

Chapter 17.50 GENERAL PROVISIONS

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17.50.010 Title.

This Title shall be officially cited as **Title 17.50 Zoning – Shoreline Master Program Use Regulations.**

17.50.020 Purpose.

This Title is intended to carry out the responsibilities given Mason County by the Shoreline Management Act of 1971 (RCW 90.58). The actual purpose of the Use Regulations is the same as the purpose of the Act itself and more fully outlined in the Mason County Comprehensive Plan Chapter IX Shoreline Master Program. The Master Program provides for the management of the shorelines by fostering all reasonable and appropriate uses. These regulations are intended to protect against adverse effects on the public health, on the land and its vegetation and wildlife, and the waters and their aquatic life.

17.50.030 Application of Regulations.

These regulations shall apply to all the lands and waters that are designated in WAC 173-18, WAC 173-20, and WAC 173-22 to be under the jurisdiction of the Shoreline Management Act of 1971.

17.50.031 These regulations shall apply to every person, firm, corporation, local and state governmental agencies and other non-federal entities that would develop, use, or own lands, wetlands, or waters under the control of the Master Program.

17.50.032 Adjacent Lands. The purpose of this subsection is to discuss the coordination of development of lands adjacent to shorelines with the policies of the Master Program and the Shoreline Management Act. A development undertaken without obtaining the applicable shoreline permits or which is inconsistent with the regulations of the Master Program, is unlawful. On the other hand, a use or development which is to some extent inconsistent with a policy plan may not be unlawful, but may be denied or conditioned on the basis of its inconsistency with the plan. These principles apply to the regulation of shoreline and adjacent lands:

- a. Part of the property is inside the shoreline, part is outside, and all of the development is outside the shoreline. No shoreline permit is required because all of the "development" lies outside the shoreline. However, uses and actions within the shoreline, though they do not constitute "development" must be consistent with the regulations of the Act and Shoreline Program. Change of use within shoreline jurisdiction may require a Conditional Use Permit.
- b. Part of the property is in the shoreline, part is outside, and all or part of the development is proposed within the shoreline. A permit is required for "development" within the shorelines. In addition, uses and other actions within the shorelines must comply with Master Program regulations. Furthermore, when the development proposal consists of a single, integrated project and a shoreline permit is required due to development within the shorelines, review

and approval of development outside the shorelines may be postponed until shoreline permit review is accomplished if the public interest would be served by such a review sequence. Finally, although development conditions may be attached to developments within shorelines, conditions may not be attached, pursuant to the Shoreline Management Act, to aspects of a development lying outside the shorelines.

17.50.033 Developments and Uses Subject to Several Regulatory Sections. Some proposed developments or uses will be subject to more than one regulatory section of this program. For example, a proposed marina may be subject to regulations concerning "Dredging, Landfilling, Marinas", etc. A proposed development must be reviewed for consistency with the regulations of each applicable section.

17.50.034 Unspecified Uses. These regulations and the Master Program in its entirety do not attempt to identify or foresee all conceivable shoreline uses or types of development. When a use or development is proposed which is not readily classified within an existing use or development category, the unspecified use must be reviewed as a Conditional Use and Performance Standards relating to the most relevant category shall be used.

17.50.040 Definitions

For the purpose of this title, certain terms and words are defined in this chapter. All defined uses are subject to existing local, state and health regulations.

Accessory Facilities. A use that is demonstrably subordinate and incidental to the principal use and which functionally supports its activities, including parking. The standards of performance for a development shall apply to an accessory facility unless otherwise indicated.

Accessory Living Quarters. Separate living quarters attached or detached from the primary residence which contain less habitable area than the primary residence and which are used by guests, employees, or immediate family members of occupant of primary residence; PROVIDED no accessory living quarters shall be rented or leased, and are subject to all Health Department requirements.

Act (Shoreline Management). Act adopted by state legislature in 1971 which defines shoreline jurisdiction and authorizes the development of Shoreline Master Programs.

Administrator. The Director, Mason County Department of General Services.

Advisory Board (Shorelines). A board, appointed by the Board of County Commissioners.

Agricultural Practices. Any activity whether for commercial or recreational use directly pertaining to production of food, fiber or livestock including but not limited to cultivation, harvest, grazing, animal waste storage and disposal, fertilization, suppression or prevention of diseases and insects.

Agriculture. The farming or raising of livestock, crops, berries, fruit, nursery stock on land, and may require development such as buildings, feed lots, fences, ditches, bridges, ponds, wells, grading, as well as use of native pasture and woodlots.

Application. A Substantial Development Permit application, Variance Permit application, Conditional Use Permit application, or Exemption application.

Appurtenant Structure. A structure which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. Normal appurtenant structures include a garage; deck; driveway; utilities; storage shed (one story - less than 600 square feet), woodshed, pump house, upland retaining wall and grading which does not exceed 250 cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.

Aquaculture. Aquaculture involves the culture and farming of food fish, shellfish and other aquatic animals and plants in lakes, streams, inlets, bays and estuaries. Methods of aquaculture include but are not limited to fish pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. Excluded from this definition

are related commercial or industrial uses such as wholesale and retail sales, or final processing and freezing.

Aquaculture Practices. Any activity directly pertaining to growing, handling, or harvesting of aquaculture produce including but not limited to propagation, stocking, feeding, disease and pest treatment, waste disposal, water use, development of habitat, maintenance and construction of necessary equipment building and growing areas.

Average Grade Level. The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed structure and shall be determined by averaging the ground elevations at the midpoint of all exterior walls of the proposed structure: PROVIDED, that in the case of structures to be built over the water, average grade level shall be the elevation of the ordinary high water mark.

Board. The Board of County Commissioners of Mason County.

Boat house. Any walled and or roofed structure built on shore or offshore for storage of watercraft or float planes.

Boat Ramp. An inclined slab, set of pads, planks, or graded slope used for transferring marine vessels or equipment to or from land or water.

Bog. A depression or other undrained or poorly drained area containing or covered with usually more than one layer of peat. Characteristic vegetation of bogs are sedges, reeds, rushes, or mosses. In early stages of development, vegetation is herbaceous and the peat is very wet. In middle stages, dominant vegetation is shrubs. In mature stages, trees are dominant and peat near the surface may be comparatively dry. (Bogs represent the final stage of the natural process (eutrophication) by which lakes are very slowly transformed into land; bogs are sometimes mined for peat on a commercial basis; bogs are often an intake for ground water (aquifer recharge area).

Breakwaters. Offshore structures which may or may not be connected to land. Their primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating still water areas. A secondary purpose would be to protect shorelines from wave-caused erosion.

Bulkhead. Retaining wall-like structures whose primary purpose is to hold or prevent sliding of soil caused by erosion and wave action, and to protect uplands and fills from erosion by wave action.

Channelization. The straightening, deepening or lining of natural stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.

Commercial Development. The primary use is for retail or wholesale trade or other business activities.

Community Dock. A dock development providing moorage for pleasure craft and recreational activities for use in common by residents of a certain subdivision or community. Marinas are not considered community docks.

Commercial Feedlot. An enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations. Said enclosure/facility for commercial livestock.

Conditional Use. Conditional use means a use, development, or substantial development which is classified as a conditional use or not classified within this master program.

Conservancy Environment. Conservancy environment means that environment in which the objective is to protect, conserve and manage existing natural resources and valuable historic and cultural areas in order to ensure a continuous flow of recreational benefits to the public and to achieve sustained resource utilization.

The Conservancy Environment is for those areas which are intended to maintain their existing character. The preferred uses are those which are by nature non-consumptive of the physical and biological resources of the area.

Non-consumptive uses are those uses which can utilize resources on a sustained yield basis while minimally reducing opportunities for other future uses of the resources in the area. Activities and uses of a nonpermanent nature which do not substantially degrade the existing character of an area are appropriate uses for a Conservancy Environment. Examples of uses that might be predominant in a Conservancy Environment include diffuse outdoor recreation activities, timber harvesting on a sustained yield basis, passive agricultural uses such as pasture and range lands and other related uses and activities. Compatible commercial uses are low intensity and low impact activities such as small camping or picnic facilities (less than ten spaces), aquacultural retail booths (less than 600 square feet) and cottage industries when the operation is entirely contained within the primary residence excluding outbuildings, PROVIDED, such commercial activities must not alter the character of the Conservancy Environment. The designation of Conservancy Environments should seek to satisfy the needs of the community as to the present and future location of recreational areas proximate to concentrations of population, either existing or projected.

The Conservancy Environment would also be the most suitable designation for those areas which present too severe biophysical limitations to be designated as Rural or Urban Environments. Such limitations would include areas of steep slopes presenting erosion and slide hazards, areas prone to flooding, and areas which cannot provide adequate water supply or sewage disposal.

Cottage Industry. Small scale commercial or industrial activities on residential properties performed in the residence or building accessory thereto. The principle practitioner must reside on the property. Cottage Industries are considered as residential uses and minor commercial development and substantial developments under this Master Program provided they do not alter the character of the site as a residential property and wholesale and retail trade is minimal. Cottage Industries must comply with all applicable County Ordinances and require a Conditional Use Permit.

County. Mason County.

Covered Moorage. A roofed, floating or fixed offshore structure for moorage of watercraft or float planes.

Dam. A barrier across a streamway to confine or regulate stream flow or raise water level for purposes such as flood or irrigation water storage, erosion control, power generation, or collection of sediment or debris.

Department. The Washington State Department of Ecology (WDOE).

Development. A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level.

Dike. An artificial embankment or revetment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

Dock. A structure built over or floating upon the water, used as a landing place for marine transport, or for commercial or recreational purposes.

Dredging. The removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies, ditches or biological wetlands; maintenance dredging and other support activities are included in this definition.

Dredge Spoil. The material removed by dredging.

Drift Sector. A segment of the shoreline along which littoral along shore movements of sediments occur at noticeable rates. Each drift sector includes a feed source that supplies the sediment, a driftway along which the sediment moves, and an accretion terminal where the drift material is deposited.

Duplex. A two-family house whether divided vertically or horizontally. A duplex is not exempt from a Substantial Development Permit as is a single-family residence.

Emergency Repair. Emergency construction necessary to protect property from damage by the elements as per WAC 173-27-040, as amended

Environment Designations Map. The official map associated with this Master Program and adopted by ordinance that shows the jurisdiction of the Act and this Program and the boundaries of the environments.

Exemption. Exempt developments are those set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, 90.58.390 and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and this master program.

Extreme Low Tide. The lowest line on the land reached by a receding tide.

Fair Market Value. The fair market value of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

Feedlot. An enclosure or facility used or capable of being used for feeding of livestock hay, grain silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

Fetch. The perpendicular distance across the channel or inlet.

Floodway. Those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonable be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the Federal Government, the state, or a political subdivision of the state. The limit of the floodway is that which has been established in flood regulation ordinance maps or by a reasonable method that meets the objectives of the Act (WAC 173-22-030(3)).

Floodplain. One hundred year floodplain and means that area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year.

Forest Practices. Any activity conducted on or directly pertaining to forest land and related growing, harvesting, or processing of timber including but not limited to: (1) road and trail construction, (2) harvesting, (3) pre-commercial thinning, (4) reforestation, (5) fertilization, (6) prevention and suppression of diseases and insects, (7) salvage of timber, (8) brush control, and (9) slash and debris disposal.

Excluded from this definition is preparatory work such as tree marking, surveying and removal of incidental vegetation such as berries, greenery, or other natural product whose removal cannot normally be expected to result in damage to shoreline natural features. Log storage away from forestlands is considered under Industry.

Groins. A barrier type of structure extending from the beach or bank into a water body for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials. Generally narrow and of varying lengths, groins may be built in a series along the shore.

Hearings Board. The State Shorelines Hearings Board established by the Act in RCW 90.58.170.

Height. Height is measured from average grade level to the highest point of a structure: Provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or this master program

specifically requires that such appurtenances be included: Provided further, That temporary construction equipment is excluded in this calculation.

Home Occupation. A business conducted within a dwelling which is the residence of the principal practitioner. A Home Occupation may be reviewed as a residential use provided it complies with all applicable County Ordinances and no alteration is made to the exterior of the residence or site which would alter the character of the site as residential property including parking and signs. Home Occupations, which require more than \$2,500 in exterior development costs, require a Substantial Development Permit.

Industrial Development. Facilities for processing, manufacturing, and storage of finished or semi-finished products, together with necessary accessory uses such as parking, loading, and waste storage and treatment.

Jetties. Structures generally perpendicular to shore extending through or past the intertidal zone. They are built singly or in pairs at harbor entrances or river mouths mainly to prevent shoaling or accretion from littoral drift. Jetties also serve to protect channels and inlets from storm waves or cross currents.

Joint-Use Private Dock. A dock or float for pleasure craft moorage or water sports for exclusive use by two or more waterfront lot owners, excluding marinas.

Landfill. The creation of or addition to a dry upland area by depositing materials. Depositing topsoil in a dry upland area for normal landscaping purposes is not considered a landfill.

