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MASON COUNTY
RESOURCE ORDINANCE

17.01.010 AUTHORITY

This Chapter shall be known as the Mason County Resource Ordinance and is hereby adopted under the authority of Chapters 36.32, 36.70, 36.70A, 39.34, 58.17, 76.09, 84.33, 84.34, and 90.58 RCW. It shall become effective as provided by law.

17.01.020 PURPOSE

The purpose of the Resource Ordinance is to protect Mason County's natural resource lands and critical areas while the County develops its comprehensive plan and associated regulations. The regulations established in this Chapter, adopted by Ordinance No. 77-93, seek to:

Establish uniform processes to be used by Mason County for the review of land use and development proposals within critical areas and resource lands.

Conserve resource lands for productive economic use by identifying and designating resource lands where the principal and preferred land use is commercial resource management, and by protecting the same from incompatible land uses.

Protect the identified critical areas in their natural functions, along with air and water quality, to sustain the County's quality of life.

Encourage creative development techniques and land use practices which will help to accomplish these goals.

This ordinance fulfills the goals of the State Growth Management Act (RCW 36.70A et al) and the State Environment Policy Act (RCW 43.21).

17.01.040 ESTABLISHMENT OF DESIGNATED LANDS

A. DESIGNATION AUTHORITY

Under authority of 36.70 and 36.70A RCW, portions of Mason County are hereby designated as critical areas and/or resource lands as are necessary to protect the natural environment, protect public and private property, maintain and enhance natural resource based industries, and enhance the health, safety and welfare of the public.

B. SCOPE OF AUTHORITY

1. Within the designated resource lands and critical areas established by this Chapter, all buildings or structures which shall be erected, reconstructed, altered, enlarged or relocated; all lots or parcels which shall be created, used or developed; all grading or land clearing which shall be engaged in, and all other land uses, shall be in compliance with this Chapter. All development and uses which are not "Permit Required", or "Conditional Uses" must meet the terms of this Chapter, and any applicable regulations listed in Section 17.01.050. This Chapter establishes standards and review processes for all proposed uses which shall be followed prior to commencement of those uses.

2. Areas in Mason County in one or more critical areas or resource lands, may be subject to regulations pursuant to this Chapter. When an area is designated under more than one critical area or resource land, all applicable sections of this Chapter shall be met; provided any and all permit processing shall occur concurrently. In case of conflict, the more protective provision shall prevail.
C. BOUNDARIES OF DESIGNATED LANDS

1. Designated resource lands and critical areas are bounded and defined, in part, as shown on the following official maps of Mason County, which together with all explanatory materials contained thereon, are hereby made a part of this Chapter. These maps will automatically be updated as new data becomes available.

a. "Mason County Long-Term Commercial Forest and Inholdings as shown on the Development Areas Map 1"

b. "Water Type Reference Maps of Mason County", Washington Department of Natural Resources.

c. "Mason County Soil Survey Map", United States Department of Agriculture; Series 1951, No. 9.

d. "Mason County Critical Aquifer Recharge Areas Map"


g. The approximate location and extent of critical fish and wildlife habitat areas as displayed in the Washington Department of Fish and Wildlife’s (WDFW) Priority Habitat and Species (PHS) Program database.

h. Kelp and eelgrass beds, identified by the Department of Natural Resources Aquatic Lands Division and the Department of Ecology, including but not limited to locations of kelp and eelgrass beds compiled in the Puget Sound Environmental Atlas.


j. Other maps adopted in specific sections of the Resource Ordinance.

Each map shall state the source or sources of scientific and other methodologies used in the determination of boundaries, and all maps shall be individually stored and available for review at the Mason County Department of Community Development, except for the Priority Habitat and Species Program data, which is available to the public from the WDFW.

2. The actual presence or absence of lands which meet the designation criteria for a specific critical area or resource land shall govern the treatment of a specific development proposal. When classification criteria contain both map references and non-map criteria to be reviewed on-site, the non-map criteria shall take precedence. When, through project review, lands or waters are discovered which are required by the text of this Chapter to be designated in another classification than that shown on the map, the text designation shall take precedence over mapping, and any development therein or thereon shall comply with this Chapter. The property owner or the County may initiate a reclassification procedure pursuant to Section 17.01.130 of this Chapter, wherein any official map shall also be amended to conform to the redesignation.

3. Interpretation of Boundaries

The following rules shall be used to determine the precise location of any designation boundary shown on any official critical area or resource land map of Mason County:
a. Boundaries shown as following or approximately following the limits of any city shall be construed as following such limits.

b. Boundaries shown as following or approximately following roads or streets shall be construed to follow the centerline of such roads or streets.

c. Boundaries which follow or approximately follow platted lot lines or assessor’s parcel boundary lines shall be construed as following such lines.

d. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.

e. Boundaries shown as following or approximately following shorelines of any lakes or Puget Sound shall be construed to follow the ordinary high water lines of such bodies of water, and, in the event of change in the ordinary high water line, shall be construed as moving with the actual ordinary high water line.

f. Boundaries shown as following or approximately following the centerline of streams, rivers, or other continuously flowing water courses shall be construed as following the channel centerline of such water courses taken midway between the ordinary high water marks of such channel, and, in the event of a natural change in the location of such streams, rivers, or other water courses, the designation boundary shall be construed as moving with the channel centerline.

g. Boundaries shown as separated from, and parallel or approximately parallel with, any of the features listed in paragraphs a through f above shall be construed to be parallel with such features and at such distances therefrom as are shown on the map.

