new mobile home and recreational vehicle parks). The RV park management shall maintain rental records identifying each RV and registered occupant 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.

~~D. The following Additional information, stated in Section 17.05.046, is required for special use permits, to aid in analyzing the request, preparing necessary conditions, and providing consistency with dimensional and performance standards in these and other relevant county regulations. including but not limited to: the location and size of lot(s); site plan with areas of proposed use; access to state and county roads; land uses on adjacent properties and potential impacts to those uses by the proposal; provision of parking areas and stormwater facilities; hours of operations; anticipated sources of noise, glare, or odors from proposed use(s); grading proposed; stormwater and erosion control plans; sanitation and support services provided; and traffic studies from activities proposed.~~

17.05.018 Change of Use

Any current nonconforming use of land or 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 most current use, as determined by the Classification of Land Uses, FIGURE 1.03.034; or
3. By Special Use permit, the new use is of equal to or less intensity than any prior use that occurred in a ten-year period preceding the date of application for said Special Use Permit, based upon the current site conditions and compatibility with area land uses; and
4. Provided that the land use has not been abandoned per Section 17.05.016.

17.05.040 Special Uses

17.05.046 Procedural Requirements for a Special Use Permit

Review procedures shall follow the standards of Title 15 Development Code Section 15.09 Review and Approval Process. The following additional information is required, as applicable, for applications for special use permits, to aid in analyzing the request, preparing necessary conditions, and providing consistency with dimensional and performance standards in these and other relevant county regulations. Including but not limited to:

- 1) the location and size of lot(s);
- 2) site plan with areas of proposed use;
- 3) access to state and county roads;
- 4) land uses on adjacent properties and potential impacts to those uses by the proposal;
- 5) provision of parking areas and stormwater facilities;
- 6) hours of operations;
- 7) anticipated sources of noise, glare, or odors from proposed use(s);
- 8) grading proposed;
- 9) stormwater and erosion control plans;
- 10) sanitation and support services provided; and
- 11) traffic studies from activities proposed.