Littoral Drift (or transport). The natural movement of sediment, particularly sand and gravel, along shorelines by wave action in response to prevailing winds or by stream currents. (See Drift Sector.)

Marina. A commercial moorage with or without dry storage facility for over ten pleasure or commercial craft excluding canoes, kayaks and rowboats. Goods or services related to boating may be sold commercially. Uses associated with marinas shall conform to the regulations for these uses.

Marine Waters. All bodies of water having a connection with the open sea and which are tidally influenced, together with adjoining transitional and estuarine areas where average ocean derived salts exceed five parts per thousand.

Master Program. Mason County program for regulation and management of the shorelines of the state including goals and policies, use regulations, maps, diagrams, charts and any other text included in the Program. The enforceable provisions of the Master Program are embodied in this ordinance.

Mean Higher High Tide. The elevation determined by averaging each day's highest tide in a particular saltwater shoreline area over a period of 18.6 years.

Mining. The removal of sand, gravel, minerals or other naturally occurring materials from the earth.

Multi-family Dwelling. A building designed or used for a residence by three or more household units, including but not limited to apartments, condominium complexes, and townhouses.

Natural Environment. The natural environment is intended to preserve and restore those natural resource systems existing relatively free of human influence. Local policies to achieve this objective should aim to regulate all potential developments degrading or changing the natural characteristics that make these areas unique and valuable.

The main emphasis of regulation in these areas should be on natural systems and resources, which require severe restrictions of intensities and types of uses to maintain them in a natural state. Therefore, activities, which may degrade the actual or potential value of this environment, should be strictly regulated. Any activity that would bring about a change in the existing situation would be desirable only if such a change would contribute to the preservation of the existing character.

The primary determinant for designating an area as a natural environment is the actual presence of some unique natural or cultural features considered valuable in their natural or original condition which are relatively intolerant of intensive human use.

Non-conforming Development. A shoreline use, structure or lot which was lawfully constructed or established prior to the effective date of the Act, or the Master Program, or amendments thereto, but which does not conform to present regulations or standards of the Program or policies of the Act.

Normal Maintenance. Those usual acts to prevent a decline, lapse or cessation from a lawfully established condition.

Normal Repair. To restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment (WAC 173-27-040, as amended). A reasonable period of time for repair shall be up to one year after decay or partial destruction, except for bulkhead replacement which shall be allowed up to five years. Total replacement that is common practice includes but is not limited to floats, bulkheads and structures damaged by accident, fire and the elements.

Normal Protective Bulkhead (also referred to as "erosion control bulkhead"). A retaining wall-like structure constructed at or near ordinary high water mark to protect a single family residence or lot upon which a single family residence is being constructed and is for protecting land from erosion, not for the purpose of creating land.

Ordinary High Water Mark (OHWM). On all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter or as it may change thereafter in accordance with permits issued by local government or the Department PROVIDED THAT in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water. (WAC 173-22-030 as amended)

Permit. A Shoreline Substantial Development Permit, Conditional Use Permit, or Variance Permit, any combination thereof, or their revisions, issued by Mason County Pursuant to RCW 90.58.

Person. An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated

Pier. An open pile structure generally built from the shore extending out over the water to provide moorage for private recreation, commercial or industrial watercraft and/or float planes.

Plot Plan. An area drawing to scale of proposed project showing existing structures and improvements including wells, septic tanks and drainfields, proposed structures and other improvements and the line of ordinary high water.

Port Development. Public or private facilities for transfer of cargo or passengers from water-borne craft to land and vice versa; including but not limited to piers, wharves, sea islands, commercial float plane moorages, off-shore loading or unloading buoys, ferry terminals, and required dredged water-ways, moorage basins and equipment for transferring cargo or passengers between land and water modes. Excluded from this definition and dealt with elsewhere are marinas, boat ramps or docks used primarily for recreation, cargo storage and parking areas not essential for port operations, boat building or repair. The latter group are considered as industrial or accessory to other uses.

Recreational Development. Recreational development includes facilities such as campgrounds, recreational vehicle parks, day use parks, etc..

Residential Development. The development of land or construction or placement of dwelling units for residential occupancy.

Revetment. A sloped wall constructed of rip rap or other suitable material placed on stream banks or other shorelines to retard bank erosion from high velocity currents or waves respectively.

Rip Rap. Dense, hard, angular rock used to armor revetments or other flood control works.

Road and Railway Development. Includes also related bridges and culverts, fills, embankments, causeways, parking areas, truck terminals and rail switchyards, sidings and spurs. These are addressed under "Recreation and Forest Practices".

Rural Environment. The Rural Environment is intended to protect agricultural land from urban expansion, restrict intensive development along undeveloped shorelines, function as a buffer between urban areas, and maintain open spaces and opportunities for recreational uses compatible with agricultural activities.

The rural environment is intended for those areas characterized by intensive agricultural and recreational development. Hence, those areas that are already used for agricultural purposes, or which have agricultural potential should be maintained for present and future agricultural needs. Designation of rural environments should also seek to alleviate pressures or urban expansion on prime farming areas.

New developments in a rural environment are to reflect the character of the surrounding area by limiting residential density, providing permanent open space and maintaining adequate building setbacks from the water to prevent shoreline resources from being destroyed for other rural types of uses.

Public recreation facilities for public use, which can be located and designed to minimize conflicts with agricultural activities, are recommended for the rural environment. Linear water access which will prevent overcrowding in any one area, trail systems for safe nonmotorized traffic along scenic corridors and provisions for recreational viewing of water areas illustrate some of the ways to ensure maximum enjoyment of recreational opportunities along shorelines without conflicting with agricultural uses. In a similar fashion, agricultural activities should be conducted in a manner that will enhance the opportunities for shoreline recreation. Farm management practices that prevent erosion and subsequent siltation of water bodies and minimize the flow of waste material into water courses are to be encouraged by the master program for rural environments.

Shorelands. Those lands extending landward for 200 feet in all directions, as measured on a horizontal plane from the ordinary high water mark, floodways and contiguous floodplain areas landward 200 feet from such floodways, and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of the Act and this master program.

Shorelines. All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except

- (1) shorelines of statewide significance;
- (2) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and
- (3) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

Shorelines of Statewide Significance. Those shoreline areas as defined in RCW 90.58-030(2)(e), and, specifically the following bodies and associated shorelands in Mason County: Hood Canal, Lake Cushman, the Skokomish River from the confluence of the North Fork of the Skokomish River and the South Fork of the Skokomish River, downstream to the Great Bend of Hood Canal (excluding that portion within the Skokomish Indian Reservation), and all saltwater bodies below the line of extreme low tide.

Shorelines of the State. The total of all "shorelines" and shorelines of "state-wide significance".

Shoreline Permit. One or more of the following permits: Substantial Development Permit, Conditional Use Permit, or Variance.

Single Family Residence. A detached dwelling designed for and occupied by one family, including those structures and developments within a contiguous ownership that are normal appurtenance.

Structure. A building or edifice of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision. The division or redivision of land for purposes of sale, lease or transfer of ownership into five or more lots, any one of which is smaller than five acres or one one-hundred-twenty-eighth of a section of land.

Substantial Development. Any development of which the total cost or fair market value exceeds Five Thousand (\$5,000) Dollars, or any development which materially interferes with normal public use of the water or shorelines of the state; except that those developments defined above as an “exemption” do not require a substantial development permit but may require a variance or conditional use permit.

Tideland. The land on the shore of marine water bodies between OHWM or MHHW and the line of extreme low tide which is submerged daily by tides.

Upland. Those shoreline areas landward of OHWM except berms, backshores, natural wetlands, and floodplains.

Urban Environment. Those shorelines designated for urban uses provided that industrial development is prohibited in all categories except the urban industrial designation. The urban area is an area of high intensity land use including residential, commercial, and industrial development. The environment does not necessarily include all shorelines within an incorporated city, but is particularly suitable to those areas presently subjected to extremely intensive use pressure, as well as areas planned to accommodate urban expansion. Shorelines planned for urban expansion should present few biophysical limitations for urban activities and not have a high priority for designation as an alternative environment.

Because shorelines suitable for urban industrial uses are a limited resource, emphasis should be given to development within already developed areas and do not have a high priority for designation as an alternative environment.

Urban Industrial. The objective of the Urban Industrial Environment is to ensure optimum utilization of shorelines within urbanized areas by managing industrial development. The Urban Industrial Environment is an area of high intensity industrial land use. The environment does not necessarily include all shorelines within an unincorporated city, but is particularly suitable to those areas presently subjected to extremely intensive use pressure, as well as areas planned to accommodate industrial expansion. Shorelines planned for future industrial expansion should not have a high priority for designation as an alternative environment. Because shorelines suitable for urban industrial uses are a limited resource, emphasis should be given to development within already developed areas and particularly to water-dependent industrial uses requiring frontage on navigable waters. Industrial development is prohibited in all categories but Urban Industrial Environment.

Urban Commercial. The objective of the Urban Commercial Environment is to ensure optimum utilization of shoreline within urbanized areas by managing commercial development.

The Urban Commercial Environment is an area of high intensity commercial land use. The environment does not necessarily include all shorelines within an unincorporated city, but is particularly suitable to those areas presently subjected to extremely intensive use pressure, as well as areas planned to accommodate commercial expansion. Shorelines planned for future commercial expansion should not have a high priority for designation as an alternative environment.

Because shorelines suitable for urban commercial uses are a limited resource, emphasis should be given to development within already developed areas and particularly to water-dependent commercial uses requiring frontage on navigable waters.

Urban Residential. The objective of the Urban Residential Environment is to ensure optimum utilization of shorelines for residential development.

The Urban Residential Environment is an area of high intensity residential land use. Shorelines planned for future residential expansion should have few geographic limitations and not have a high priority for designation as an alternative environment

Variance. An adjustment in the application of this program's regulations to a particular site pursuant to Chapter 7.28, to grant relief from a specific bulk, dimensional or performance

standards set forth in the applicable Master Program and not a means to vary the use of a shoreline.

Vector. An organism that carries and transports disease (i.e., rat, fly).

Water Dependent Use. A use that cannot exist in other than a waterfront location and is dependent on the water by reason of the intrinsic nature of its operation. Examples include but are not limited to cargo terminal loading areas, barge loading, ship building, repair, servicing and dry docking, aquaculture and log booming.

Water Oriented Use. A use that provides the opportunity for a substantial number of the general public to enjoy the shoreline without causing significant adverse impacts upon other uses and shore features. Examples include but are not limited to restaurants, parks, recreation areas, marine or freshwater educational facilities, fresh seafood only retail sales. The use must be consistent with at least one of the following: (1) offer a view of waterfront activities; (2) make use of a unique characteristic of the site; and (3) support other proximate water dependent, water related or water oriented activities.

Water Related Use. A use that is not intrinsically dependent on a waterfront location but whose operation cannot occur economically and functionally without a shoreline location. Examples include but are not limited to warehousing of goods transported by water, seafood processing, oil refineries, paper and wood mills (if materials or products are water transported) and ships' parts and equipment fabrication.

Wetlands: Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, waste water treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands, if permitted by the County.

17.50.050 Project Classifications.

Development proposals that propose to locate along the shoreline are categorized within each shoreline designation as "permitted", "conditional uses", or "prohibited". This priority system determines the proposal's administrative requirements and encourages activities that are compatible with each shoreline designation.

During application review, the basic element or intent of a proposed development will guide in the determination of the proposal's particular use activity. When a proposal contains two or more use activities, including accessory uses, the most restrictive category will be applied to the entire proposal.

DEFINITIONS:

Permitted. Those uses that are preferable and meet the policies of the particular shoreline designation, but because of their dollar value require a Substantial Development Permit or any development that materially interferes with the normal public use of the water or shorelines of the state.

Conditional Use. A Conditional Use Permit is intended to allow for flexibility and the exercise of judgment in the application of regulations in a manner consistent with the policies of the Shoreline Management Act and the Master Program. While not prohibited, these uses are an exception to the general rule. Criteria used for judging conditional uses are outlined in Chapter 7.28 of the Shoreline Management Program.

Prohibited. Some developments and uses are viewed as inconsistent with the definition, policies or intent of the shoreline environmental designation. For the purposes of this program, these uses are not considered appropriate and are not allowed, including by Conditional Use or Variance.