4. Interpretation of Parcel Sizes

The following rules shall be used to interpret parcel or property sizes for determinations in classifications, designations, and regulations of this Chapter:

a. Parcels legally described as 1/256th of a section shall be equivalent to 2.5 acres (1.08 hectares).

b. Parcels legally described as 1/128th of a section shall be equivalent to 5 acres (2.15 hectares).

c. Parcels legally described as 1/64th of a section shall be equivalent to 10 acres (4.03 hectares).

d. Parcels legally described as 1/32nd of a section shall be equivalent to 20 acres (8.06 hectares).

e. Parcels legally described as 1/16th of a section shall be equivalent to 40 acres (16.12 hectares).

f. Parcels legally described as 1/8th of a section shall be equivalent to 80 acres (32.24 hectares).

g. Property legally described as 1 section shall be equivalent to 640 acres (257.92 hectares).

5. Preferential Right To Manage Resources - "Right to Forestry", "Right to Farm", "Right to Mine"

Description of Preferential Rights

a. No resource use or any of its component activities shall be or become a nuisance, private
or public, by any changed conditions in or about the locality thereof after the same has been in operation for more than five years, when such operation was not a nuisance at the time the operation began; provided that the provisions of this subsection shall not apply whenever a nuisance results from the negligent or improper operation of any such operation or its component activities, and the property owner follows the standards of this Chapter.

b. A resource operation shall not be found to be a public or private nuisance if the operation conforms to local, state, and federal law and best management practices.

c. A farm or forest operation shall not be restricted to time of day or days of the week, but shall be conducted according to best management practices pursuant to State law.

d. A farm or forest operation shall be free from excessive or arbitrary regulation.

17.01.050 RELATIONSHIP TO OTHER REGULATIONS

A. GENERAL PROVISION

No permit granted pursuant to this Chapter shall remove an applicant's obligation to comply in all respects with the applicable provisions of any other Federal, State, or local law or regulation, including, but not limited to, the acquisition of any other required permit or approval.

B. STATE ENVIRONMENTAL POLICY ACT

This Chapter is a officially adopted land use policy of Mason County and shall be a basis for analyzing development proposals pursuant to 43.21c RCW. The areas described on adopted critical area maps, pursuant to Section 17.01.040.C.1, are declared sensitive areas under provisions of WAC 197-11-908.

C. MASON COUNTY POLICIES AND REGULATIONS

1. The following adopted County policies and regulations shall be enforced consistent with the terms of this Chapter:

   a. Uniform Building Code
   b. Uniform Fire Code
   c. Mason County Health Code
   d. Mason County Environmental Policy Ordinance
   e. Mason County Mobile Home and Recreational Vehicle Ordinance
   f. Mason County 6-year Transportation Improvement Program
   g. Title 16, Mason County Subdivision Ordinance including Large Lot Requirements
   h. Parking Standards Ordinance
   i. Other adopted ordinances by Mason County

Where this Chapter is found inconsistent with any of the above documents, the more applicable terms shall prevail. All county application forms, review procedures, or standards that are inconsistent with this Chapter shall be amended within three months of adoption of this Chapter; except where to do so would require approval by State authorities, or extended local public review, in which case, no time limit is established.

2. Responsibilities of Mason County Departments of Building, Health and Public Works.

For all development applications under the purview of the Mason County Building Official, Health Director, and/or Public Works Director, and in the course of their respective standard site inspection programs, a site inspection shall be performed to determine whether the site has lands, waters or shorelands that are likely to meet the designation criteria for one or more County Resource Lands or
Critical Areas. If a site is found likely to contain such lands, the Building Official, Health Director and/or Public Works Director shall notify the Director of Community Development of that interpretation and any permit under their authority shall not be approved until:

a. The Director of Community Development finds that the site does not contain any lands, shorelands, or waters subject to regulations under this Chapter; or

b. The Director of Community Development finds that the site does contain lands, shorelands, or waters subject to regulations under this Chapter and the proposed development is in compliance with all regulatory and procedural requirements of this Chapter.

D. SHORELINE MASTER PROGRAM AND FLOOD DAMAGE PREVENTION REGULATIONS

All policies and regulations of this Chapter are compatible and consistent with the following adopted County policies and regulations:

1. Mason County Flood Damage Prevention Ordinance (MCFDPO)

2. Mason County Shoreline Master Program (MCSMP)

While there are no inherent conflicts between this Chapter and the MCFDPO, and the MCSMP, there may be sections that overlap as in the case of Section 17.01.100 Landslide Hazard Areas. Where such Sections overlap, the more applicable policy or regulation between either of the above documents and this Chapter shall prevail.

All activities and developments that are subject to approval under provisions of this Chapter that also require approval of the MCFDPO, shall be processed under provisions of the MCFDPO and shall meet all the standards of this Chapter. Granting of approval of the MCFDPO shall constitute compliance with this Chapter. All activities and developments that are subject to approval under provisions of this Chapter that also require approval of the MCSMP, shall be processed concurrently with provisions of the MCSMP and shall meet all the requirements of this Chapter.
17.01.060 LONG-TERM COMMERCIAL FOREST LANDS

The purpose of this Section is to maintain and enhance natural resource based industries, to encourage the conservation of commercial forest lands, to have no net loss of forest lands, and to discourage incompatible land use.

A. CLASSIFICATION

The following criteria, as they existed on January 31, 1992, shall be used in classifying Long-Term Commercial Forest Lands:

1. Property tax classification: Property is enrolled, as of January 31, 1992 in the Open Space - Timber or Designated Forest or Classified Forest property tax classification program pursuant to Chapter 84.33 or 84.34 RCW, or is owned by a state or local governmental body with long-term forest management as its primary use; and

2. Minimum block size is 5000 acres (2015 hectares) which shall consists of a minimum parcel size of 80 acres within said block, and which can be in multiple ownerships; and

3. In any one block, no more than 5% is used for non-resource use; and

4. The property is greater than 2 miles (3220 meters) from the city limits of Shelton or outside any designated urban growth boundaries in Mason County, when so established by the County; and

5. 50% or more of an ownership parcel shall have a Douglas Fir Site Index of 118 (Land Grade 2) or better pursuant to WAC 458-40-530. In addition, those property owners who have more than 4000 acres of property within Mason County that meet that criterion, shall also include all properties with a Douglas Fir Site Index of 99 (Land Grade 3) or better pursuant to WAC 458-40-530; and

6. Greater than 50% of the linear frontage of the perimeter of any parcel meeting classification criteria 1 - 6 above shall abut parcels that are greater than five (5) acres (2.15 hectares).

