

ORDINANCE NUMBER 42-14

AN ORDINANCE AMENDING TITLE 16 OF THE MASON COUNTY CODE REVISING SECTION 16.08.014 (DEFINITION OF "CLUSTER") AND ADDING SECTION 16.21.150 ALLOWING NON-CONTIGUOUS OPEN SPACE FOR PERFORMANCE SUBDIVISIONS

AN ORDINANCE amending Title 16 of the Mason County Code under the authority of Chapter 36.70 and 36.70A RCW.

WHEREAS, this Ordinance amends Title 16 to revise Section 16.08.014 to exempt performance subdivisions from the definition of "Cluster"; and

WHEREAS, this Ordinance amends Chapter 16.21 to include new Section 16.21.150 permitting non-contiguous open space, if approved by the Board of County Commissioners, as satisfying the requirements for a performance subdivision ; and

WHEREAS, the Mason County Planning Advisory Commission conducted a public hearing on June 2, 2014 and recommend adoption of amendments by the Commissioners; and

NOW THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason County hereby amends the Mason County Code Title 16 (Plats and Subdivisions), revising Section 16.08.014 and adding Section 16.21.150. (See Attachment A)

DATED this 22 day of JULY 2014.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

ATTEST:


Clerk of the Board


Terri Jeffreys, Chair

APPROVED AS TO FORM:


Tim Whitehead, Chief DPA


Tim Sheldon, Commissioner


Randy Neatherlin, Commissioner

TITLE 16 – PLATS AND SUBDIVISIONS
[AMENDMENT] CHAPTER 16.08, SECTION 16.08.14
[NEW] CHAPTER 16.21, NEW SECTION

CHAPTER 16.08 – DEFINITIONS

16.08.014 Cluster. A grouping of house lots within a subdivision, other than a performance subdivision, separated from other clusters by open space. For the purposes of this Title, a cluster in a rural area:

- (1) shall not exceed eight (8) house lots;
 - (2) shall establish an open space separation between clusters of at least 100 feet in width; and
 - (3) shall have not more than four clusters of house lots in any development
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CHAPTER 16.21 – PERFORMANCE SUBDIVISIONS

[new] 16.21.150 Non-Contiguous Open Space. The open space required by this chapter may be provide by a non-contiguous parcel, and density, including bonus density, may be transferred from such non-contiguous, open space parcel to one or more performance subdivisions, so long as such use of the non-contiguous parcel for open space is approved by the Board of Commissioners by Development Agreement pursuant to RCW 36.70B.170-210, and so long as the approval is consistent with the following criteria:

(a) The non-contiguous open space parcel may be used to satisfy all or part of the open space requirements of this chapter for one or more performance subdivisions, so long as the overall density of the performance subdivision(s) does not exceed the density that would be permitted by this code if the open space parcel and the performance subdivisions were contiguous and developed as a signal performance subdivision.

(b) The Development Agreement may modify other requirements of this chapter, except that the non-contiguous open space must be protected and maintained as required by Section 16.21.090.

(c) There must be pedestrian access between the performance subdivision(s) and the non-contiguous open space, such as by a trail secured by an access easement over intervening property.

(d) That pedestrian access between the performance subdivision and the non-contiguous open shall not exceed one quarter (1/4) mile or one thousand three hundred twenty (1,320) feet as measured from the parcel boundary of the furthest residential lot.

(e) The Board of Commissioners may conduct the hearing required by RCW 36.70B.200, or may direct the Hearings Examiner to conduct the required hearing at the same time that the Hearings Examiner conducts the hearing on the application for preliminary subdivision approval. The Board of Commissioners may approve the Development Agreement prior to the Hearings Examiner's decision on a preliminary subdivision, or the Hearings Examiner may grant preliminary approval of a subdivision conditioned upon subsequent approval of a Development Agreement by the Board of Commissioners.

(e) The Development Agreement shall be recorded as required by RCW 36.70B.190.