PROJECT CLASSIFICATION TABLE

ENVIRONMENT DESIGNATION	URBAN	RURAL	CONSERVANCY	NATURAL
Agriculture	P	P	P	C
Commercial Feedlots	X	C	X	X
Aquaculture				
non-floating	P	P	P	C
floating	C	C	C	C
gravel enhancement projects > 1,000 c.y.	C	C	C	C
Forest Practices	P/X	P	P	C
Commercial				
Water dependent	P	C	C ²	X ¹
non-water dependent/ with waterfront	C	C	C ²	X
non-water dependent without waterfront	P	C	C ²	X
Marinas	C	C	C ¹	X ¹
Mining	C	C	C	X
Outdoor Advertising	P	P	P	X
Residential - single family	E	E	E	X
duplex	P	P	C	X
multi-family	C	C	X	X
nonconforming development	E/V	E/V	E/V	X
accessory living quarters	P	P	P	X
Ports				
water dependent	P	C	C	X ¹
non-water dependent	C	C	C	X
Bulkheads	P	P	P	X
Breakwaters, Jetties, Groins	C	C	C	X ¹
Shore Defense Works (flood protection and stabilization)	P	P	C	C
Diking	C	C	C	C

ENVIRONMENT DESIGNATION	URBAN	RURAL	CONSERVANCY	NATURAL
Landfill				
water dependent-upland	P	P	C	X
water dependent-beyond OHWM	C	C	X	X
non-water dependent-upland	C	C	C	X
non-water dependent-beyond OHWM	X	X	X	X
sanitary landfill/ solid waste disposal site	X	X	X	X
Dredging				
water dependent	P	P	C	X ¹
non-water dependent	C	C	C	X ¹
Transportation				
	P	P	C	C
Piers & Docks				
Marine rails/ boat ramps	P	P	C	X
mooring buoys		P	P	C X
Boat house on land	E	E	E	E
Boat house over water/ *Covered moorage	P	P	P	X
	C	C	X	X
Archaeological/ Historic Sites				
	P	P	P	C
Recreation				
campgrounds	C	C	C	C
parks	P	P	C	C

P=Permitted
C=Conditional Use
X=Prohibited
E=Substantial Development Permit Exempt

*Permitted only in marinas.

NOTE: This matrix is a guide only. The classifications can be found in the appropriate section.

¹Prohibited when upland is designed Conservancy, Natural or in biological wetlands

²See Conservancy definition

17.50.060 Use Regulations.

Agriculture

Definition

The cultivation of soil, production of crops or raising of livestock. Agricultural Practices include any activity whether for commercial or recreational use directly pertaining to production of food, fiber or livestock including but not limited to cultivation, harvest, grazing, animal waste storage and disposal, fertilization, suppression or prevention of diseases and insects. Excluded from this definition are transportation of products, related commercial or industrial uses such as wholesale and retail sales or final processing.

1. The use of tanks and troughs for animal watering is encouraged; allowing animals direct, unrestricted access to surface water is not permitted.
2. Surface water drainage and runoff shall be diverted away from animal confinement and waste storage sites.
3. Animal confinement areas shall be graded to slope away from surface water.
4. Gutters and downspouts shall be installed on roofs to prevent excess water from entering animal confinement areas. The roof water will be transported by County approved methods to appropriate streams.
5. Perennial wetlands shall not be used as animal containment sites.
6. Confinement areas shall be located away from perennial and intermittently flowing streams. A fenced buffer of permanent vegetation at least 100 feet in width shall be maintained between such areas and water bodies.
7. Waste storage sites with the exception of manure lagoons shall be covered and contained with impermeable material. Manure lagoons shall be set back 200 feet from all surface water and diked to withstand the 100-year base flood with three feet of overboard.
8. Tillage patterns which allow runoff directly into adjacent waters shall not be allowed. A buffer of permanent vegetation at least 25 feet in width shall be maintained between tilled areas and water bodies to retard surface runoff.
9. Commercial Feedlots where permitted within the shoreline jurisdiction shall require a Conditional Use Permit and shall be set back a minimum of 100 feet from ordinary high water mark.

Aquaculture

Definition

Aquaculture involves the culture and farming of food fish, shellfish, and other aquatic animals and plants in lakes, streams, inlets, bays and estuaries. Methods of aquaculture include, but are not limited to, fish pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. Excluded from this definition are related commercial or industrial uses such as wholesale and retail sales, or final process and freezing.

1. Shoreline developments adjacent to areas especially suitable for aquaculture shall practice strict pollution control procedures.
2. Proposed residential subdivisions and other developments which may impact aquaculture operations shall install storm drainage and water disposal facilities to prevent any adverse water quality impacts to such operations.
3. Site preparation in the vicinity of aquaculture operations shall not result in off-site erosion, siltation, or other reductions in water quality.
4. Aquacultural practices shall be located and conducted so as to provide reasonable navigational access to waterfront property owners and along the shoreline.
5. Aquaculture development shall not cause extensive erosion or accretion along adjacent shorelines.

6. Aquaculture structures and activities that are not shoreline dependent shall be located to minimize the detrimental impact to the shoreline.
7. Proposed aquaculture processing plants shall provide adequate buffers to screen operations from adjacent residential uses.
8. Aquaculture structures and fisheries enhancement activities shall, to the greatest extent feasible with regard to the economic viability of the operation and protection of the environment be located, designed and operated so that native plant and animal populations, their respective habitats and the local ecological balance are maintained. Disease and pest control may be authorized.
9. Floating aquaculture structures shall not unduly detract from the aesthetic qualities of the surrounding area.
10. Aquacultural structures shall be placed in such a manner, and be suitably marked, so as to minimize interference with navigation.
11. Aquaculture development shall be designed and constructed to harmonize as far as possible with the local shoreline environment and shall be maintained in a neat and orderly manner.
12. Proposed aquacultural developments shall make adequate provisions to control nuisance factors such as excessive noise and odor and excessive lighting.
13. Aquacultural discards shall be disposed of in a manner that will not degrade associated uplands, wetlands, shorelines, or water environments. Discards shall not be disposed of in a manner which results in offensive odors or increases the vector population.
14. Equipment, structures and materials shall not be abandoned in the shoreline or wetland area.
15. Special precautionary measures shall be taken to minimize the risk of oil or other toxic materials from entering the water or shoreline area. Precautionary measures are subject to approval by the County Environmental Health Specialist.
16. Landfills are prohibited waterward of the ordinary high water mark or on biological wetlands, except that they may be permitted for aquacultural practices and water dependent uses where no upland or structural alternative is possible.

Forest Management Practices

Definition

Any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing of timber including but not limited to: (1) road and trail construction; (2) harvesting; (3) pre-commercial thinning; (4) forestation; (5) fertilization; (6) prevention and suppression of disease and insects; (7) salvage of timber; (8) brush control; and (9) slash and debris disposal.

Excluded from this definition is preparatory work such as tree marking, surveying and removal of incidental vegetation such as berries, greenery, or other natural products whose removal cannot normally be expected to result in damage to shoreline natural features. Log storage away from forest lands is considered under Industry.

1. Cutting practices on shorelines of statewide significance shall be governed by the Act.
2. Herbicides, insecticides, or other forest chemical applications are to be used in accordance with the Washington Pesticide Application Act (RCW 17.21) and the Washington Pesticide Act (RCW 15.47).
3. Forest Management practices are not permitted in an Urban Industrial or Urban Commercial Environment.
4. **Urban Residential, Rural, and Conservancy Environments**
 - a. Notification of logging operations which do not require a Substantial Development permit shall be made by letter, telephone, DNR cutting permit, or other means acceptable to the Administrator.

- b. No logs shall be yarded through streams or rivers.
 - c. No slash or debris shall be intentionally allowed to enter the stream. Accidentally injected slash shall be removed.
 - d. All trees located within 50 feet of the stream or river shall be felled away from the water's edge.
 - e. No equipment shall be abandoned in the area of jurisdiction.
 - f. All slash shall be cleaned up or burned in areas where the buffer strip is not sufficient to trap the debris from reaching the stream in a heavy storm or wind.
 - g. The accumulation of slash and other debris in waterways covered by this Act is not permitted.
5. In addition to the above, the following shall apply in Rural and Conservancy Environments:
- a. Vegetation along the water's edge shall be left with minimum disturbance except for construction of bridges and large culverts.
 - b. Reforestation shall occur within 18 months after completion of harvesting unless land is intended for other use. Density of planting shall be 350 trees per acre of a commercial species.
6. In a Conservancy Environment, for streams of less than 15 feet in width, no more than 25 percent of the lineal stream frontage of any single ownership may be clear cut in any calendar year. No clear cut shall be longer than 1,500 stream feet.

Commercial Development

Definition

Uses and facilities that are involved in wholesale or retail trade or business activities. Water dependent commercial uses are those commercial activities that cannot exist in other than a waterfront location and are dependent on the water by reason of the intrinsic nature of its operation.

1. **Home Occupation**. A business conducted within a dwelling that is the residence of the principal practitioner. A Home Occupation may be reviewed as a residential use provided it complies with all applicable County Ordinances and no alteration is made to the exterior of the residence or site which would alter the character of the site as a residential property including parking and signs. Home Occupations which require more than \$2,500 in exterior development costs require a Substantial Development Permit.
2. **Cottage Industry**. Small scale commercial or industrial activities on residential properties performed in the residence or building accessory thereto. The principal practitioner must reside on the property. Cottage Industries are considered as residential use and minor commercial development and are Substantial Development under this Master Program, provided they do not alter the character of the site as a residential property and wholesale and retail trade are minimal. Cottage Industries must comply with all applicable County Ordinances and require a Conditional Use Permit.

1. The County shall utilize the following information in its review of commercial development proposals:

- nature of the activity;
- need for shore frontage;
- special considerations for enhancing the relationship of the activity to the shoreline;
- provisions for public visual or physical access to the shoreline;
- provisions to ensure that the development will not cause severe adverse environmental impacts;
- provisions to mitigate any significant noise impacts;
- provisions to mitigate light or glare impacts.

2. Commercial development may be permitted on the shoreline in the following descending order of priority: water dependent, water related and water oriented. Non-water related, non-

water dependent and non-water oriented developments in an urban and rural environment may be permitted by Substantial Development Permit when:

- The parcel of land to be developed is a minimum of 100 feet from OHWM and is located on the upland side of a public roadway, railroad right of way or government controlled property.
- 3. Parking and loading areas shall be located well away from the immediate waters' edge and beaches, unless there is no other practical location for parking. Perimeters of parking areas shall be landscaped to minimize visual impacts to the shorelines, roadways and adjacent properties subject to approval by Public Works and/or Department of Transportation. Permit application shall identify the size, general type and location of landscaping. Design of parking and loading areas shall ensure that surface runoff does not pollute adjacent waters or cause soil or beach erosion. Design shall provide for storm water retention. Parking plans shall be reviewed by Mason County Department of Public Works for compliance with all applicable County Ordinances. Creation of parking areas by landfilling beyond OHW mark or in biological wetlands is prohibited.
- 4. Those portions of a commercial development which are not water dependent are prohibited over the water.
- 5. Water supply and waste facilities shall comply with the strictest established guidelines, standards and regulations.
- 6. New commercial developments shall be located adjacent to existing commercial developments whenever possible.
- 7. New or expanded structures shall not extend more than 35 feet in height above average grade level.
- 8. Commercial developments adjacent to aquaculture operations shall practice strict pollution control procedures.
- 9. Commercial developments shall be located and designed to minimize noise impacts on adjacent properties.

COMMERCIAL DEVELOPMENT

	URBAN	RURAL	CONSERVANCY	NATURAL
Shore setbacks from the OHWM				
Primary Structures:				
Water Dependent	15'	50'	50'	X
Non-water Dependent	50'	75'	100'	X
* Water dependent commercial structures may be constructed over the water if this is a functional requirement. No variance from setback is required.				
Accessory Uses (including parking)	50'	100'	150'	X
* Water dependent commercial structures may be constructed over the water if this is a functional requirement. No variance from setback is required.				
Side Yard Setbacks ¹	5-25'	15-25'	20-30'	X
Site coverage by structures, roads, parking and primary uses	70%	50%	20%	X
Height Limit	35'	35'	35'	X

X = Prohibited Use

¹ Side yard setbacks will be increased depending upon the height of the building. Buildings shall have a setback of five feet plus five feet for every ten feet or fraction thereof in height over 15 feet.

Marinas

Definition

A commercial moorage with or without dry storage facility for over ten pleasure or commercial craft excluding canoes, kayaks and rowboats. Goods or services related to boating may be sold commercially. Uses associated with marinas shall conform to the regulations for these uses.