7. In addition, the property that is equal to or greater than 40 acres in size, or is a Government Lot; and is contiguous with property under the same ownership that meet classification criteria 1 - 7 above.

8. In addition, property that is composed of one or more parcels 40 acres (16.12 hectares) or greater in size that borders United States Forest Service property on more than one side, irrespective of its consistency with classification criteria 1 - 8 above.

B. DESIGNATION

Lands of Mason County meeting the classification criteria for Long-Term Commercial Forest Land, and so specified on the official Mason County Map, available at the Mason County Planning Department, titled, "Mason County Long-Term Commercial Forest Lands and In-holding Lands, 1991" or as thereafter amended, are hereby designated, under RCW 36.70A.060 and RCW 36.70A.170, as conservation areas for forest resource lands of long-term commercial significance.

Exempted from this designation are the lands described in 17.01.062 Inholding Lands, in 17.01.062 A and B.

C. LAND USES

Uses and activities determined by the Director to have the potential to cause an impact on the purpose of the Long-term Commercial Forest designated area, shall be considered an Unspecified Conditional Use, and is appealable to the Board of Commissioners. Unspecified uses and activities may not be incompatible with long-term resource uses of surrounding properties.
1. Mason Environmental Permit Required Uses
   a. "Class IV - General Forest Practices" under the authority of the "1992 Washington State Forest Practices Act Rules and Regulations", WAC 222-12-030, or as thereafter amended; which involve conversion to a Permit Required Use.
   b. Saw mills, shake and shingle mills, plywood mills and the production of green veneer, particle board plants and other products from wood residues, chippers, pole yards, log sorting and storage, buildings for debarking, drying kilns and equipment, accessory uses including but not limited to scaling and weighing stations, temporary crew quarters, storage and maintenance facilities, residue storage and disposal areas and other uses involved in the harvesting and commercial production of forest products.
   c. Forestry, environmental and natural resource facilities.
   d. Public and semi-public structures including but not limited to fire stations, utility substations, and energy transmission facilities equal to or greater than 235 KV.
   e. All other accessory structures and uses that are customarily associated with and secondary to the primary permitted uses.
   f. Publicly developed low intensity recreational facilities including but not limited to parks, campgrounds, and boat launches.
   g. Other uses and activities determined by the Director to be potentially incompatible uses, and requiring a similar level of County review as other Permit required uses.

2. Mason Conditional Environmental Permit Required Uses
   b. State correction work camps to supply labor for forest management related work projects and for forest fire control.
   c. Aircraft landing fields.
   d. Sludge application.
   e. Unspecified Conditional Uses: Uses and activities not specifically Exempt, Permit Required, or Conditional, but are determined by the Director to have the potential to cause an impact on the intent of the Long-term Commercial Forest designated area, shall be considered an Unspecified Conditional Use, and is appealable to the Board of Commissioners. Unspecified Conditional Uses may not be incompatible with the long-term resource use on surrounding properties.

D. DEVELOPMENT STANDARDS

1. Lot Size/Density

   The minimum lot size for any new subdivision, short subdivision or large lot segregation of property shall be 80 acres. Exceptions to this minimum lot size may occur for non-residential Permit Required and Conditional Uses and facilities; provided that the County finds that there will be no impact on surrounding resource uses and further provided that a restrictive covenant be placed on said property by the property owner, to be held by the County, prohibiting future residential use. Limitations on density and uses are designed to provide timber resource protection and to ensure compatible uses.
E. PREFERENTIAL RIGHT TO MANAGE RESOURCES AND RESOURCE USE NOTICES

1. For land owners who have land designated as Long-Term Commercial Forest, provisions of "Right to Forestry" provided under Section 17.01.040.C.5 shall fully apply.

2. Resource Use Notices

   a. For properties Designated Long-Term Commercial Forest Land upon application of the property owner or owners pursuant to Section 17.01.130 of this Chapter:

      Within two (2) weeks of redesignation to Long-Term Commercial Forest Land, the property owner(s) of said land shall submit to the County, for recording with the County Auditor, a written notice of the designation. This notice shall be in a form authorized by the Director and shall include:

      (1) The legal description of the property subject to the designation.

      (2) The sixteenth (1/16) section or sections in which lie:

         (a) the designated property; and

         (b) any other property within 500 feet of the boundary of the designated property.

      (3) The following statement:

         "NOTIFICATION

         This notification is to inform property owners that the property described herein is designated as or within 500 feet of land designated for commercial forestry, mining, or agriculture. Mason County has established designated Long-Term Commercial Forest Land that sets as a priority the use of these lands for commercial forest management, mining, and agriculture. Residents of this property may be subject to inconvenience or discomfort associated with the uses, including, but not limited to, occasional dust, noise, and odor from commercial thinning, clear cutting, slash burning, blowdowns, surface mining, and/or chemical applications. Residents of adjacent property within 500 feet of said lands, should be prepared to accept such inconvenience or discomfort from normal and necessary operations."

