

ORDINANCE NUMBER 91 -07

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, the Western Washington Growth Management Hearings Board found the County was not in compliance with the Growth Management Act (GMA) due to insufficient regulatory control over the development of on-site sewage disposal systems; and

WHEREAS, the County cannot meet urban density in the Belfair and Allyn Urban Growth Areas; and

WHEREAS, the County will find it difficult to financially support public sewer in the Belfair UGA if the use of on-site disposal systems continues; and

WHEREAS, the continued use of on-site disposal systems could impact negatively the water quality of Hood Canal; and

WHEREAS, the 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).

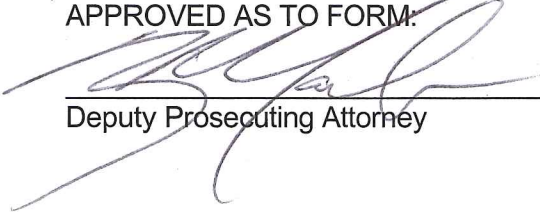
DATED this 31st day of July, 2007.

Board of Commissioners
Mason County, Washington

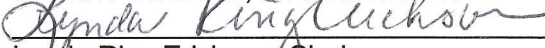
ATTEST:


Rebecca S. Rogers, Clerk of the Board

APPROVED AS TO FORM:


Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Lynda Ring Erickson, Chair


Tim Sheldon, Commissioner


Ross Gallagher, Commissioner

PROPOSED REVISIONS
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

- A. The following development requirements and performance standards apply to all property proposed for development, which is within the jurisdiction of Mason County. No development approval shall be given, and no building permit shall be issued, unless the proposed development complies with the provisions of this Chapter.
- B. **New Development**
- a. No new lots will be created within the boundaries of the Belfair Urban Growth Area (UGA) which employ individual on-site sewage disposal systems.
 - b. New subdivision of land, including short-plats, will be allowed to use cluster systems, community drainfields and alternative methods of sewage disposal until public sewers are available within 500 feet of the closest property boundary subject to the following requirements:
 - 1) Residential urban densities shall be at least four units/acre.
 - 2) Location of sewer lines will be pre-located and easements established in accordance with Figure 10-1 of the Belfair/Lower Hood Canal Water Reclamation Facility Plan Supplemental Information (map Attachment "A").
 - 3) No individual on-site systems will be allowed.
 - 4) Gravity collection and transmission to a centralized treatment facility, such as community drainfields, a cluster system or an alternative system will be used as the preferred method of sewage transport unless approved by the Mason County Directors of Public Works, Utilities and Waste Management, and Public Health.
 - 5) Community drainfields, cluster systems, or alternative methods of treatment will be required to deed to Mason County all system components. Once a public sewer line is available within 500 feet of a community drainfield, cluster disposal site or alternative disposal system, the system must connect to the public sewer. After 100 % subdivision connection is achieved, the site of the community drainfield, cluster disposal area or alternative system location can be abandoned and returned to the original developer, provided it is deemed to be safe and free of contamination for construction by the Mason County Public Works Director. The cost to connect to the public sewer will be a component of the utility rate.

- 6) Property owners of subdivisions or short-plats served by community on-sites, cluster systems or alternative systems will pay a monthly utility rate as determined by the Director of Utilities and Waste Management. The rate will include charges for operation and maintenance, monitoring of the impacts of the systems on the environment, and the connection charges to the public sewer once available and appropriate administrative costs.
- 7) The use of community on-site treatment facilities and alternative systems will only be allowed with the creation of a permanent governance structure which may include the county, which owns and operates the collection, transmission and treatment facilities.

C. Existing Lots of Record

- a. 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. Late comer's fees for off site improvements may be collected by the developer.
- b. All existing permits for the installation of on-sites, 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. For the period August 1, 2007 through January 31st, 2009, all applications for a permit to install an on-site disposal system must meet all Mason County Development, Environmental Health and Land Use Standards and Regulations. No variances from any of the regulations will be allowed to gain a permit for the development of an on-site disposal system. After January 31st, 2009, no new permit for the use of on-site systems will be issued, unless approved by the Director of Utilities and Waste Management and the Mason County Public Health Director. The Directors shall use the following criteria to make the decision of whether an on-site system may be used.
 - 1) If site constraints due to topography, natural features, engineering and construction design constraints make the extension of public sewer line impractical.
 - 2) If the cost of the extension of a sewer line to the property is greater than 200 percent of the cost associated with the installation of an on-site system.
 - 3) If an on-site system is allowed, the system must be professionally sited, designed, monitored and maintained and meets the following standards.
 - i) Regulations of the Mason County Public Health Department, Washington State Department of Health, or Washington State Department of Ecology.

ii) Use on site systems that meet Treatment Level B as listed in WAC 246-272(a).

4) No variances from any rule or regulation will be granted to secure an on-site disposal permit.

D. Lot Consolidation

Within the Belfair and Allyn UGA, consolidation of existing residential lots to form a single lot greater than 7500 sq. ft, will not be allowed except to the extent that site conditions, site constraints and construction costs impede the development of the lot created by the consolidation, in accordance with Section C(c) above.

17.03.031 (1.03.031) Binding Site Plan Required in the Belfair and Allyn Urban Growth Areas

A. Prior to provision of public sewer and water to a site in either the Belfair or Allyn UGA, approval for new development is required to include a binding site plan which:

- 1) Complies with the applicable health regulations and other Mason County building regulations; e.g. critical areas, storm water management, etc.
- 2) Provides for future sewer pipelines and other utilities.
- 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.

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. Minor modification to the site plan may be allowed by the Director, provided that all other regulations and conditions placed on the approval are complied with.

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