1. Marinas that provide overnight or long-term moorage shall not be located in areas with commercial aquacultural harvest.
2. Marinas shall be compatible with the general aesthetic quality of the shoreline area where they are located.
3. Marinas and their accessory facilities shall be located, designed, constructed and operated to minimize adverse effects on fish, shellfish, wildlife and other biological resources, water quality, and existing geo-hydraulic shoreline processes.
4. Marinas shall be located, designed, constructed and operated so as to not substantially or unnecessarily interfere with the rights of adjacent property owners, nor interfere with adjacent water uses.
5. Parking and loading areas shall be located well away from the immediate waters' edge and beaches, unless there is no other practical location for parking. Perimeters of parking areas shall be landscaped to minimize visual impacts to the shorelines, roadways and adjacent properties subject to approval by Public Works and/or Department of Transportation. Permit application shall identify the size, general type and location of landscaping. Design of parking and loading areas shall ensure that surface runoff does not pollute adjacent waters or cause soil or beach erosion. Design shall provide for storm water retention, shall comply with the Mason County Parking Ordinance, and shall be reviewed by Mason County Department of Public Works for compliance with all applicable County Ordinances. Creation of parking areas by landfilling beyond OHW mark or in biological wetlands is prohibited.
6. Provisions shall be made to facilitate the orderly circulation of vehicles and pedestrians in the vicinity of the marina.
7. Provisions shall be made to facilitate the orderly launching, retrieval and storage of boats.
8. New marinas, or expansion of existing saltwater marinas which provide moorage for more than ten boats, shall be required to be equipped with easily accessible vessel pump-out and shall provide on-shore sewage and waste disposal facilities. Each marina shall predominately display signs stating that sanitary discharge of wastes is prohibited. Deviation from pump-out requirements on saltwater shall require a Variance.
9. In sensitive areas, such as near certified shellfish spawning areas, the applicant shall be required to demonstrate that the maximum protection of shore features, water quality and existing uses will be provided.
10. Adequate illumination shall be required. Illumination shall be designed and constructed to minimize off-site light and glare.
11. Physical and/or visual public access opportunities shall be provided unless the proponent can demonstrate that such access is physically unfeasible.
12. Rest room facilities shall be provided for public use.
13. Associated uses shall be limited to those found necessary to marina operation or which provide visual or physical access to the shoreline to substantial numbers of the public. Associated uses shall conform to the regulations for those uses.
14. Marina facilities shall project waterward the minimum distance necessary to provide service to vessels, without creating a hazard to navigation.
15. Marina and launching facilities shall be located to minimize the need for initial and maintenance dredging, filling, beach feeding and other channel maintenance activities.
16. Expansion of existing marinas shall be required to meet the standards set forth for new development.

17. Covered moorage is only permitted in a marina. Covered moorage shall be designed and located in order to minimize adverse impacts caused by lighting and view blockage.

Mining

Definition

Mining means the extraction or removal of sand, gravel, minerals or other naturally occurring materials from the earth.

1. **Accessory Facilities.** Accessory facilities essential to mining operations may be permitted provided that they adhere to all applicable Master Program policies and use activity regulations. Piers, floats, docks and dolphins may be permitted accessories to mining uses according to the following conditions.

- a. **Length.** Pier, float, or dock accessories to mining uses should not exceed 200 feet in total length as measured from the ordinary high water mark to the furthest waterward extension of the pier. Loading or accessory facilities or structures, including but not limited to walkways, gangways, slips, troughs, and conveyors may extend beyond this length.
- b. **Width.** The width of the pier, float, or dock should not exceed a maximum of 30 feet.
- c. **Height** (1) The surface of the pier, float or dock should not exceed a maximum of 30 feet.

(2) Loading or accessory facilities or structures located on the dock should be no higher than 50 feet above mean higher high tide.

2. Mining activities shall not be allowed that will permanently impede, or retard the flow or the direction of flow of any stream or river. Surface runoff from the site carrying excessive sedimentation and siltation shall not be allowed to enter any shoreline waters.

3. Mining activities shall utilize visual and aural screening, buffers and berms around the operation to minimize aesthetic and noise impact.

4. Restoration of the site after completion of the mining activity shall be provided. Plans shall detail reclamation of all disturbed areas to a biologically productive and useful condition, and shall ensure compatibility between the project site and adjacent existing land, shoreline and water uses.

5. **Setbacks and Buffers.** Mining operations (including accessory facilities) in shoreline areas shall utilize screening and buffering to minimize visual and auditory impacts to the shoreline environment. The screening and buffering shall be at sufficient height and width to be effective and shall be in place before the mining activity begins.

6. **Erosion Control.** Mining operations shall employ measures to minimize surface runoff, erosion, and sediment generation from entering shoreline waters. All preventive techniques shall be maintained in good effective condition.

7. **Rivers and Streams.** Mining river bars is permitted provided that no operations shall be allowed which permanently impede or retard the flow of any river or stream.

8. **Marine Beaches and Lake Shores.** The mining of sand, gravel, cobbles, or rock from any marine beaches or lake shores below the ordinary high water mark shall not be permitted. Routine aquacultural uses and maintenance are not considered mining activities.

9. **Related Activities.** The reduction, treatment, batching, or processing of the mined materials for on-site manufacturing purposes shall adhere to the policies and regulations applicable to ports and water-related industry (Refer to Shoreline Master Plan, Chapter 7.16.100.).

10. **Water Quality.** Mining operations shall comply with all local, state, and federal water quality standards and pollution control laws.

11. **Standing Water.** Mining operations shall be conducted so as not to result in open pits or excavations being left which collect and hold stagnant, toxic, or noxious standing waters.

12. Interim Reclamation Measures. The amount of excavated area at any time shall be set by permit condition: PROVIDED that no more than ten acres shall lie disturbed, unused, or unreclaimed at any one time.
13. Reclamation. Mining in Washington is controlled by the Surface Mining Act of 1970 (RCW 78.44) and is administered by the State Department of Natural Resources. The provisions of this legislation shall be followed in all cases. To ensure the future use and visibility of shoreline areas after the completion of mining activities, the following provisions for land reclamations and utilization shall be adhered to:
- a. All reclamation shall be completed within two years after discontinuance of mining operation. A reclamation plan shall be submitted as part of any shoreline permit application.
 - b. All equipment, machinery, building, and structures shall be removed from the site upon discontinuance or abandonment of mining operations.
 - c. Backfill material used in site reclamation shall be natural materials. Combustible, flammable, noxious, toxic, or solid waste materials are not permitted as backfill or for on-site disposal, and shall be removed and disposed of away from the shoreline area.
 - d. The site shall be rehabilitated so as to prevent future erosion and sedimentation. Suitable drainage systems shall be installed and maintained if natural gradual drainage is not possible. Topography of the site shall be restored to contour compatible with the surrounding land and shoreline area.
 - e. All slopes and exposed areas shall be seeded or surfaced with soil to at least the depth necessary to support revegetation. Revegetation shall utilize compatible native, self-sustaining trees, shrubs, legumes, or grass and shall be planted so as to blend with the surrounding land and shoreline area.
 - f. No stagnant or standing water shall be allowed to collect and remain on the site except as a transient part of a sedimentation collection and removal system specified in the reclamation plan.
14. Permit Application. Applications for mining projects shall provide the following information for permit review:
- a. Description of the materials to be mined, quantity and quality by type, the total deposit, lateral extent and depth, depth of overburden and amount of materials to be mined.
 - b. Description of mining technique and list of equipment to be utilized.
 - c. Cross section plans which indicate present and proposed elevation and/or extraction levels and show the maximum mining depth.
 - d. Site plans which show existing drainage patterns and all proposed alterations of topography, proposed means of handling surface runoff, and preventive controls for erosion and sedimentation.
 - e. A mining plan showing scheduling (seasonal, phasing and daily operations); storage, usage and deposition of overburden, excavation material and tailings; location and dimensions of stockpiling areas; screening, buffers and fencing; locations of building, equipment, machinery, and structures.
 - f. A reclamation plan.
15. Mining Operations. All phases and activities of mining operations shall be carried out in a manner so that the operator shall not significantly affect adjacent shoreline areas.
16. Public Access. Some form of public access to the shoreline for private non-commercial recreational purposes shall be afforded in a manner compatible with mining and accessory facilities and uses. Such public access may be restricted and shall be consistent with the protection of the health, safety, and welfare of the public.
17. Subject to the performance standards, mining is a Conditional Use in Urban, Rural and Conservancy environments.
18. Mining is a prohibited use in a Natural environment.

Outdoor Advertising, Signs And Billboards

1. **In an Urban (Industrial, Commercial and Residential) or Rural Environment**
 - a. Outdoor advertising, signs and billboards shall be on premise.
 - b. Sign supports shall be durable. Sign design and support shall be compatible with the environment. Flashing lights shall be prohibited. Lighted signs shall be permitted for public services remaining open after sundown. Such lighting shall be hooded or shaded so that direct light of lamps will not result in glare when viewed from the surrounding property or rights-of-way.
 - c. Temporary or obsolete outdoor advertising, signs and billboards shall be removed within ten days of elections, closures of business or termination of any other intended function.
2. **Conservancy Environment**
 - a. Outdoor advertising and signs shall be on premise. Billboards are prohibited. Highway signs giving directions to scenic routes, trails, picnic areas, boat launching sites, scenic sites and unique points of interest shall also be permitted.
 - b. Signs and outdoor advertising shall not exceed 15 square feet in size and shall not project more than six feet above road level. Sign design and support shall be compatible with the environment. Illuminated signs shall not be permitted unless warranted by safety factors. Flashing signs are prohibited.
 - c. Temporary or obsolete outdoor advertising, signs and billboards shall be removed within ten days of elections, closures of business or termination of any other intended function.
3. **Natural Environment.**
 - a. Only temporary, on premise, advertising signs are permitted. Billboards are prohibited.
 - b. Directional signs to viewpoints or for trails and signs describing unique points of interest shall be permitted.
 - c. Permitted signs shall not exceed four square feet in size and shall not project more than six feet above road level. Sign design and support shall be compatible with the environment. Lighted signs are prohibited unless warranted by safety factors.
 - d. Where feasible, permitted signs shall be located on the upland side of transportation routes parallel or adjacent to shoreline and water areas. Placement of signs shall not degrade or obstruct view areas.
 - e. Temporary or obsolete outdoor advertising, signs and billboards shall be removed within ten days of elections, closures of business or termination of any other intended function.

Residential Development

Definition

The development of land or construction or placement of dwelling units for the purpose of residential occupancy. This section shall apply to all single family and multi-family dwellings, and any other accessory structure, including decks, garages and fences.

Although a Substantial Development Permit is not required for construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or the use of his family, such construction and all normal appurtenant structures must otherwise conform to this Master Program. Construction greater than 35 feet high requires a Substantial Development Permit.

1. Residential development over the water is prohibited.
2. "Submerged lands" (biological wetlands and those lands waterward of the ordinary high water) within the boundaries of any waterfront parcel shall not be used to compute required lot

area, lot dimensions and required yards. Portions of land lying within marshes, bogs and swamps may be included as open space.

3. Subdivision proposals shall identify areas of natural vegetation, storm water retention and erosion control measures.

4. Landfill for residential development which results in the creation of new dry land waterward of OHWM or in biological wetlands is prohibited. Fill necessary for a normal erosion control bulkhead is exempt. Land fill in biological wetlands (excluding bogs, marshes, swamps, marine and estuarine shore) may be permitted. Such filling may be considered as a Conditional Use PROVIDED the applicant can demonstrate the following: (1) Extraordinary or unique circumstances relating to the property exist which require the proposed shoreline location; and (2) No viable alternative using a different method or structural solution exists.

5. Landfilling in flood hazard areas other than a floodway is allowed only for flood protection of a structure(s).

6. Storm drainage facilities shall be separate from sewage disposal transport facilities and include provisions to prevent uncontrolled and untreated direct entry of surface water runoff into receiving waters. Storm drainage facilities shall include, but not be restricted to vegetated swales, retention ponds and artificial and natural wetlands PROVIDED no adverse impacts to the receiving wetlands would occur and shall be subject to Mason County approval.

7. Subdivision developments and planned unit developments shall provide areas sufficient to ensure usable access to and along the shoreline area for all residents of the development except where the shoreline topography does not permit the same.

8. In order to preserve aesthetic characteristics, no fence or wall shall be erected, placed or altered nearer to the water than the building setback line, unless it is under 30 inches in height.

9. Each shoreline environment has a setback requirement for structures from the ordinary high water mark. (See chart at end of this section.) Uncovered porches, decks or steps may project into the required setback area, provided such structures are no higher than 30 inches above average grade excluding railings required for reasons of public safety. The setback in each environment may be increased or decreased by the Administrator in the following ways:

a) Increased Setback Requirements. The setbacks may be increased if the building area or setback area has a slope greater than 40 percent, severe instability, or the average setback of the two adjacent residences is greater than the setback requirement for that environment. In such cases, the setback shall be determined by drawing an imaginary line between the roof lines of adjacent residences; PROVIDED the minimum distance required by reason of slope or instability shall be required. If there is no residence on an adjacent lot, the next lot with a residence will be considered, up to 150 feet away. If there is no adjacent residence within 150 feet, the minimum default setback shall be assumed on that side of the proposed residence. In the Urban Environment, a residence setback over 120 feet from the line of ordinary high water will not be considered in determining the setback and the default setback will be used at 15 feet.

In cases of a pronounced curved shoreline or point, the setback shall be established by determining proportionate setback distances from the OHWM of adjacent residences.

Setback for any structure greater than 30 inches above average grade shall be behind this common line (see figure).

b. Decreased Setback Requirements. The setback may be relaxed PROVIDED that at least one existing residence adjacent (within 50 feet) to the proposed structure infringes on the setback. In such cases, the setback shall be determined in the same manner described under "Increased Setback Requirement" where applicable. This shall not be construed to allow residential development over water or to allow a reduction of the default setback in cases of pronounced cove or indented shoreline. Setback relaxation is subject to approval by the Shoreline Administrator (see illustration).

Further deviation from setback requirements shall require a Variance.