         The forest owner shall execute and acknowledge the notice, and pay the fee for recording the notice to the County.

   b. For properties Designated Long-Term Commercial Forest Land pursuant to Section 17.01.060.B of this Chapter:

      Within two (2) months of the effective date of this Chapter, the Director shall submit to the County Auditor for recording, a written notice of all County initiated and Designated Long-Term Commercial Forest Lands. This notice shall be in a form similar to "a" above.

      The Director shall execute and acknowledge the notice, and no affected property owner shall be charged a fee for recording the notice.

   c. For all properties within 500 feet of designated Long-Term Commercial Forest Land: All new plats, short subdivisions, large lot subdivisions, and building permits issued by Mason County for development activities on any property designated as Long-Term Commercial Forest Land, or within 500 feet thereof, shall contain a notice as specified in "a.(3)" above.
d. It shall be the responsibility of any property owner who contemplates placement of any structure requiring a building permit within 50 feet of any designated Long-Term Commercial Forest Land property to notify the Forest Land owner of their intent to do so.

Notice shall be made by written letter, sent by certified U.S. mail, with return receipt, to notify the owner of the adjacent Long-Term Commercial Forest Land. Enclosed with the letter shall be a copy of the proposed plot plan showing approximate placement of said structure. Notice must be mailed before any construction begins.

A copy of the Certified notice shall be attached to the building permit application by the applicant and the County Building Director shall not issue the permit until at least 15 days, after the date of the mailing of the Certified notice, or upon affirmative response from the Long-Term Commercial Forest owner.

The requirement to notify shall in no way be a requirement upon the property owner to place any specific setback upon the proposed structure, but shall be a period of time to allow time for the Long-Term Forest land owner to explain the possible benefits to the property owner as to a larger buffer between the proposed structure and the Long-Term Commercial Forest Lands.
17.01.061 AGRICULTURAL RESOURCE LANDS

The purpose of this Section is to maintain and enhance natural resource based industries, to encourage the conservation of commercial agricultural lands, and to discourage incompatible land use.

A. CLASSIFICATION

The following criteria shall be used in identifying lands appropriate for Agricultural Resource Lands:

1. The property has an existing commercial agricultural use (as of the date of designation) or where the property was used for agricultural purposes as of January 1991, where identified by property tax classification in the Open Space - Agriculture property tax classification program pursuant to Chapter 84.34 RCW or where agricultural use has been identified as the principal use of the property, are presumed to meet this criteria; and

2. The property has a minimum parcel size of ten (10) acres; and

3. The parcel has Prime Farmland Soils; or

4. The property is surrounded by lands qualifying under classification criteria 1 to 3 above; or

5. The property is an upland fin-fish hatchery.

Provided that, property owners may apply to have their land designated as Agricultural Resource Lands upon a showing that the property is eligible for and participates in the Open Space - Agricultural property tax classification program pursuant to Chapter 84.34 and upon a showing that either that the property has Prime Farmland Soils or that, in some other fashion, the agricultural use has long-term commercial significance. Such applications shall be reviewed by the county as provided for in the annual amendment process for the county comprehensive plan and development regulations.

B. DESIGNATION

Lands of Mason County which have been identified as meeting the classification criteria for Agricultural Resource Lands, and are so specified on the official Mason County Map, available at the Mason County Planning Department, titled, "Mason County Agricultural Resource Lands" or as thereafter amended, are hereby designated as Agricultural Resource Lands.

C. LAND USES

Development and land uses and activities allowed in the Agricultural Resource Lands or on adjacent lands are as specified in the Mason County Development Regulations and other applicable ordinances, codes and regulations.

Accessory uses that support, promote, or sustain agricultural operations and production, are allowed and shall comply with the following standards:

(i) Accessory uses shall be located, designed, and operated so as not to interfere with natural resource land uses and shall be accessory to the growing of crops or raising of animals;

(ii) Accessory commercial or retail uses shall predominately produce, store, or sell regionally produced agricultural products from one or more producers, products derived from regional agricultural production, agriculturally related experiences, or products produced on-site. Accessory commercial and retail uses shall offer for sale predominately products or services produced on-site; and

(iii) Accessory uses may operate out of existing or new buildings with parking and other supportive uses consistent with the size and scale of existing agricultural buildings on the site but shall not otherwise convert agricultural land to nonagricultural uses.
Accessory uses may include compatible commercial or retail uses including, but not limited to, the following:

(i) Storage and refrigeration of regional agricultural products;

(ii) Production, sales, and marketing of value-added agricultural products derived from regional sources;

(iii) Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production;

(iv) Support services that facilitate the production, marketing, and distribution of agricultural products; and

(v) Off-farm and on-farm sales and marketing of predominately regional agricultural products and experiences, locally made art and arts and crafts, and ancillary retail sales or service activities.

D. DEVELOPMENT STANDARDS.

a) Development Standards for Proposed Land Uses.

1. Front yard setback: 25 feet
2. Side and rear yard setbacks: Side and rear yard setbacks for the residential dwelling is 20 feet, for accessory buildings shall be 20 feet, for accessory structures used for agricultural purposes or home occupations shall be 50 feet, and for buildings of non-residential land uses shall be 50 feet.
4. Size: 5,000 sq. feet maximum (or up to 7,500 sq. feet with a special use permit) for non-agricultural and accessory buildings except for dwellings and agricultural buildings.
5. Height: 35 feet except for agricultural buildings, cell towers, antennas, or water tanks.

b) Proposed land uses shall meet the review standards for land uses established in the Mason County Development Regulations, including Section 1.03.020 (Matrix of Permitted Uses) and Section 1.03.021 (Home Occupation and Cottage Industries).

E. PREFERENTIAL RIGHT TO MANAGE RESOURCES AND RESOURCE USE NOTICES

1. For land owners who have land designated as agricultural resource lands, provisions of "Right to Farm" provided under Section 17.01.040.C.5 shall fully apply.

