

ORDINANCE NUMBER 73 - 07

**AN ORDINANCE AMENDING MASON COUNTY DEVELOPMENT REGULATIONS
ADDING EDUCATIONAL LEARNING CENTER AS A LAND USE TO
FIGURE 1.03.020 MASON COUNTY MATRIX OF PERMITTED USES
AND ADDING A NEW DEFINITION TO SECTION 1.06.**

AN ORDINANCE amending the Mason County Development Regulations, Ordinance No. 82-96, by adding educational learning center as a land use to Figure 1.03.020 Mason County Matrix of Permitted Uses, and adding a new definition to Section 1.06, 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. 48-07 on May 15, 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 September 25, 2006 Mason County Planning Advisory Commission meeting, the Department of Community Development presented these Mason County Development Regulations revisions, the Planning Advisory Commission members discussed these proposed revisions, heard public comments, and then passed a motion to recommend approval of the addition of this land use to the Development Regulations Figure 1.03.020, Mason County Matrix of Permitted Uses, and the new land use to Section 1.06 Definitions;

WHEREAS, the Board of County Commissioners held a public hearings about the proposed revisions on December 12, 2006 and July 3, 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 revision to add this land use to the Development Regulations Figure 1.03.020, Mason County Matrix of Permitted Uses, and the new land use to Section 1.06 Definitions; and public testimony, the Mason County Board of Commissioners has approved findings of fact to support its decision as ATTACHMENT A.

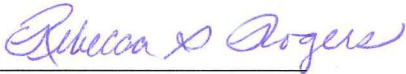
Ordinance No. 73 - 07 (continued)

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Mason County Board of Commissioners adopts a motion to approve the presented revisions that would amend Mason County Development Regulations by adding educational learning center as a land use to Figure 1.03.020 Mason County Matrix of Permitted Uses, and adding a new definition to Section 1.06, as described by ATTACHMENT B.

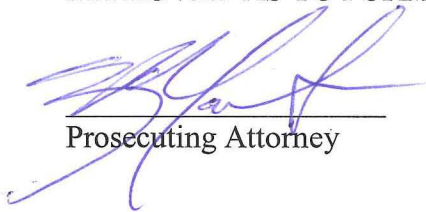
DATED this 3rd day of July 2007.

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

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:


Prosecuting Attorney


Lynda Ring Erickson, CHAIRPERSON


Tim Sheldon, COMMISSIONER


Ross Gallagher, COMMISSIONER

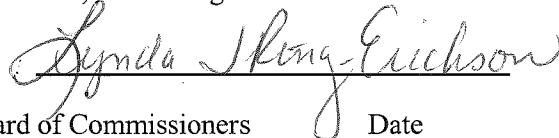
**AN ORDINANCE AMENDING MASON COUNTY DEVELOPMENT REGULATIONS
ADDING EDUCATIONAL LEARNING CENTER AS A LAND USE TO
FIGURE 1.03.020 MASON COUNTY MATRIX OF PERMITTED USES
AND ADDING A NEW DEFINITION TO SECTION 1.06.**

**MASON COUNTY BOARD OF COMMISSIONERS
July 3, 2007**

FINDINGS OF FACT

1. Under consideration are proposed changes to the Mason County Development Regulations, adding educational learning center as a land use to Figure 1.03.020 Mason County Matrix of Permitted Uses, and adding a new definition to Section 1.06, under authority of Chapters 36.70 and 36.70A RCW.
2. The Mason County Development Regulations sets forth clear development standards and procedures to evaluate and approve proposed development and land divisions in Mason County.
3. The Mason County Department of Community Development staff has presented a proposed revisions to this ordinance, regarding the educational learning center land use, which adds this land use to the Development Regulations Figure 1.03.020, Mason County Matrix of Permitted Uses, and the new land use to Section 1.06 Definitions.
4. At the September 25, 2006 Mason County Planning Advisory Commission meeting, the Planning Advisory Commission members discussed these proposed revisions, heard public comments, and then passed a motion to recommend approval of the addition of this land use to the Development Regulations Figure 1.03.020, Mason County Matrix of Permitted Uses, and the new land use to Section 1.06 Definitions.
5. At the December 12, 2006 and July 3, 2007 public hearings, 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 review of the proposed revisions to the Mason County Development Regulations and potential impacts to designated agricultural resource lands in Mason County.

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 proposed changes to the Mason County Development Regulations, adding educational learning center as a land use to Figure 1.03.020 Mason County Matrix of Permitted Uses, and adding a new definition to Section 1.06.



Chair, Mason County Board of Commissioners

Date

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 applicable 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 identifies the permitted uses in the urban or resource land areas in Mason County; note that the public should consult the specific adopted urban growth area plan for land use designation as permitted or prohibited. Permitted uses, as they apply to Rural Lands, have been placed in Chapter 1.04. All uses not listed as permitted uses, accessory uses, or special permit uses in the matrix or Chapter 1.04 are prohibited uses.

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 U= consult the specific adopted urban growth area plan and development regulations for land use designation as permitted or prohibited.

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

<p style="text-align: center;">MASON COUNTY MATRIX OF PERMITTED USES FIGURE 1.03.020</p>				
Description of Use	Land Use Classification (U)	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		
Carpenter shops (see Industry, light)	V	X		

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

Description of Use	Land Use Classification (U)	Urban Growth Areas	Resource Areas	Agricultural Resource Lands
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
<u>Educational Learning Center</u>	<u>II</u>	<u>X</u>	<u>X</u>	<u>S</u>
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
Furniture repair (see Industry, light)	V	X		

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Description of Use	Land Use Classification (U)	Urban Growth Areas	Resource Areas	Agricultural Resource Lands
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	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		

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

Description of Use	Land Use Classification (U)	Urban Growth Areas	Resource Areas	Agricultural Resource Lands
Motor vehicle impound yards (see Section 1.03.105) *	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	

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

Description of Use	Land Use Classification (U)	Urban Growth Areas	Resource Areas	Agricultural Resource Lands
Schools, private, elementary or secondary	II	X		
Secondhand store	V	X		
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		

1.06 Definitions

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

Educational Learning Center. A facility dedicated to environmental and resource education and research. This land use would be permitted on lands designated for long term agricultural use in urban growth areas with a Special Use Permit. This land use would be permitted on Agricultural Resource Lands with a Special Use Permit, using the Special Use Permit criteria and meeting the standard that the proposed land use shall have no more cumulative impacts than if the land remained in traditional agricultural production.

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

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