10. Clustering of residential dwellings in all environments except Natural is allowed. The number of clustered lots or residential units in the shoreline area shall not exceed the number of units

which results from multiplying the total acres (minus submerged lands) in the shoreline area by the density allowed in the specific environment.

11. Proposed residential developments adjacent to a water body supporting aquaculture operations shall install drainage and storm water treatment measures facilities to prevent any adverse impact to aquaculture operations. Such measures shall include but not be restricted to vegetated swales, retention ponds and use of artificial or natural wetlands PROVIDED no adverse impacts to the receiving wetlands would occur. Measures utilized shall be subject to Mason County approval.

12. Multi-family residences are permitted in the Urban environment, subject to a maximum projected output of 1,570 gallons of sewage per acre per day.

13. If marshes, bogs, swamps or other fragile features are located on a development site, clustering of residential units shall be required in order to avoid any development in such areas.

14. Storm drainage facilities shall be required by the County for residential development projects excluding a single family residence. Facilities shall include but not be restricted to vegetated swales, retention ponds and use of artificial or natural wetlands PROVIDED no adverse impacts to the receiving wetlands would occur and are subject to Mason County approval.

15. Lots created prior to the adoption of this ordinance which do not meet the minimum lot size may be used for a single family residence when all of the following criteria can be met:

(a) A permit for an on-site disposal system which meets all current codes for setbacks and sizing, has been granted by the Environmental Health Section.

(b) All side yard and shore yard setbacks can be met.

Exceptions from these criteria would require a Variance Permit.

16. Only one dock or pier is permitted in a new subdivision, planned unit development, or short plat, when lot frontages on the shoreline do not exceed an average of 150 feet. Prior to plat approval, a usable area with access shall be set aside for the pier or dock, unless no suitable area exists.

17. Construction of new dwellings shall be required to comply with current sewage system setback and design standards as per WAC 248-96.

18. Expansion of existing dwellings shall require strict compliance with current sewage system setback and design standards as per WAC 248-96.

19. Normal maintenance and repair of non-conforming structures shall be allowed, provided no material expansion is involved.

20. Residential development is prohibited within a floodway.

21. Residential developers and individuals shall be required to control erosion during construction. Removal of vegetation should be minimized and any areas disturbed should be restored to prevent erosion and other environmental impacts.

22. Waste materials from construction shall not be left on or adjacent to shorelines.

23. Kokanee area only – No building on slopes greater than 20 % will be allowed. (See page 57)

Accessory Living Quarters

Definition

Separate living quarters, attached or detached from the primary residence which contain less habitable area than the primary residence.

Accessory living quarters may be allowed subject to meeting the following criteria:

1. Only one accessory living quarter per lot. In an Urban environment, a lot must be 1-1/2 the size required for a single family residence which totals 18,750 square feet.
2. Strict compliance with current sewage setback and design standards as per WAC 248-76-090.
3. Minimal impact on surrounding properties from view blockage, traffic, parking and drainage.
4. Compliance with setback criteria set forth in the Table on Page 35.
5. Accessory living quarters shall require a Substantial Development and shall not exceed 1,000 square feet.

REGULATION	RESIDENTIAL DEVELOPMENT			NATURAL
	URBAN	RURAL	CONSERVANCY	
1. Shore setbacks, in feet (From OHWM or front of bulkhead. Side yard setbacks shall apply to sides.)				
a. Single family, duplex	15	25	50	X
b. Multi-family structures less than 35' high	30	50	NA	X
c. Multi-family structures over 35' high	50	100	NA	X
2. Side yard setbacks (in feet)				
a. Single family, duplex	5	10	25	X
b. Multi-family structures less than 35' high	20	20	X	X
c. Multi-family structures more than 35' high	30	30	X	X
3. Height limits in feet				
a. 0-49 feet from OHWM	35	30	25	X
b. 50-100 feet from OHWM	45	40	30	X
4. Site coverage - for:*				
a. Single family, duplex	60%	50%	15%	X
b. Multi-family structures	40%	40%	15%	X
<i>*Site coverage shall include all impermeable surfaces.</i>				
5. Minimum lot size	12,500 SF	20,000 SF	5 acres**	X
(per residential unit)				
Primary residence and accessory structure (one per lot maximum)	18,750 SF	20,000 SF	5 acres**	X
Duplex 1,570***	785***	5 acres	X	
Multi-family	1,570***	785***	N/A	N/A
<i>** One residential unit is allowed per 200 lineal feet in the shoreline jurisdiction area.</i>				
<i>*** Maximum gallons of sewage per acre</i>				
6. Minimum lot width	50'	100'	200'	
measures at OHWM and at building setback				

X = Prohibited

Utilities

1. Discharges from sewage treatment plants shall not be allowed into Totten Inlet regardless of the environmental designation.
2. Any excavation for a utility line must be restored to pre-project configuration, replanted with native species and provided with maintenance care until the newly planted area is established.

Ports And Water-Related Industry

Definition

Ports are centers for water-borne traffic and as such have become gravitational points for industrial/manufacturing firms. Heavy industry may not specifically require a waterfront location, but is attracted to port areas because of the variety of transportation available.

1. Industry shall be responsible for any water pollution it creates.
2. Ports and water-related industries are prohibited in all environments except the Urban Industrial Environment.

Shoreline Modification Activities: Bulkheads

Definition

Bulkheads are retaining wall-like structures whose primary purpose is to hold or prevent sliding of soil caused by erosion and wave action and to protect uplands and fills from erosion and wave action.

Exemptions

The Shoreline Management Act exempts the construction of a normal protective bulkhead common to single-family residences from the Substantial Development Permit requirement. "Normal protective bulkhead" is constructed at or near the ordinary high water mark to protect a single-family residence or lot upon which a single-family residence is being constructed and is for protecting land from erosion, not for the purpose of creating land. "However, these structures are required to comply with all the provisions of the Master Program and development standards of this section." A Conditional Use Permit or Variance may be required.

1. Bulkheads shall be permitted only where they provide protection to upland areas or facilities, not for the indirect purpose of creating land by filling behind the bulkhead. Nothing in this section shall be construed to prohibit construction of a normal protective bulkhead or maintenance of an existing bulkhead, where there is a demonstrated need, to protect a fill which occurred prior to the Shoreline Management Act, and is the site of a single-family residence or other improvements which are currently in use.
2. Bulkheads may be allowed to re-establish a shoreline boundary that has eroded away within the past two years. The burden of proof shall be on the applicant. Re-establishment of all other historical shoreline boundaries is prohibited when it does not meet the criteria of this chapter.
3. Bulkheads on lake shores subject to erosion shall be located within one foot of the toe of the bank, or the line of ordinary high water mark whichever is furthest landward and shall generally parallel the natural shoreline.
4. Bulkheads on saltwater shores subject to erosion shall be located only as far seaward as is necessary to excavate for footings and shall in no case be located more than six feet beyond OHWM. Any distance further than this shall be considered landfill and shall be evaluated as such. Except if such fill can be demonstrated to meet regulation Number 2 above and meet the other provisions of this section.

5. Bulkheads shall be sited and designed consistent with appropriate engineering principles. Professional geologic site studies or design may be required for any proposed bulkhead for which a building permit is required if the Administrator determines sufficient uncertainties exist. Grounds for such determination shall be inadequate information on local physical features or potential damage to other shoreline properties and features.
6. The use of solid waste, junk, abandoned automobiles or asphalt or building demolition debris is prohibited in the construction or maintenance of bulkheads.
7. Beach materials shall not be used for fill material behind bulkheads.
8. When an existing bulkhead is being repaired, construction shall occur no further waterward of the existing bulkhead than is necessary for construction of the new footing. Replacement of a failed bulkhead shall be permitted in the same location as the original bulkhead, if such replacement is commenced within five years of failure. The burden of proof of location of the original bulkhead shall be on the applicant.
9. Stairways shall be located landward of bulkheads except where proven infeasible (see Section 7.16.200 of the Shoreline Management Program).

Shoreline Modification Activities: Breakwaters, Jetties And Groins

Definitions

Breakwaters. Protective structures usually built off shore to protect harbor areas, moorage, navigation, beaches and bluffs from wave action. Breakwaters may be fixed, open pile, or floating.

Jetties. Structures generally built singly or in pairs perpendicular to the shore at harbor entrances or river mouths to prevent the shoaling or accretion of littoral drift. Jetties also protect channels and inlets from storm waves and cross currents.

Groins. A barrier type of structure extending from the beach or bank into a water body for the purpose of the protection of shoreline and adjacent uplands by influencing the movement of water or deposition of materials. Generally narrow and of varying lengths, groins may be built in a series along the shore.

1. The County shall require and utilize the following information during its review of proposals for breakwaters, jetties and groins (all drawings shall be drawn to scale):
 - a. Purpose of the structure;
 - b. Construction of project relative to toe and crest of uplands;
 - c. Adjacent land contours and high water elevations including but not limited to the following: Extreme High Tide, OHWM, MLLW and tidal elevation at the end point.
 - d. Seasonal direction and speed of prevailing winds; with wind rose and duration graphs.
 - e. Net direction of littoral drift, tidal currents.

The following additional information is required for groins:

- f. Profile of uplands;
 - g. Beach type, slope and materials;
 - h. Uplands type, slope and materials;
 - i. Soil type;
 - j. Physical or geological stability of uplands and;
 - k. Predicted impact on area shore processes, adjacent properties and upland stability.
2. Breakwaters shall only be permitted for navigational purposes, aquacultural activities, industrial activities and marinas as an integral component of a harbor, marina or port, where water dependent uses are located waterward of the existing shoreline and where protection from strong wave action is essential.
 3. Jetties and marine groins shall only be permitted for navigational purposes, industrial activity, marinas and public beach management as integral components of an overall development plan.

4. Breakwaters, jetties and groins shall be located and designed so as to minimize impacts on fish and wildlife resources and habitat.
5. Groins on rivers, streams and lakes may be considered as a Conditional Use provided the applicant can demonstrate the appropriateness of the designed structure for the site and that alternative shore protection measures would prove more detrimental to the geohydraulics and natural resources within the water body.

Landfill

Definition

The creation of or addition to a dry upland area by depositing materials. Depositing topsoil for normal landscaping purposes is not considered a landfill.

1. Landfills are prohibited waterward of the ordinary high water mark or on biological wetlands, except that they may be permitted as a Conditional Use for aquacultural practices and water dependent uses where no upland or structural alternative is possible. Fill necessary for erosion control bulkheads shall not be considered under landfill. Landfill in biological wetlands (excluding bogs, marshes, swamps, marine and estuarine shore) for non-water dependent uses may be permitted. Such fill may be considered as a Conditional Use PROVIDED the applicant can demonstrate the following: (1) Extraordinary or unique circumstances relating to the property exist which require the proposed shoreline location; (2) No viable alternative using a different method or structural solution exists.
2. Landfills are not permitted on estuaries, tidelands, marshes, ponds or swamps, except that they may be allowed for water dependent uses as a Conditional Use.
3. Landfills are not permitted in floodplains unless it can be clearly demonstrated that the geohydraulic and floodplain storage capacity will not be altered to increase flood hazard or other damage to life or property.
4. Landfills shall not disrupt normal surface water drainage.
5. Permitted fills shall be appropriately sloped and planted with vegetation to prevent erosion.
6. Applications for landfill projects shall include the following information (at a minimum):
 - a. Character and source of fill material;
 - b. Method of placement and compaction;
 - c. Type of surfacing proposed, if any;
 - d. Method of perimeter erosion control;
 - e. Proposed use of fill area;
 - f. Location of fill relative to natural or existing drainage patterns.
 - g. Proposed revegetation and/or landscaping.
7. Perimeters of fills shall be provided with vegetation, retaining walls, or other mechanisms for erosion prevention. Any fill on or adjacent to a tideland or shoreline shall be designed to prevent erosion.
8. Fill materials shall be of such quality that they will not cause degradation of water quality.
9. Sanitary landfills and solid waste disposal sites are prohibited uses within the shoreline jurisdiction.

Dredging

Definition

The removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies, ditches or natural wetlands: maintenance dredging and other supportive activities are included in this definition.

1. Urban Industrial and Urban Water Environments. Dredging shall be permitted:
 - a. If it is necessary to deepen or widen navigation channels.