2. All plats, short plats, large lot subdivision, development permits, and building permits issued for activities on, or within 500 feet of lands designated as agricultural resource lands shall contain the following notification: "This property is within or near designated agricultural resource lands on which a variety of commercial activities may occur at times and that are not compatible with residential development. Residents of this property may be subject to inconvenience or discomfort associated with these activities including, but not limited to: dust, odor, noise, and chemical applications."
17.01.062 INHOLDING LANDS

The purpose of this Section is to mitigate potential incompatible land uses between the Long-Term Commercial Forest Lands and the neighboring Inholding Lands.

A. CLASSIFICATION

The following criteria, as they exist at the time of adoption of this Chapter, shall be used in determining Inholding Lands:

1. Lands that as a block are surrounded on all sides by designated Long-Term Commercial Forest Lands; or in the case of properties abutting another County on at least one side, lands that are surrounded in Mason County by properties designated Long-Term Commercial Forest Lands; and maximum block size is less than 640 acres (257.92 hectares) in size; and lands that do not meet the classification criteria for Long-Term Commercial Forest Lands.

2. Lands which meet the criteria for long-term commercial forest lands pursuant to Section 17.01.060.A of this Chapter and are within 400 feet of the Cloquallum/Lake Communities border as of the effective date of this Chapter. Said border to be that defined on the official Map of "Mason County Long-Term Commercial Forest Lands and Inholding Lands.

The intent of this classification is to mitigate potential incompatible land uses between the Long-Term Commercial Forest Land and the neighboring Inholding Lands.

B. DESIGNATION

Lands of Mason County meeting the classification criteria for Inholding Lands, and so specified on the official Mason County Map, available at the Mason County Planning Department, titled, "Mason County Long-Term Commercial Forest Lands and In-holding Lands, 1991" or as thereafter amended, are hereby designated, under RCW 36.70A.060 and RCW 36.70A.170, as crucial areas for the conservation of forest resource lands of long-term commercial significance.

The 400 foot strip described in 17.01.062.A.2, shall not be designated as Long-Term Commercial Forest Land.

C. LAND USES

Permit Required and Conditional Uses within Inholding Lands are the same as for designated Long-Term Commercial Forest Lands, with the exception that mining and related activities are Conditional Uses if the County has authority to make such determination pursuant to the State Surface Mining Act, RCW 78.44 or as thereafter amended.

Land uses in the 400 foot strip designated in 17.01.062.B shall be the same as Inholding Lands.

D. DEVELOPMENT STANDARDS

The following development standards for Inholding Lands shall apply to the lands designated in 17.01.062.B.

1. Lot Size/Density

The minimum lot area for any new subdivision, short subdivision or large lot segregation of property shall be five (5) acres (2.15 hectares). Exceptions to this minimum lot size may occur for non-residential Permit Required and Conditional Uses and facilities; provided that the County Approval Authority finds that there will be no impact on surrounding resource uses and further provided that a restrictive covenant be placed on said property, to be held by the County, prohibiting future residential use.
Average residential densities for any new subdivision or short subdivision of property may be increased up to one (1) unit per two and one half (2.5) acres (1.08 hectares); provided all of the following conditions can be met:

a. The property to be divided is at least twenty (20) acres (8.06 hectares) in size; and

b. Each residential lot created is no more than one (1) acre (0.40 hectares) in size; and

c. All identified residential building sites are located outside any one hundred-year (100-year) floodplains, geologically hazardous areas, or other critical areas; and

d. The County Approval Authority finds that the design of said subdivision or short subdivision minimizes impact on surrounding resource uses; and

e. A natural resource management and/or conservation easement; to be held by the County, recognized non-profit Land Trust or similar institution; be placed on the non-residential portion of the subdivision or short subdivision restricting the use of said property to uses consistent with natural resource management and/or conservation, and prohibiting future residential use; or

A natural resource management and/or conservation restriction is placed on the face of the plat accomplishing the same purpose as an easement.

No less than 50% of the subdivided property shall be maintained in this manner.

2. Each parcel currently below 5 acres in size may be developed for an individual single-family residence.

3. For lots 5 acres to 9.99 acres in size, the original owner at the time this plan is adopted may divide their property into two parcels, the smallest of which is not less than 2.5 acres in size.

4. a) Other Development Standards.

   1. Front yard setback: 25 feet
   2. Side and rear yard setbacks: Side and rear yard setbacks for the residential dwelling is 20 feet, for accessory buildings shall be 20 feet, for accessory structures used for agricultural purposes or home occupations shall be 50 feet, and for buildings of non-residential land uses shall be 50 feet.
   4. Size: 3,000 sq. feet maximum for non-agricultural and accessory buildings except for dwellings and agricultural buildings.
   5. Height: 35 feet except for agricultural buildings, cell towers, antennas, or water tanks.

b) Water supply. In-holding properties shall meet all Water Supply standards as required under Section 17.01.068.

5. Preferential Right to Manage Resources

For land owners who have designated In-holding Lands, provisions of "Right to Forestry" and "Right to Farm" under Section 17.01.040.C.5, and Resources Use Notices provided under Section 17.01.060.D, shall fully apply.

6. New clustered development in the inholding lands shall cluster residential lots consistent with the comprehensive plan, which requires that the open space created by the cluster be placed adjacent to the LTCF land.
17.01.064 AGRICULTURE AND FOREST MANAGEMENT NON-DESIGNATED LANDS

A. PURPOSE

This Section provides for nuisance protections for certain agricultural and forest management uses.

1. Agricultural Objective

This Section does not include any designation for agricultural lands. However the County recognizes that many valuable agricultural operations do exist in the county where they are an integral part of the rural economy and rural character, but which have not been designated as agricultural resource lands. These operations should be provided protection from the impacts of incompatible land use. This Section's objective is to preserve agricultural land, not through designation and regulation, but through protection from nuisance suits.

