

ORDINANCE NUMBER 55-12

**AN ORDINANCE AMENDING TITLE 17, SECTION 17.03.030
MASON COUNTY ZONING CODE FOR THE ALLOWANCE OF HOLDING TANKS**

AN ORDINANCE amending Title 17 (Zoning), Section 17.03.030 (Development Requirements and Performance Standards) of the Mason County Code under the authority of Chapter 36.70 and 36.70A RCW.

WHEREAS, on January 10, 2012 the Mason County Board of County Commissioners (“Commissioners”) approved a Resolution amending Title 13, Section 13.31 (“Sewer Code”) relating to mandatory connections to public sewer for all new development within the Belfair Urban Growth Area (Resolution 04-12); and

WHEREAS, the Sewer Code is implemented through the Mason County Department of Utilities and Waste Management and provides regulations for the provision of sanitary sewer in the Belfair Urban Growth Area (“Belfair”); and

WHEREAS, the revisions as adopted in the Sewer Code include new language limiting the requirement of sewer connections for new development to only those properties whose property line is within five hundred (500) feet of the public sewer pipeline; and

WHEREAS, portions of the Sewer Code reference Title 17 (Zoning Code), implemented through the Mason County Department of Community Development, with respect to new and existing development, and the requirement of such development to connect to public sewers when available; and

WHEREAS, revisions to the Sewer Code created an inconsistency with the Zoning Code that does not limit mandatory sewer connection to properties within five hundred (500) feet of the pipeline. As adopted, the Zoning Code requires connection for *all* new development; and

WHEREAS, similar amendments to the Zoning Code were proposed for consideration and ultimately denied in response to concerns it could be construed as allowing rural services (septic tanks) in an urban area. The revisions would not specifically mandate connection to sewer to all new development and therefore could be interpreted as allowing septic tanks until such time as sewer became available; and

WHEREAS, revisions to Title 17, as attached to this Ordinance, are intended to continue mandatory connection for property within five hundred (500) feet of the pipeline, but would now permit holding tanks, under certain criteria, for those properties beyond five hundred (500) feet; and

WHEREAS, these revisions allow for a holding tanks for temporary on site sewage disposal under certain criteria and restrictions; and

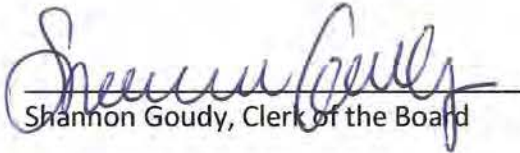
WHEREAS, while septic tanks are long term sewage treatment facilities, holding tanks are temporary in nature and will be maintained by Mason County. All property owners installing holding tanks will be subject to policies and regulations of the Mason County Department of Utilities and the Mason County Department of Public Health and Human Services and will be decommissioned when sewer is available.

NOW THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason County hereby amends Title 17 (Zoning), Section 17.03.030 of the Mason County Code. (See Attachment A)

DATED this 10th day of ~~June~~ JULY 2012.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

ATTEST:


Shannon Goudy, Clerk of the Board


Lynda Ring Erickson, Chair

APPROVED AS TO FORM:

ABSENT
Tim Sheldon, Commissioner


Tim Whitehead, Chief DPA


Steve Bloomfield, Commissioner

ATTACHMENT "A"

17.03.030 DEVELOPMENT REQUIREMENTS AND PERFORMANCE STANDARDS

The following development requirements and performance standards apply to all property proposed for development, which is within the boundary of Mason County's Urban Growth Areas (UGA). No development approval shall be given, and no building permit shall be issued, unless the proposed development complies with the provisions of this chapter.

- (1) New Lots.
 - (a) No new lots will be created within the boundaries of the Belfair and Allyn UGAs, which employ individual or community/group on-site sewage disposal systems.
 - (b) All residential subdivisions created after the adoption of this chapter, shall have a residential urban density of at least four units/acre.
 - (c) Location of sewer lines will be pre-located and easements established in conformance with the Sewer Analysis Plan and as illustrated on the Belfair UGA Build-Out Sewer Connection Map.

- (2) Existing Lots of Record.
 - (a) No new development or redevelopment on existing lots of record in the Belfair UGA shall be allowed using individual or community/group on-site septic systems except that:
 - (i) New development or redevelopment using an existing (as of April 8, 2008) approved on-site or community/group system may be allowed provided that no expansion of the capacity of on-site system is needed to serve the redevelopment and provided that the public sewer system has not been extended to within five hundred feet of the property line; and
 - (ii) New development or redevelopment of lots, within the Belfair UGA, existing as of August 2, 2011 wherein sewer has not been extended to within five hundred (500) feet of the property line may seek approval for holding tanks¹ when:
 - (1) It complies with all requirements and specifications of the Mason County Department of Public Health and Human Services, Mason County Department of Community Development, and the Mason County Department of Utilities and Waste Management, and
 - (2) A binding site plan is submitted which provides for future sewer pipelines and other utilities in accordance with the Belfair UGA Build-Out Sewer Connection Map, and

¹ WAC 246-272A-0010 "Holding tank sewage system" means an on-site sewage system which incorporates a sewage tank without a discharge outlet, the services of a sewage pumper/hauler, and the offsite treatment and disposal of the sewage generated.

- (3) Demonstrates that development at the minimum density allowed within the zone could be achieved once public sewer and/or water would be available to serve the project site, and
- (4) Development of the site shall be consistent with the approved site plan. The director may allow minor modification to the site plan, provided that all other regulations and conditions placed on the approval are met, and
- (5) Allows as needed pumping services to be provided by the Mason County Department of Utilities and Waste Management, and
- (6) Agreement of payment of monthly fees as established by the Mason County Department of Utilities and Waste Management, and
- (7) Payment of the Belfair sewer Capital Facilities Charge (CFC) in effect at the time of commencement of utilization of the holding tank(s), and
- (8) Agreement to decommission the tank and connect to public sewer within ninety (90) days of the public sewer system extending to within five hundred (500) feet of the subject property's nearest property line. The cost of any connection/extension required will be borne by the property owners. The developer of an extension may collect latecomer's fees for off-site improvements.

- (b) All residential, industrial and commercial, currently using on-site disposal systems, will be required to connect to public sewers once a public system is extended to within five hundred feet of the closest property line regardless of the timing of the original on-site installation. The cost of any extension required will be borne by the property owners. The developer of an extension may collect latecomer's fees for off-site improvements.
- (c) All existing permits for the installation of on-site systems, which have been approved but have not been installed, shall be declared void at such time the sewer is within five hundred feet of the closest property line.

(3) Existing Lot Consolidation or Boundary Adjustment. Within the Belfair and Allyn UGA, consolidation of existing residential lots to form a single lot greater than eight thousand square feet, will not be allowed except to the extent that site conditions and site constraints impede the individual development of the lots combined by the consolidation, in accordance with subsection (2) above.