- b. If it is necessary to deepen or widen commercial moorage.
 - c. If it is necessary to create settling lagoons.
 - d. If it is necessary in conjunction with flood control measures.
 - e. If it is necessary in creating solid foundations for placement of concrete, riprap, and other building materials.
 - f. If it is necessary in containing peat and peat moss.
 - g. If it is necessary to facilitate channel clearance and improvement.
 - h. If it is necessary to remove roots, logs, brush, grasses, and other material to create access from the shore to navigable water.
 - i. If it is necessary to remove siltation and other debris from lagoons, ponds and other areas used by industry.
 - j. If it is necessary when industrial expansion requires landfill over present lagoons or ponds and they must be relocated.
 - k. If it is necessary to facilitate movement of floating materials.
2. Urban Residential and Urban Commercial Environments. Dredging shall be permitted:
- a. If it is necessary to deepen or widen navigation channels.
 - b. If it is necessary to deepen or widen commercial moorage.
 - c. If it is necessary to create settling lagoons.
 - d. If it is necessary in conjunction with flood control measures.
 - e. If it is necessary in creating solid foundations for placement of concrete, riprap, and other building materials.
 - f. If it is necessary in containing peat and peat moss.
 - g. If it is necessary to facilitate channel clearance and improvement.
 - h. If it is necessary to remove roots, logs, brush, grasses, and other material to create access from the shore to navigable water.
 - i. If it is necessary in certain shellfish farming, harvesting, and protection operations.
3. Rural and Conservancy Environments. Dredging shall be permitted:
- a. If it is necessary to deepen or widen navigation channels.
 - b. If it is necessary to deepen or widen commercial moorage.
 - c. If it is necessary to create settling lagoons.
 - d. If it is necessary in conjunction with flood control measures.
 - e. If it is necessary in creating solid foundations for placement of concrete, riprap, and other building materials.
 - f. If it is necessary in containing peat and peat moss.
 - g. If it is necessary to facilitate channel clearance and improvement.
 - h. If it is necessary to remove roots, logs, brush, grasses, and other material to create access from the shore to navigable water.
 - i. If it is necessary to facilitate movement of floating materials.
 - j. If it is necessary in certain shellfish farming, harvesting, and protection operations.
 - k. If it is necessary to create or maintain drainage channels in lowland areas for agricultural purposes.
4. Natural Environment. Dredging shall be permitted: If it is necessary in conjunction with flood control measures.
5. For all Environments. Dredging restrictions are as follows:
- a. Dredging operations shall not cause damage to adjacent shorelines or marine developments.
 - b. Dredging operations shall be self-monitored to control to a feasible minimum any leaks or spillage of dredged materials from pipes, machinery, dikes, or bulkheads.
 - c. Dredging machinery or vessels shall use reasonable precautionary measures to prevent petroleum from entering the water.
 - d. Dredged material, if deposited within shoreline boundaries, shall be contained by bulkheading, diking, or other acceptable methods, to prevent undesirable erosion or shifting after operations and related monitoring are needed.

e. Dredged material, when not deposited on land, shall be placed in spoils deposit sites in water areas to be identified by the County. Depositing of dredge material in water areas shall be allowed only for habitat improvement, to correct problems of material distribution affecting adversely fish and shellfish resources or where the alternatives of depositing material on land are more detrimental to shoreline resources than depositing in water areas.

Flood Protection And Shoreline Stabilization

1. The County shall require and utilize the following information during its review of shoreline stabilization and flood protection procedures:
 - River channel hydraulics and floodway characteristics up and downstream from the project area;
 - Existing shoreline stabilization and flood protection works within the area;
 - Physical, geological and soil characteristics of the area; and
 - Predicted impact upon area shore and hydraulic processes, adjacent properties and shoreline and water uses.
2. Conditions of Hydraulic Project Approval, issued by Washington State Department of Fisheries, may be incorporated into permits issued for flood protection and shoreline stabilization.
3. The County shall require professional design of shoreline stabilization and flood protection works where such projects may cause interference with normal river geohydraulic processes, leading to erosion of other upstream and downstream shoreline properties, or adverse effects to shoreline resources and uses.
4. Groins on rivers, streams and lakes may be considered as a Conditional Use PROVIDED the applicant can demonstrate the appropriateness of the designed structure and that alternative shore protection measures would prove more detrimental to the geohydraulics and natural resource within the water body.
5. Diking may be permitted as a Conditional Use PROVIDED:
 - a. Diking is set back to the edge of the floodway;
 - b. Timing and construction shall be coordinated with WDF and WDW;
 - c. Diking shall be designed and constructed to meet Soil Conservation Service technical manual standards and shall, at a minimum include (1) layered compaction, (2) removal of debris (i.e., tree stumps, tires, etc.), and (3) revegetation and maintenance until ground cover is established.
6. Flood protection measures shall be planned and constructed based on a state approved flood control management plan, when available, and in accordance with the National Flood Insurance Program.

Transportation Facilities

1. Application for roads and railroads must adequately address the following:
 - Need must be shown for a shoreline location and that no reasonable upland alternative exists.
 - The construction is designed to protect the adjacent shoreline against erosion, uncontrolled or polluting drainage and other factors detrimental to the environment both during and after construction.
 - That the project will be planned to fit the existing topography as much as possible, thus minimizing alterations to the natural environment.
 - That all debris, overburden and other waste materials from construction will be disposed of in such a way as to prevent their entry by erosion from drainage into any water body.
2. Bridge construction shall conform to the following:

- Excavation for and placement of the sills or abutments and outside placement of stringers or girders shall be accomplished from above the ordinary high water mark, as a Conditional Use.
 - Bridge approach fills shall not encroach in the floodway of any stream or river.
 - All bridges shall be high enough (minimum of three feet above 100-year flood elevation) to pass all expected debris and anticipated high water flows from a 100-year flood.
3. Foot or vehicular bridges crossing rivers or streams for the private use of individual land owners shall be evaluated for need and design. They shall meet the same standards for water quality protection and erosion control as all other bridges.
 4. Private road construction and maintenance shall conform to the following standards:
 - Road subgrade widths shall be the minimum commensurate with the intended use, generally not more than 20 feet for single lane roads.
 - Roads shall follow natural contours where possible. Natural benches, ridge tops and flat slopes are preferred locations.
 - Erodible cuts and filled slopes shall be protected by planting or seeding with appropriate ground cover or by matting immediately following construction.
 5. Requirements for culvert installation in streams used by anadromous fish are defined by the Washington State Department of Fisheries and culvert installation may require a hydraulic permit.
 6. Excess construction materials shall be removed from the shoreline area.
 7. Filling of bottom lands, tidelands, and biological wetlands for road or railroad rights-of-way shall be prohibited. Such filling may be considered a Conditional Use PROVIDED the applicant can demonstrate all of the following:
 - a. Extraordinary or unique circumstances relating to the property exist which require the proposed shoreline location.
 - b. No viable alternative using a different method or structural solution exists.
 8. All excavation materials and soils exposed to erosion by all phases of road, bridge and culvert work shall be stabilized and protected by seeding, mulching or other effective means, both during and after construction.
 9. Where permitted to parallel shorelines, roads or railroads shall be set back a sufficient distance from the ordinary high water mark to leave a usable shoreline area for shoreline recreation or access.
 10. Storm water runoff shall be controlled to reduce suspended solids and other pollutants before entering any surface water body.

Piers and Docks

Definition

A structure built over or floating upon the water, used as a landing place for marine transport or for commercial or recreational purposes. Structures regulated by this section include piers and docks, floats, stairways, marine railways, mooring buoys and boat ramps.

1. The location and design of docks and piers, as well as the subsequent use, shall minimize adverse effects on fish, shellfish, wildlife and water quality.
2. Docks and piers shall be located, designed and operated to not significantly impact or unnecessarily interfere with the rights of adjacent property owners, or adjacent water uses. Structures shall be located a minimum of five feet from side property lines. Community use or joint use facilities may be located on the property line.
3. If the location of side property lines on a cove cannot be officially established without a survey, the Administrator may require a survey by a registered land surveyor before a permit is issued.
4. No pier, dock, or float or similar device shall have a residential structure constructed upon it.

5. Prior to final project approval of a residential subdivision or short plat, a usable area shall be set aside for a community pier or dock, unless no suitable area exists. Only one pier or dock is permitted in a new residential subdivision or short plat where each lot frontage does not exceed 150 feet on the shoreline.
6. There is no maximum length, width or height for commercial or industrial piers and docks. The proponent must show the size of the proposal is the minimum necessary to allow the intended use. Mining associated piers and docks are regulated under Section 7.16.060 of this Master Program.
7. Maximum overall length of a recreational pier or dock facility including float shall be only so long as to obtain a depth of three feet of water as measured at mean lower low water on salt water or a depth of five feet as measured from ordinary low water on lakes. The length of any pier or dock facility shall not exceed the lesser of 15 percent of the fetch or 100 feet from OHWM on salt water and 50 feet on fresh water shorelines. Joint or community use facilities may be an additional 15 feet in length, and shall not exceed a depth of minus five (-5) feet. When sufficient depth to serve a vessel is not found at these lengths, a recreational float, with one boat slip, may be located at a depth sufficient to serve the vessel, but not exceeding minus eight (-8) feet as measured from mean lower low water, on marine shores, and ordinary low water on lake shores.
8. Only one dock is allowed per lot.
9. The width of recreational piers and docks shall not exceed eight feet.
10. At the end of a dock or pier, a float may be attached. These floats may either be parallel to the dock or pier, or form a "T" or "L". In tidal water, the float shall not exceed 400 gross square feet without a boat slip (700 square feet for two joint use owners), or 600 gross square feet with a boat slip (1,000 square feet for two joint use owners). In fresh water, the float area shall not exceed 250 square feet without a boat slip (400 square feet for two joint use owners), or 400 square feet with a boat slip (700 square feet for two joint use owners). Joint or community use facilities shall be allowed the above float areas for the first two lot owners plus an additional 20 percent size increase on the base float area per each lot owner up to a maximum of nine lot owners (see chart).
11. On lakes throughout the County a float may be attached in either an "L" or "T" formation. When the "L" or "T" shaped design is used, on lakes, the portion parallel to the shoreline shall not exceed 16 feet in width.
12. Unattached recreation floats shall not exceed 400 gross square feet in tidal water, or 250 square feet in fresh water. There shall be no more than one per residence. Unattached recreational floats shall be chain anchored.
13. Recreational piers shall be no higher than 11 feet above mean higher high water. Piers and docks shall have at least an eight-foot span between pilings.
14. The surface of floating structures shall be a minimum of eight inches above the surface of the water.
15. All floating structures shall include intermittent supports to keep structures off the tidelands at low tide.
16. All facilities shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe docks and piers shall be removed or repaired promptly by the owner. Where any such structure constitutes a hazard to the public, the County may, following notice to the owner, abate the structure if the owner fails to do so within a reasonable time, and may impose a lien on the related shoreline property in an amount equal to the cost of the abatement.
17. Recreational Mooring Buoys are exempt from the Substantial Development Permit process.
18. There is no maximum length or width for commercial industrial or community use marine railways or boat ramps, however, the proponent must show the size proposed is the minimum necessary to allow the use proposed.

19. Marine railways and concrete boat ramps may be permitted. Ramps shall be placed at beach grade, and not elevated on fill.
20. Design standards for boat ramps and marine railways are as follows:
- Ramps and railways shall not exceed 12 feet in width.
 - Ramps and railways shall not exceed 50 feet in length, as measured from the line of ordinary high water. Marine railways shall not extend beyond MLLW (0.0).
 - Ramps and railways shall not exceed 18 inches in height at the line of ordinary high water, or the toe of the bulkhead.
21. Stairways less than \$2,500 in value located landward of mean higher high water and less than ten feet waterward of the toe of the bank do not require a Substantial Development Permit. Stairways exceeding \$2,500 in value located landward of mean higher high water and less than ten feet waterward of the toe of the bank require a Substantial Development Permit. Stairways located waterward of mean higher high water, exceeding \$2,500 in value shall require a Conditional Use Permit. Stairways shall not be located more than ten feet waterward of the toe of the bank. Stairways located waterward of mean higher high water but less than \$2,500 in value shall require a Conditional use Permit.
22. Stairways shall be located landward of bulkheads except where proven infeasible.
23. Covered moorage and over the water boat houses are prohibited except in marinas. Boat houses on land shall be subject to a maximum size of 600 square feet and shall meet all setback requirements and require a Substantial Development Permit.

	<u>TIDAL WATER WITH BOAT SLIP</u>	<u>TIDAL WATER WITHOUT BOAT SLIP</u>	<u>FRESH WATER WITH BOAT SLIP</u>	<u>FRESH WATER WITHOUT BOAT SLIP</u>
Single Owner	600	400	400	250
Joint Use (2 owners)	1,000	700	700	400
Community Use or Joint Use*				
3 owners	1,120	780	780	450
4 "	1,240	860	860	500
5 "	1,360	940	940	550
6 "	1,480	1,020	1,020	600
7 "	1,600	1,100	1,100	650
8 "	1,720	1,180	1,180	700
9 "	1,840	1,260	1,260	750

*Maximum bonus allowed

Mean High Tide (MHT) for the following locations:

Union - Hood Canal	10.80 feet
Allyn - Case Inlet	13.21 feet
Arcadia - Pickering Passage	13.40 feet
Shelton - Oakland Bay	13.20 feet
Vaughn - Case Inlet	13.20 feet
Walker's Landing - Pickering Passage	13.30 feet

Mean Higher High Tide (MHHT) for the following locations:

Union - Hood Canal	11.80 feet
Allyn - Case Inlet	14.13 feet
Arcadia - Pickering Passage	14.40 feet
Shelton - Oakland Bay	14.20 feet
Vaughn - Case Inlet	14.10 feet
Walker's Landing - Pickering Passage	14.30 feet

Archaeological Areas and Historic Sites

According to anthropological data, human habitation of the shoreline areas of Mason County spans hundreds, most likely thousands, of years. Due to climate, vegetation and the effects of population changes, visible evidence of such habitation is primarily that of the last 50 years. Frequently, sites are discovered during construction of buildings, transportation routes (including trails), bridges, ditching, drilling and the like. Because of their rarity and the education link they provide to our past, these locations should be preserved. Because of their delicate nature, the utmost care and caution must be used in any development of these areas. Thus, these guidelines should be closely adhered to in all areas, whether Urban, Rural, Conservancy or Natural.