2. Forest Management Objective

This Section recognizes that commercial forest management is an integral part to the rural economy and lifestyle and provides nuisance protections for forest management uses in all but the existing and planned urban areas.

B. CLASSIFICATION

1. The following criterion shall be used in determining those Agricultural Lands in Mason County qualifying for protection under provisions of this Section:

   a. The property is enrolled in the Open Space Agriculture property tax classification program pursuant to Chapter 84.33 RCW.

2. The following criterion shall be used in determining those Forest Management Lands in Mason County qualifying for protection under provisions of this Section:

   a. The property is enrolled in the Open Space Timber or Designated Forest or Classified Forest property tax classification programs, pursuant to Chapters 84.33 RCW or 84.34 RCW.

3. Agriculture Lands and/or Forest Lands meeting the classification criteria of 17.01.064.B.1 or B.2 shall be given the protections of Subsection C below. However, no separate Agricultural Land or other Forest Land designation shall be used due to a need for flexibility to meet changing land uses, agricultural practices, forest practices and markets.

C. PROTECTION - "Right to Farm", "Right to Forestry"

Right to Farm and Forest protections, as specified in Section 17.01.040.C.5, are provided to all properties meeting the classification criteria of this Section.
17.01.066 MINERAL RESOURCE LANDS

The purpose of this Section is to identify and designate commercial mineral lands, to establish guidelines for their development and to discourage incompatible land use.

A. CLASSIFICATION

The following criteria shall be used in determining Mineral Resource Lands of long-term commercial significance within Mason County:

4. Class 1a - Mineral deposits which could meet the immediate and future needs of the regional community. These deposits shall be of significant size (greater than 25 acres) and readily accessible to water traffic on the Puget Sound.

Class 1b - Mineral deposits which could meet the long-term future and immediate needs of the regional community. These deposits shall be of significant size (greater than 25 acres) and accessible to rail or truck haul routes.

5. Class 2 - Mineral deposits within existing permitted surface mining operations operating under authority of Chapter 78.44 RCW.

B. DESIGNATION

1. Mineral Lands of Mason County meeting the classification criteria for Class 1a & 1b Mineral Resource of long-term commercial significance, and so specified on the official Mason County map, available at the Mason County Planning Department titled "Mason County Long-Term Commercial Mineral Lands, 1992" or as thereafter amended, are hereby designated, under RCW 36.70A.060 and RCW 36.70A.170, as conservation areas for mineral lands of long-term commercial significance.

2. Lands of Mason County meeting the classification criteria for Class 2 are eligible for designation as Mineral Lands of long-term commercial significance. Those property owners who wish to "opt in" to this designation may do so pursuant to Section 17.01.130.C within 60 days of the effective date of this Chapter. This designation shall continue for as long as a state operating permit exists.

Designation of Mineral Lands of Long-Term Commercial Significance does not mean that such lands are exempt from the normal environmental review process of the County or State agencies. Areas not now identified as Class 1a or Class 1b but where a qualified geologist or mining engineer can now or in the future, demonstrate the probability for occurrence of a mineral deposit, may be so designated upon approval of Mason County.

C. LAND USES

Prior to full utilization of a Class 1a or 1b designated Mineral Resource Land's mineral resource potential, subdivisions, short subdivisions or large lot segregation shall be prohibited. Exceptions may be made through a resource redesignation or through the variance procedure.

1. Conditional Uses

a. Mineral processing facilities including rock crushing, asphalt and concrete batch plants.

b. Public and semi-public structures including but not limited to fire stations, utility substations, pump stations, and waste water treatment facilities.


d. Any industrial or commercial development.
D. DEVELOPMENT STANDARDS

All Mining operations shall conform to the following standards. Variances for these standards and non-conforming uses may be appropriate when an operation is located in isolated areas or contains unusual topographical conditions.

6 Setbacks/Screening

   a. Within Mineral Resource Lands

   (4) A fifty (50) foot (15.25 meter) setback from all property lines, other than for access purposes onto public rights-of-way, shall be maintained for areas of direct cut or fill connected with resource extraction operations. For mining operations, setbacks may be increased when necessary to protect lateral support of abutting properties or public rights of way.

   (5) A twenty five (25) foot (7.63 meter) screen on all property lines, consisting of site obscuring vegetation, or other methods to conceal the mine as approved by Mason County shall be maintained.

   (6) A fifty (50) foot (15.25 meter) setback of all direct extraction operation areas shall be maintained from public utility lines.

2. Fencing

   Prior to the commencement of surface mining, a fence shall be constructed and maintained enclosing the area authorized by the surface mining permit if public safety is in question. Fences shall be at least six (6) feet in height and constructed of woven wire. Gates, the same height as the fence, shall be installed at all points of vehicular or pedestrian ingress and egress, and shall be kept locked when not in regular use.

3. Road Access

   For surface mining operations, access on any public right of way shall be surfaced in accordance with County Engineering Division or State Department of Highways development standards as appropriate.

4. Road Use

   In order to assure maintenance and development of adequate County roadways, owners of surface mining operations may be required to enter into a haul route agreement with the County Engineer upon adoption and implementation of a Haul Route Agreement Program.

5. Traffic Safety

   The County Engineer may require the installation of traffic control and warning signs at intersections of private access roads with publicly maintained roads.

6. Noise/Bright Lights

   a. No development or activity shall exceed the maximum Environmental Noise Levels established by WAC 173-60, and Mason County Title 9, Chapter 9.36.

   b. Bright lights are allowed outside of normal operating hours only for short-term mining operations necessary to facilitate emergency repairs.

