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**Title 17 - zoning**

Amendments to Title 17, Zoning, Chapter 17.03.030, Development requirements and performance standards.

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ORDINANCE amending Title 17, Zoning, Chapter 17.03.030, Development Requirements and Performance standards.

WHEREAS, amendments to Title 17 of the Mason County Code fall under the authority of Chapter 36.70 and 36.70A RCW; and

WHEREAS, Mason County adopted Development Requirements and Performance Standards in 2009 to help foster economic development, accommodate residential growth in urban growth areas, and discourage suburban sprawl in rural areas of Mason County; and

WHEREAS, these regulations were intended to result in no new development created in the Belfair and Allyn UGA's that would employ individual or community on-site septic systems in order to more fully utilize community sewer services and,

WHEREAS, the use of holding tanks as an interim solution was implemented to allow property development in areas that had no immediate access to sewer services and,

WHEREAS, WAC 246-272A-0240 prohibits the use of holding tanks as a primary means of providing for residential sewage systems and,

WHEREAS, since its adoption, the County has processed only two applications under these regulations; and

WHEREAS, the County does not have the means necessary to provide regular pumping of residential sewage and,

WHEREAS, this Ordinance amends Chapter 17.70, Sections 17.70.030 to remove the use of holding tanks as residential sewage interim solutions and allows for use of individual and community septic systems as interim solutions for residential development in those areas of the Belfair and Allyn UGAs not currently served by community sewer systems and ,

WHEREAS, Substitute House Bill 1683 as passed by the legislature and signed by the Governor on May 16, 2017, allows exceptions to sewer service in the UGAs and,

WHEREAS, the Mason County Planning Advisory Commission conducted a public hearing on June 19, 2017 and recommended adoption of amendments by the Board of County Commissioners; and

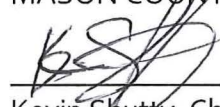
NOW THEREFORE, BE IT HEREBY ORDAINED that the Board of Commissioners of Mason County hereby amends the Mason County Code Title 17, Zoning, Chapter 17.03.030, Development Requirements and performance standards.

DATED this 1<sup>st</sup> day of August 2017.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

ATTEST:

  
\_\_\_\_\_  
Melissa Drewry, Clerk of the Board

  
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Kevin Shutty, Chair

  
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Terri Jeffreys, Commissioner  
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APPROVED AS TO FORM:

  
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Tim Whitehead, Chief DPA

  
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Randy Neatherlin, Commissioner

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 except when the following circumstances may apply:

(i) Use of on-site sewer systems as a transitional strategy where there is a development phasing plan in place (see WAC 365-195-330 [WAC 365-196-330]);

or

(ii) To serve isolated pockets of urban land difficult to serve due to terrain, critical areas or where the benefit of providing an urban level of service is cost-prohibitive;

or

(iii) Where on-site systems are the best available technology for the circumstances and are designed to serve urban densities

~~when-~~

- (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 prelocated 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 and Allyn UGAs 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 two five-hundred feet of the property line; and

(ii) New development or redevelopment of lots, within the Belfair and Allyn UGAs, existing as of August 2, 2011, wherein sewer has not been extended to within ~~five hundred feet~~ two hundred feet (200) of the property line may seek approval for ~~holding tanks~~<sup>(4)</sup> on-site septic system when:

(1) It complies with all requirements and specifications of the Mason County Department of Community Services ~~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



- (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 onsite septic system holding tank(s),
    - (i) Should sewer connections not become available within 200 feet from the property line over a period of 10 years from initial installation of the septic system, the customer is entitled to a refund of CFC.
    - (ii) The refund shall be calculated from date of installation and shall include the original CFC charge plus interest calculated at 2% per year or based on the Consumer Price Index whichever is lower for the time period.
    - (iii) If the customer elects to receive the refund and sewer becomes available later, the customer would pay the CFC in effect at the time sewer becomes available.
- and
- (8) Agreement to decommission the onsite septic system tank and connect to public sewer within ninety days of the public sewer system extending to within two five hundred 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 reasonable latecomer's fees for off-site improvements.
  - (9) If a Large Onsite Septic System (LOSS) is constructed in the Belfair UGA to serve development prior to sewer becoming available, the County shall be designated as the operator of the LOSS in order to establish a billing relationship with those served properties and to enable components of the LOSS to be repurposed as a lift component for connection to sewer.
  - (10) Subdivisions developed within the UGA but not served initially by sewer will install sewer mains as an element of road and water system construction. Capital Facilities Charges shall be waived for such a development until sewer is available within 200 feet.

- (b) All residential, industrial and commercial structures, currently using on-site disposal systems, will be required to connect to public sewers once a public system is extended to within two 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 ~~two~~ ~~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.

(Ord. 59-08 Attach. A (part), 2008: Ord. 45-08 Attach. A (part), 2008: Ord. 30-08 Attach. (part), 2008: Ord. 91-07 (part), 2007: Ord. 10-07 (part), 2007: Ord. 108-05 Attach. B (part), 2005).

(Ord. No. 16-09, 3-3-2009; Ord. No. 55-12, Att. A, 7-10-2012)

Footnotes:

~~(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 off-site treatment and disposal of the sewage generated.~~

17.03.031 - Binding site plan required in the Belfair UGA (Southern Connection—Long-term UGA Zone)

(a) Within the Southern Connection—Long-term UGA Zone development may be allowed with the use of an on-site system when:

(1) Complies with the applicable health regulations and other Mason County building regulations; e.g. critical areas, stormwater management, etc.

(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.

(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.

(4) The development density does not exceed one unit/five acres.

(b) The binding site plan prepared under this section and reviewed and approved by the director, shall address the following: buffers, landscaping, traffic access and parking standards, sewage disposal provisions, height and scale in relation to surrounding uses and future uses, vegetation removal, stormwater, potable water, and lot coverage.

(c) 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.

(Ord. 59-08 Attach. A (part), 2008: Ord. 45-08 Attach. A (part), 2008: Ord. 30-08 Attach. (part), 2008: Ord. 91-07 (part), 2007: Ord. 10-07 (part), 2007: Ord. 108-05 Attach. B (part), 2005).

(Ord. No. 118-08, 11-4-2008)