1. Excavation of archaeological sites shall be directed by archaeologists approved by the Society for American Archaeology and/or a University Department of Anthropology.
2. Cooperation and permission of groups or individuals concerned with the site, such as tribal governments and private property owners, shall be obtained before excavation begins.
3. Excavated sites shall be restored upon completion of research. Information signs may be placed on the sites. If possible, educational display units shall be constructed on the sites.
4. Copies of archaeological and anthropological reports on excavations shall be made available to county libraries and concerned groups or individuals
5. These rules apply in each division, i.e., Urban, Rural, Conservancy, and Natural.

Recreational Development

Definition

Recreational development includes facilities such as campgrounds, recreational vehicle parks, day use-parks, etc.

This section applies to both publicly and privately owned shoreline facilities intended for use by the public or private club, individual group or association.

Uses and activities associated with recreational development which are identified as separate use activities in this program, such as boating facilities, piers and docks, residential and commercial development are subject to the regulations established for those uses in addition to the standards established in this section.

1. All proposed recreational developments shall be analyzed for their potential effect on environmental quality and natural resources.
2. Recreational developments shall comply at all times with the updated local and State Health regulations and such compliance made a condition of the permit.
3. Priority shall be given to developments which provide recreational uses and which facilitate public access to shorelines.
4. Parking areas shall be located inland, away from the immediate edge of the water and recreational beaches, unless there is no area available. Provisions shall be made for adequate vehicular parking and safe pedestrian crossings. Design of parking areas shall ensure that surface runoff does not pollute adjacent waters. Design shall provide for storm water retention and shall be reviewed by Mason County Department of Public Works.
5. Vehicular traffic is prohibited on beaches, bars, spits and streambeds, except for boat launching and maintenance activities. Perimeters of parking areas shall be

landscaped to minimize visual impacts to the shorelines, roadways and adjacent properties.

6. Trail access shall be provided from upland facilities to the beach area.
7. Public access points on lakes and marine waters must provide parking space appropriate for the intended use.
8. Events and temporary uses in the public interest may be approved by the Administrator in any environment, provided that such uses will not damage the shoreline environment.
9. Recreational developments must provide facilities for non-motorized access, such as pedestrian or bicycle paths to link the recreation area to the shoreline.
10. The following regulations shall apply to artificial aquatic life habitats:
 - Habitats shall not interfere with surface navigation;
 - Habitats shall be constructed and moored so as to remain in their original location, even under adverse current or wave action;
 - Conditions of the State Departments of Fisheries and Wildlife Hydraulic Project Approval may be incorporated into any permit issued.
11. Trailer spaces, camping sites and similar facilities shall not be located on beaches and tidelands.
12. Recreational facilities shall make adequate provisions for water supply, sewage disposal and garbage collection.
13. Recreational facilities shall make adequate provisions, such as screening, buffer strips, fences and signs, to prevent overflow and to protect the value and enjoyment of adjacent or nearby private properties.
14. Signs associated with recreational facilities shall be kept to a minimum in number and size and shall be erected as informational or directional aids only.
15. To protect natural features and adjacent properties, park and recreational facilities shall prohibit the use of all-terrain vehicles in the shoreline area.
16. All permanent recreational structures and facilities shall be located outside officially mapped floodways EXCEPT the County may grant exceptions for non-intensive accessory uses (e.g., picnic tables, etc.).
17. Accessory facilities, such as restrooms, recreation halls, commercial services, access roads and parking areas shall be located inland from shoreline areas unless it can be shown that such facilities are shoreline dependent. These areas shall be linked to the shoreline by walkways.
18. For recreation developments that will require the use of fertilizers, pesticides or other toxic chemicals, such as golf courses and playfields, the applicant shall submit plans demonstrating the methods to be used to prevent leachate from entering adjacent water bodies. Buffer strips shall be included in the plan. The County shall determine the maximum width necessary for buffer strips, but in no case shall the buffer strip be less than 25 feet.
19. In approving shoreline recreational developments, the County shall ensure that the development will maintain, enhance or restore desirable shoreline features including unique and fragile areas, scenic views and aesthetic values. To this end, the County may condition project dimensions, location of project components on the site, intensity of use, screening, parking requirements and setbacks, as deemed appropriate to achieve this end.
20. No recreation building or structure, except piers or docks, or bridges shall be built over the water.

21. Proposals for recreational development shall include plans for sewage disposal. Where treatment facilities are not available, the County shall limit the intensity of development to meet strict County and State on-site sewage disposal requirements.

RECREATIONAL DEVELOPMENT

SHORELINE AREA

<u>REGULATION</u>	URBAN	RURAL	CONSERVANCY	NATURAL
1. <u>Shore setbacks</u> (in feet) from OHWM for:				
a. Campsites, picnic facilities and related facilities	25	50	100	C
b. Access roads, restrooms	50	100	100	X
c. Accessory uses, structures, parking, commercial services	75	100	150	X
2. <u>Sideyard setbacks</u> (in feet) for:				
a. Roads, campsites, restrooms	10	50	75	C
b. Accessory uses structures, parking, commercial services	20	75	100	X
3. <u>Height limit</u> (in feet)				
a. 0-100 feet from OHWM	25	20	15	X
b. 101-200 feet from OHWM	35	25	25	X
4. <u>Site coverage</u>	60%	40%	20%	5%

C = Conditional

X = Prohibited

17.50.070 Environment Designations

Sections:

17.50.071	Shorelines of Statewide Significance
17.50.072	Lakes
17.50.073	Creeks and Rivers
17.50.074	Marine Waters Shorelines
17.50.075	Marine Waters
17.50.076	Fresh Waters
17.50.077	Islands
17.50.078	Environment Designation Map

17.50.071 Shorelines of Statewide Significance. The Shorelines Management Act of 1971 has designated the following shoreline areas of Mason County as Shorelines of Statewide Significance:

1. Hood Canal
2. Lake Cushman
3. Skokomish River (downstream from the confluence of its North and South Forks)

The Act further states, concerning Shorelines of Statewide Significance: "The Legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance." The Department, in adopting guidelines for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Result in long term over short term benefit;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shoreline;
6. Increase recreational opportunities for the public in the shoreline;
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of the natural shorelines of the state be preserved to the greatest extent possible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state."

17.50.072 Lakes
ANDERSON - Urban Residential

BENNETTSEN - Conservancy
 BENSON - Urban Residential
 CRANBERRY - All that portion in Section 29, Township 21 North, Range 3 West, is Natural and all that portion in Section 28, Township 21 North, Range 3 West, is Rural.
 CUSHMAN (Res) - Natural from the northern tip of the lake on the east side to the east section line of Section 12, Township 23 North, Range 5 West. Urban Residential in all of Sections 7 and 18, Township 23 North, Range 4 West. All of Lake Cushman State Park is Conservancy. Urban Residential from Lake Cushman State Park south to the North Fork of the Skokomish River. Conservancy from the North Fork of the Skokomish River to the Upper Dam. Rural from the northern tip of the lake on the west.
 CUSHMAN #2 (KOKANEE) - Natural, except the platted portion of the east side, extending from Lake Cushman Dam #2 on the south to the north property line of Lake Cushman Division 18, Section 5, Township 22 North, Range 4 West, which is Urban Residential. No building on slopes greater than 20 percent is allowed.
 DEVEREAUX - Conservancy, except for the platted portion in Section 7.
 FAWN - Urban Residential
 FORBES - Urban Residential
 HANKS - Rural
 HAVEN - Urban Residential
 ISABELLA - Conservancy, except that part in Section 6, Township 19 North, Range 3 West, which is Urban Residential, and that portion parallel to County Road 1075 in Section 31, Township 20 North, Range 3 West, which is Urban Residential.
 ISLAND - Urban Residential
 LIMERICK - Urban Residential
 LOST - Urban Residential
 MAGGIE - Urban Residential
 MASON - Urban Residential, except Simpson Recreation Center is Conservancy.
 MELBOURNE - Conservancy
 NAHWATZEL - Rural, except Sections 4, 8 and 9, Township 20 North, Range 5 West, which are Urban Residential.
 PANTHER - Urban Residential
 PHILLIPS - Urban Residential
 PRICE - Natural
 PRICKETT - Urban Residential
 SIMPSON - Urban Residential
 SPENCER - Urban Residential
 STAR - Urban Residential
 STUMP - Natural
 TEE - Urban Residential
 TIGER - Urban Residential
 TIMBER - Urban Residential
 WOOTEN - Urban Residential

17.50.073 Creeks and Rivers

BAKER CREEK - Conservancy
 BINGHAM CREEK - Conservancy, except that portion in the Southwest Quarter of Section 2, Township 19 North, Range 6 West, which is Rural.

CANYON RIVER - Conservancy
 CLOQUALLUM CREEK – Conservancy
 COULTER CREEK - Conservancy
 CRANBERRY CREEK- Conservancy
 DECKER CREEK - That portion in Section 18, Township 20 North, Range 6 West is Natural. The remainder is Conservancy with the exception of that platted portion in Section 30, Township 19 North, Range 6 West, which is Urban Residential.
 DEER CREEK - Conservancy, except that portion in Section 36, Township 21 North, Range 3 West, which is Rural.
 DEWATTO RIVER - Conservancy
 DRY BED CREEK - Conservancy
 DRY CREEK - Conservancy, except all of Section 10, Township 20 North, Range 6 West, which is Rural.
 DRY RUN CREEK - Conservancy
 GOLDSBOROUGH CREEK SOUTH FORK - Conservancy from the beginning downstream to where it enters Section 24, Township 20 North, Range 4 West. The remainder, downstream to Oakland Bay, is Urban Residential.
 GOLDSBOROUGH CREEK NORTH FORK - Rural, except that portion in Section 19, Township 20 North, Range 4 West, which is Conservancy.
 GOSNELL CREEK - Rural
 HAMMA HAMMA RIVER - Conservancy, except that portion in Section 27, Township 24 North, Range 3 West, which is Rural.
 JEFFERSON CREEK - Conservancy
 JOHNS CREEK - Rural, except that portion in Section 3, Township 20 North, Range 3 West, which is Urban Residential.
 KENNEDY CREEK - Conservancy
 LILLIWAUP CREEK - Conservancy, except that portion in Section 19, Township 23 North, Range 3 West, which is Urban Residential.
 LILLIWAUP SWAMP - Natural
 McTAGGERT CREEK - Conservancy
 MILL CREEK - Rural
 MISSION CREEK - Conservancy to the mid-section line of Section 25, Township 23 North, Range 2 West, with the remainder in Urban Residential.
 RENDSLAND CREEK - Conservancy
 SATSOP RIVER EAST FORK - Conservancy
 SATSOP RIVER MIDDLE FORK - Conservancy
 SHUMOCHER CREEK - Conservancy
 SKOKOMISH RIVER - Rural
 SKOKOMISH RIVER NORTH FORK - Conservancy
 SKOKOMISH RIVER SOUTH FORK - That portion in Section 15 and 23, Township 22 North, Range 5 West is Conservancy. That portion in Sections 25, 35, 36, Township 22 North, Range 5 West is Natural. That portion in Section 2, Township 21 North, Range 5 West is Natural. The remainder is Conservancy.
 SKOOKUM CREEK - Conservancy from the beginning downstream to Highway 101. The remainder is Rural.
 TAHUYA RIVER - Conservancy from the beginning at the Kitsap County line downstream to the south Section 32, Township 23 North, Range 2 West. The remainder is Urban Residential.
 UNION RIVER - Rural

UNNAMED CREEK (4-20-5) - Rural
VANCE CREEK - Conservancy
SHERWOOD CREEK - Conservancy, except that portion in Sections 29 and 30,
Township 22 North, Range 1 West, which is Rural.

17.50.074 Marine Waters Shorelines

1. Marine waters of Mason County are contained in two natural systems: Southern Hood Canal, and the South Puget Sound area. These areas are further subdivided into the shoreline segments listed below, with the appropriate environment designations. Those designations shall apply in a given shoreline area, subject to the following provisions:

Provided: that, for the purpose of evaluating applications for substantial development within 200 feet, on either side, of a perennial stream's entrance into marine waters, such shoreline shall be considered as being a Conservancy Environment, when the Administrator and/or the Shorelines Advisory Board, determines said estuarine shoreline to be undeveloped or substantially undeveloped. In such cases, the associated wetlands and marshes, if any, of the perennial stream estuary in question shall also be considered as a Conservancy Environment.