7. Surface Mining Operation within Critical Aquifer Recharge Areas

   The purpose of this Section is to protect Critical Aquifer Recharge Areas as required by RCW 36.70A.060(2).
Any surface mining operation within a Critical Aquifer Recharge Area (as designated in Section 17.01.080) shall meet the following standards:

a. Fuel tanks and oil drums shall be double containment construction and protected by bermed areas having adequate capacity to accommodate, contain, and allow the removal of chemical spills. Fuel nozzles shall not contain locking devices. Fuel storage shall be above ground. Fueling of mobile equipment shall be located at least twenty feet above the seasonal high ground water level or within lined and bermed areas with adequate capacity to accommodate, contain, and allow the removal of chemical spills.

b. All operations shall maintain a fuels/hazardous waste management plan maintained by the operator and available on the site at all times.

c. Fencing, or some comparable deterrent, shall be installed to prevent unauthorized dumping of any materials within surface mining operations.

d. Surface mines shall not use any noxious, toxic, flammable, compactable, or combustible materials not specifically authorized by Mason County Department of Health for backfill or reclamation. Non-contaminated process water used for gravel washing shall be routed to settling ponds to minimize off-site discharges. A general permit from the Department of Ecology for process and storm water discharge may substitute for these requirements.

e. On-site truck and equipment wash run-off shall be routed to a retention facilities equipped with an oil-water separator prior to its release to settling ponds.

f. Use of chemicals, petroleum or hazardous products, and disposal of such products, in concrete or asphalt plant operations within Critical Aquifer Recharge Areas shall meet all the standards set forth in WAC 90.48 and WAC 173.303.

8. Public Safety

Owners of surface mines shall ensure that their operation(s) will not be hazardous to neighboring uses. Blasting activities shall be conducted so that ground vibrations and fly-rock to off mine site uses are monitored and minimized.

9. Waiver Clause

Mason County may waive some or all of the restrictions outlined above following a written Finding of Fact and favorable findings under SEPA.

E. PREFERENTIAL RIGHT TO MANAGE RESOURCES AND RESOURCE USE NOTICE

1. For those land owners of Mineral Resource Lands who choose to use their property for resource management, the provision of "Right to Mine" provided under Section 17.01.040.C.5 shall fully apply.

2. Mining Use Notices

a. For properties designated Mineral Resource Land upon application of the property owner or owners pursuant to Section 17.01.130.B of this Chapter

   Within two (2) weeks of redesignation to Mineral Resource Land, pursuant to Section 17.01.130.B, the property owner(s) of said land shall submit to the County, for recording with the County Auditor, a written notice of the designation. This notice shall be in a form authorized by the Director and shall include:

   (1) The legal description of the property subject to the designation.
(2) The sixteenth (1/16) section or sections in which lie:

(a) the designated property, and
(b) any other property within 500 feet of the boundary of the designated property.

(3) The following statement:

"NOTIFICATION

This notification is to inform property owners that the property described herein is designated as or within 500 feet of land designated for mining. Mining, operations may be carried out now or in the future. Mason County has established designated Mineral Resource Land that sets as a priority the use of these lands for mining. The normal and usual practices associated with said operations when performed in accordance with County, State and Federal law, shall not be subject to legal action as a public nuisance. A variety of commercial activities may occur on Mineral Resource Land that is not compatible with residential development for certain periods of limited duration. On Mineral Resource Land, an application might be made for mining related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals."

The mineral right owner/operator shall execute and acknowledge the notice, and pay the fee to the County for recording the notice.

b. For properties designated Mineral Resource Land pursuant to Section 17.01.066.B.1 of this Chapter.

Within four (4) months of the effective date of this Chapter, the Director shall submit to the County Auditor for recording, a written notice of all Designated Mineral Resource Lands. This notice shall be in a form similar to "E.2.a" above.

The Director shall execute and acknowledge the notice, and no affected property owner shall be charged a fee for recording the notice.

c. For all properties within 500 feet of designated Mineral Resource Lands.

All plats, short subdivisions, large lot subdivisions, development permits and building permits issued by Mason County after the effective date of this Chapter for development activities on property designated as Mineral Resource Land, or within 500 feet thereof, shall contain a notice as specified in "E.2.a.(3)" above.
17.01.068 ADDITIONAL RESOURCE LAND PROVISIONS

The following provisions apply to non-resource uses within designated Long-Term Commercial Forest, Inholding and Mineral Resource Lands:

A. ROADWAY STANDARDS

7 Permanent vehicular access for non-resource uses shall meet the following standards:

a. Permanent legal access which has been granted by resource property owner(s) or public rights-of-way can be accessed directly; and

b. Strict adherence to the standards of the Uniform Fire Code as determined by the County Fire Marshal; and

c. Maximum roadway grade serving two or more non-resource properties shall not exceed twelve percent (12%); and

d. For rights-of-way serving two or more non-resource properties, a maintenance agreement is recorded with the County Auditor identifying owners responsible for maintaining said rights-of-way to the above standards.

8 The County Engineer may impose additional roadway development standards if he/she determines they are necessary for public health and safety.

B. WATER SUPPLY STANDARDS

9 When residential or other structural uses are intended to be supplied with potable water from off-site sources, written permission shall be obtained from the property owners supplying the water prior to plat approval or building permit issuance, as applicable.

10 New residential or recreational domestic water supplies shall be certified by the County or State of Washington as appropriate, and shall not be located within one hundred (100) feet (30.5 meters) of adjacent property without written consent or easement of the adjacent property owner.

