

ORDINANCE NUMBER 45-08

AN ORDINANCE AMENDING TITLE 17, CHAPTERS 17.03, SECTIONS 17.03.030 & 17.03.031 OF THE MASON COUNTY CODE AND SECTIONS 1.03.030 & 1.03.031 OF THE MASON COUNTY DEVELOPMENT REGULATIONS FOR ON-SITE DISPOSAL REQUIREMENTS FOR THE BELFAIR AND ALLYN URBAN GROWTH AREAS

AN ORDINANCE amending Title 17 (Zoning), Chapter 17.03, Sections 17.03.030 & 17.03.031 of the Mason County Code and Sections 1.03.030 & 1.03.031 of the Mason County Development Regulations, under the authority of Chapter 36.70 and 36.70A RCW.

WHEREAS, in an Order by the Western Washington Growth Management Hearings Board dated November 14, 2007, the Board found the County continued to be non-compliant with the Growth Management Act (GMA) due to insufficient regulatory control over the continued development of on-site sewage disposal systems and the lack of a plan to finance and install sewer in the entire Belfair UGA; and

WHEREAS, the County adopted Ordinance 30-08 on March 11, 2008 in an effort to address the issues in the Hearings Board's Order; and

WHEREAS, upon further staff review, Ordinance 30-08 failed to provide sufficient guidance with respect to on-site systems on existing County lots; and

WHEREAS, revisions to Ordinance 30-08 to specifically address on-sites systems on existing lots have been made and attached hereto as Attachment "A"; and

WHEREAS, these additional revisions to the Mason County Code and the Mason County Development Regulations will ensure the orderly and timely development of the Belfair and Allyn Urban Growth Areas.

NOW THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason County hereby amends Title 17 (Zoning), Chapter 17.03, Sections 17.03.030 and 17.03.031 of the Mason County Code and Sections 1.03.030 and 1.03.031 of the Mason County Development Regulations (as attached).

DATED this 8th day of April 2008.

Board of Commissioners
Mason County, Washington

ATTEST:

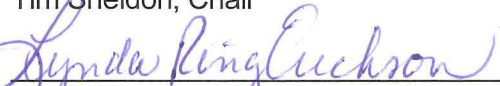

Rebecca S. Rogers, Clerk of the Board

APPROVED AS TO FORM:


Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Absent
Tim Sheldon, Chair


Lynda Ring Erickson, Commissioner


Ross Gallagher, Commissioner

**Mason County Code Sections 17.03.030 & 17.03.031
(Mason County Development Regulations Sections 1.03.030 & 1.03.031)**

17.03.030 (1.03.030) 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.

A. New Lots

1. No new lots will be created within the boundaries of the Belfair and Allyn Urban Growth Area (UGA), which employ individual or community/group on-site sewage disposal systems.
2. All residential subdivisions created after the adoption of this chapter, shall have a residential urban density of at least four units/acre.
3. 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.

B. Existing Lots of Record

1. No application for a new or expanded individual or community/group on-site septic system shall be accepted for property within the Belfair UGA after April 8, 2008, except:
 - (a) Applications for temporary holding tanks for commercial or industrial use may be accepted. For the purposes of the ordinance, temporary holding tanks are not considered an "on site septic system" and;
 - (b) Applications for Individual on-site septic systems as provided in section 17.03.031 (1.03.031) below may be accepted.
2. 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:
 - (a) New development or redevelopment using an existing (as of 4-8-08), 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 500 feet of the property line, and

Attachment "A"

- (b) The installation of approved temporary holding tanks for commercial and industrial uses as provided for elsewhere in this section.
1. All residential, industrial and commercial development, currently using on-site disposal systems, will be required to connect to public sewers once a public system is extended to within 500 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.
 2. 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 500 feet of the closest property line.

C. Existing Lot Consolidation or Boundary Adjustment

Within the Belfair and Allyn UGA, consolidation of existing residential lots to form a single lot greater than 8,000 sq. ft, 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 Section B above.

17.03.031 (1.03.031) Binding Site Plan Required in the Belfair UGA (Newkirk Road Connection – Long Term UGA Zone)

- A. Within the Newkirk Road 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, storm water 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 1 unit/5 ac.
- 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, storm water, 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.