Provided: that those areas of the marine shorelines where the average width of the land area between the line or mean higher high tide and the right-of-way line of an adjacent public highway is 30 feet or less shall be considered Conservancy when, in the judgment of the administrator or the Advisory Board, said shoreline areas are undeveloped or substantially undeveloped.

Provided: that all existing, active, commercial log storage and booming grounds on marine waters shorelines shall be considered Urban Industrial.

The above, special environment designations for undeveloped or substantially undeveloped estuarine highway-intruded shorelines, and for log storage grounds shall supersede the environment designations on the following marine shorelines, where applicable:

- a. West Shore of Hood Canal - Urban Residential, with the following exceptions: the south half of Section 12, Township 24 North, Range 3 West, which is Conservancy; the shoreline within 200 feet on either side of the entrance of Eagle Creek into Hood Canal, which is Conservancy; from the mid-section line of Section 20, Township 23 North, Range 3 West, south to the Lilliwaup Bridge, which is Conservancy; from the mid-section line of Section 20, Township 23 North, Range 3 West, south to the Lilliwaup Bridge, which is Conservancy. In addition, all the Hamma Hamma River estuary east of Highway 101 is a Conservancy Environment. This Conservancy Environment is bounded on the north by line projected easterly from the intersection of Lon Webb Road and Highway 101 to Hood Canal; and bounded on the south by a line projected easterly from the east-west midsection line of Section 27, Township 24 North, Range 3 West to Hood Canal. A Rural Environment extends from the midsection line of Section 26, Township 24 North, Range 3 West, south to the southerly line of NE 1/4 of the NE 1/4 of Section 34, Township 24 North, Range 3 West. Urban Commercial Environments are in Lilliwaup, from the Post Office along State Highway 101 to the Lilliwaup Bridge, both ends inclusive and in Hoodsport from ITT Rayonier to the Sunrise Motel, both ends inclusive.

- b. East Shore of Hood Canal - Rural from Kitsap County line to Rendsland Creek, except for Sections 5 and 6, Township 23 North, Range 3 West, which is Conservancy.
- c. North Shore of Hood Canal - Urban Residential from Rendsland Creek to the west boundary of Belfair State Park. From the west boundary of Belfair State Park through Section 31, Township 23 North, Range 1 West in Conservancy.
- d. South Shore of Hood Canal - Urban Residential from the north section line of Section 6, Township 22 North, Range 1 West, to the south section line of Section 31, Township 22 North, Range 3 West, with the following exceptions: the Twanoh State Park shoreline is Conservancy; there is an Urban Commercial Environment in Union from Buachel's Garage to the Post Office, both ends inclusive, and there is an Urban Commercial Environment from Alderbrook Inn to the Robin Hood complex, both ends inclusive.
- e. Case Inlet, Pickering Passage, Hammersley Inlet, Oakland Bay, Totten and Skookum Inlets
 - (1) Urban Residential from the Pierce County line to the midsection line of Section 16, Township 22 North, Range 1 West, with the remainder of Section 16 in Rural. That portion in Sections 8 and 9, Township 22 North, Range 1 West is Conservancy. Rural from the north section line of Section 17, Township 22 North, Range 1 West to the midsection line of Section 17, Township 22 North, Range 1 West.
 - (2) Urban Residential from the midsection line of Section 17, Township 22 North, Range 1 West to the east-west midsection line of Section 21, Township 20 North, Range 2 West, with the following exception: in Allyn, from Sherwood Creek to the forks on Highway 3 is Urban Commercial.
 - (3) Rural from the east-west midsection line of Section 21, Township 20 North, Range 2 West to the west section line of Section 19, Township 20 North, Range 2 West. Urban Residential from the west section line of Section 19, Township 20 North, Range 2 West to Chapman Cove. Chapman Cove to County Road 2369 is Rural. Urban Residential from County Road 2369 to the north section line of Section 2, Township 20 North, Range 3 West. That portion in Sections 35 and 36, Township 21 North, Range 3 West is Conservancy.
 - (4) Urban Residential from the north section line of Section 2, Township 20 North, Range 3 West to Mill Creek, with the following exception: the City of Shelton industrial area fronting on Oakland Bay and reaching to the Outer Harbor Line is Urban Industrial. From Mill Creek to the midsection line of Section 20, Township 20 North, Range 2 West is Rural. Conservancy from the midsection line of Section 20, Township 20 North, Range 2 West to the plat of Arkada Park. Urban Residential from the plat of Arkada Park to midsection line of Section 11, Township 19 North, Range 3 West. All of Skookum Inlet from this point to the midsection line of Section 11, Township 19 North, Range 3 West is Rural. Urban Residential from this point to the south section line of Section 11, Township 19 North, Range 3 West. Rural from the north section line of Section 14, Township 19 North, Range 3 West to the east-west midsection line of Section 21, Township 19 North, Range 3 West. The remainder is Conservancy.

17.50.075 Marine Waters

1. Marine waters of Mason County lying immediately adjacent to the shorelands shall have the environment designation of the shorelands themselves, subject to the following provisions:

PROVIDED: that marine waters adjacent to Urban Residential Environments, Rural Environments, Conservancy Environments, and Natural Environments, between one fathom and ten fathoms in depth shall be considered a Conservancy Environment.

PROVIDED: that marine waters adjacent to shorelands of any environment designation which are ten fathoms or more in depth shall be considered a Natural Environment.

2. Urban Industrial. Marine waters of Mason County which lie immediately adjacent to shorelands designated as Urban Industrial Environment shall be considered as Urban Industrial Environment from the line of mean higher tide to a depth of ten fathoms, as determined by the USGS, except that the Shelton Urban Industrial Environment shall extend only to the Outer Harbor Line. In addition, all existing, floating, active log storage and booming areas shall be considered Urban Industrial, and shall supersede any other environment designation where they exist.
3. Urban Commercial. Marine waters of Mason County which lie immediately adjacent to shorelands designated as an Urban Commercial environment shall be considered as Urban Commercial environment from the line of mean higher high tide to a depth of ten fathoms, as determined by the USGS.
4. Urban Residential. Marine waters of Mason County which lie immediately adjacent to shorelands designated as an Urban Residential Environment shall be considered as Rural Environment from the line of mean higher high tide to a depth of one fathom, as determined by the USGS.
5. Rural Environment. Marine waters lying immediately adjacent to shorelands designated as Rural Environment shall be considered as Rural Environment from the line of mean higher high tide to a depth of one fathom, as determined by the USGS.
6. Conservancy Environment. Marine waters lying adjacent to shorelands designated as Conservancy Environment shall be considered as Conservancy Environment from the line of mean higher high tide to a depth of one fathom, as determined by the USGS.
7. Natural Environment. Marine waters lying adjacent to shorelands designated as Natural Environment shall be considered as Natural Environment from the line of mean higher high tide to a depth of one fathom, as determined by the USGS.

17.50.076 Fresh Waters

1. Those freshwater bodies having a single, uniform environment designation for the adjacent shorelands shall be considered as having the same environment designation as said adjacent shorelands.
2. The environment designations for those freshwater bodies having more than a single, uniform environment designation for the adjacent shorelands shall be as follows:
All freshwater areas fronting on shorelands of any specific environment designation shall be considered as Conservancy Environment, with the following exception: freshwater areas fronting on shorelands designated as Urban Commercial Environment for a distance of 150 feet out from the line of ordinary high water, measured horizontally, and perpendicular to the line of ordinary high water.
3. All existing, floating, active, commercial log storage and booming areas shall be considered Urban Industrial, and shall supersede any other designation where they exist.

17.50.077 Islands

HOPE ISLAND - Conservancy

McMICKEN ISLAND - Conservancy

STRETCH ISLAND - Urban Residential

REACH ISLAND - Urban Residential

HARTSTENE ISLAND - Rural except the west half of Section 26, Township 21 North, Range 2 West and that portion from the south line of Section 36, Township 21 North, Range 2 West, north of County Road 3600 which is Conservancy.

All existing active, commercial log storage and booming grounds shall be considered Urban Industrial, and shall supersede any other designations where they exist.

17.50.078 Environment Designations Map.

The Mason County Environmental Designations Map (herein referred to as "map") is hereby made a part of this Title. The map shall include all shoreline areas of the County designated in this ordinance, clearly indicating , by color code, the particular environment designation for all shoreline areas.

17.50.080 Conditional Uses

The purpose of a Conditional Use Permit is to allow greater flexibility in varying the new application of the use regulations of the Master Program. Conditional Use Permits should also be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58. In authorizing a Conditional Use, special conditions may be attached to the permit by local government or the Department to prevent undesirable effects of the proposed use.

Uses which are classified or set forth in the Master Program as conditional uses may be authorized provided the applicant can demonstrate all of the following:

- That the proposed use will be consistent with the policies of RCW 90.58 and the policies of the Master Program;
- That the proposed use will not interfere with the normal public use of the shorelines;
- That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;
- That the proposed use will cause no unreasonable adverse effects to the shoreline environment in which it is to be located;
- That the public interest suffers no substantial detrimental effect.

Other uses which are not classified or set forth in the Master Program may be authorized as conditional uses provided that the applicant can demonstrate, in addition to the criteria set forth above, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the Master Program.

Uses which are specifically prohibited by the Master Program may not be authorized.

In the granting of all Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses should remain consistent with the policies of the Master Program and should not produce substantial adverse effects to the shoreline environment.

17.50.090 Variances

The purpose of a Variance Permit is strictly limited to granting relief to specific bulk, dimensional or performance standards set forth in the Master Program, where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

Variance Permits for development that will be located landward of the ordinary high water mark (OHWM), except those areas designated as wetlands, may be authorized provided the applicant can demonstrate all of the following:

1. That the strict application of the bulk, dimensional or performance standards set forth in the Master Program precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by the Master Program;
2. That the hardship which serves as a basis for the granting of the variance is specifically related to the property of the applicant, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Master Program, and not, for example from deed restrictions or the applicant's own actions;
3. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment;
4. That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief;
5. That the public interest will suffer no substantial detrimental effect.

Variance Permits for development that will be located either waterward of the ordinary high water mark, or within wetlands, may be authorized provided the applicant can demonstrate, in addition to Items 1-5 above, that:

6. The public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

In the granting of all Variance Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist the total of the variances should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects to the shoreline environment.

Requests for varying the use to which a shoreline area is to be put are not requests for variances, but rather requests for conditional uses.

17.50.100 Miscellaneous

Sections:

- 17.50.110 Amendments
- 17.50.120 Enforcement and Penalties
- 17.50.130 Liberal Construction
- 17.50.140 Severability
- 17.50.150 Comprehensive Review

17.50.110 Amendments. Any part of this ordinance may be amended subject to the approval of the Department. An amendment shall not be acted on by the Board until a public hearing in relation thereto has been held by the Advisory Board at which parties in interest and citizens shall have an opportunity to be heard. At least ten days notice of the time and place of such hearing shall be published in a newspaper of general circulation in Mason County. Amendments may be initiated by: the adoption of a motion by the Board requesting the Advisory Board to set a hearing date on a proposed amendment; or a recommendation by the Administrator to the Advisory Board of such action.

Following completion of the hearing, the Advisory Board shall take action to recommend adoption or rejection of an amendment on the basis of information of the same nature as described under 7.13.060. The action of the Advisory Board shall be forwarded to the Board together with a report containing the findings and conclusions upon which such action was based, within 14 days of said action.

Upon receipt of the recommendation on any proposed amendment the Board shall, at its next public meeting, set the date for the public meeting where it shall consider the recommendation of the Advisory Board. The public meeting at which the Board considers the recommendations of the Advisory Board shall not take place prior to 30 days following the meeting at which the Advisory Board took action on the amendment. The Board may, at said public meeting, adopt or reject the recommendation of the Advisory Board regarding the proposed amendment. In adopting the amendment as proposed by the Advisory Board the Board may make any changes it deems necessary. The Board may also summarily reject the recommendation of the Advisory Board and adopt its own version of the proposed amendment in question.

An action of the Advisory Board on an amendment may be appealed by any aggrieved person, PROVIDED such appeal is filed within 30 days from the date of the Advisory Board's action. Such appeal shall be addressed to the Board and filed with the Administrator.

Action taken by the Board on a motion adopting or rejecting a proposed amendment shall constitute final action. Written notice of the action shall be forwarded to the Administrator and to other persons involved in the initiation of the proposed amendment following the Board's final action.

No amendment approved by the Board shall become effective until approved by the Department of Ecology, as required under RCW 90.58.190.

17.50.120 Restrictions Affecting Value. The restrictions imposed by this chapter shall be considered by the County Assessor in establishing fair market value of the property.

17.50.130 Liberal Construction. This ordinance is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

17.50.140 Severability. If any provision of this ordinance, or its application to any person or legal entity or circumstances is held invalid, the remainder of the ordinance, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

17.50.150 Comprehensive Review. This Title serves the function of a framework for decision-making, regarding future developments on the waters and shorelands of Mason County whether public or private. As such it must be adaptable to changing conditions, and shall thus remain subject to periodic review and revision when, in the judgment of the Administrator, the Board, or the Advisory Board, such review and revision are necessary to the Title's continued effectiveness.