11 Domestic water supplies shall be in compliance with State and County health codes.
17.01.070  WETLANDS

The purpose of this section is to avoid, or in appropriate circumstances, minimize, rectify, reduce or compensate for impacts arising from land development and other activities affecting wetlands; to maintain and enhance the biological and physical functions and values of wetlands with respect to water quality maintenance; stormwater and floodwater storage and conveyance; fish and wildlife habitat; primary productivity, recreation, education and historic and cultural preservation. When avoiding impacts is not reasonable, mitigation shall be implemented to achieve a no net loss of wetlands in terms of acreage, function and value.

A.  CLASSIFICATION

The following shall be classified as wetland areas:

Areas that are inundated or saturated by surface 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. However, wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands, if permitted by the county.

B.  DESIGNATIONS

The following lands, shorelands and waters of Mason County are hereby designated under RCW 36.70A.060 and RCW 36.70A.170, as critical areas requiring immediate protection from incompatible land uses: Wetlands and their buffer as specified by Section 17.01.070.E.

In making a determination regarding a wetland, Washington State Wetland Identification and Delineation Manual (Ecology #96-94), or as amended hereafter, shall serve as the technical resource guide on determining if an area possesses hydrophytic vegetation, hydric soils, and/or wetland hydrology.

1.  The following are designated as regulated wetlands under this Chapter:
   a.  All areas described in Section 17.01.070.A.;
   b.  Ponds less than twenty acres;
   c.  Wetlands created as mitigation, and those modified for approved land use activities, including their submerged aquatic beds.

2.  The following are designated as non-regulated wetlands:

Artificial man made wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street or highway.

   a.  Exempt wetlands that are isolated and less than 1,000 square feet in area where it has been shown by the applicant that they are not associated with a riparian corridor, they are not part of a wetland mosaic and do not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife.

   b.  No measures to avoid impacts for Category III and IV wetlands between 1,000 and 4,000 square feet are required if they meet all the following criteria:
      (1)  Wetland is not associated with a riparian corridor, and
      (2)  Wetland is not part of a wetland mosaic, and
      (3)  Wetland does not score 20 points or greater for habitat in the 2004 Western Washington Rating System, and
      (4)  Wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife.
c. Impacts allowed under this provision to these wetlands will be fully mitigated as required in mitigation section.

3. Owners and applicants with non-regulated wetlands are strongly urged to cooperate voluntarily in this plan of wetland protection, using the guidelines in this ordinance and in materials provided by the Department of Community Development.

C. PROCEDURES

1. Responsibilities for the determination of wetland boundaries:
   a. Formal determination of wetland boundaries is the responsibility of the County. The responsibility to provide all necessary and accurate data to the County for its determination rests with the applicant. This information will include a field delineation by a qualified wetland professional applying the Washington State Wetland Identification and Delineation Manual (Ecology #96-94), or as amended hereafter. When, in the opinion of the Director, sufficient information exists from the County's wetland inventory, or other sources, the requirement for a full or partial delineation may be waived. For instance, in some cases, the applicant may only be required to determine the wetland boundary, or portion thereof, of the wetland system. The Director shall determine when a permit application is required and what additional information may be necessary. Wetland delineations shall be performed in accordance with the procedures as specified in the Washington State Wetland Identification and Delineation Manual (Ecology #96-94), or as amended hereafter. Evidence documenting the results of any boundary survey, or other submitted data, may be required by the Director.
   b. Mason County, at a fee, when requested by the applicant, or the affected party, may perform the delineation in lieu of direct action by the applicant. Mason County may use hydrology, soils, plant species, and other data, and consult with biologists, hydrologists, soil scientists, or other experts, as needed, to perform the delineation. The County shall make a good faith effort to provide this service, consistent with budgetary constraints and available in-house expertise, for smaller projects and especially for those property owners with lesser financial capabilities.
   c. Where Mason County performs a wetland boundary determination at the request of the applicant, it shall be considered a final determination unless contested.
   d. Where the applicant has provided a determination of the wetland boundary, the Director shall verify the accuracy of, and may render adjustments to, the boundary delineation.
   e. In the event the boundary delineation is contested by the applicant or affected party, the Department of Ecology, or a mutually agreed upon party, shall settle the dispute.

D. LAND USES

1. Mason Environmental Permit Required Uses and Activities

A Mason Environmental Permit shall be obtained from the County, using the administrative review process in this Chapter, prior to undertaking, in a regulated wetland or its buffer, for the following activities.
   a. In all regulated wetlands, the removal, excavation, grading, dredging, dumping, discharging, or filling of any material; or the draining or flooding of the site, except where undertaken for maintenance (but not construction) of drainage ditches or for emergency repair;
   b. The construction of stormwater management facilities; or
   c. The driving of pilings;
   d. The placing of obstructions;
   e. The construction, reconstruction, demolition, or expansion of any structure;
   f. The destruction or alteration of wetlands and wetland buffer through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a designated wetland or buffer, provided that this subsection shall not apply to the following activities undertaken in a manner which minimizes impacts:
(1) The harvesting or normal maintenance of vegetation in a manner that is not injurious to the natural reproduction of such vegetation;
(2) The removal or eradication of noxious weeds so designated in Chapter 17.10 RCW or other exotic, nuisance plants;
(3) Site investigative work necessary for land use application submittals such as surveys, soil logs and percolation tests;
(4) The construction or trails which shall be unpaved when located in the buffers and elevated when located in wetlands, which are not intended for motorized use, and which are no wider than three (3) feet, unless additional width is necessary for safety along a precipice, steep hillside, or other hazardous area. See section 17.01.070.E.6.c. for additional details on regulated (but permitted) trail activity.
(5) Emergency services or repairs for health and welfare; or
(6) Activities of a mosquito control district.

g. Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of wetland’s water sources, including quantity, or the introduction of pollutants.

2. Activities Permitted without a Mason Environmental Permit

The following uses shall be allowed, in addition to those defined in General Exemptions (see Section 17.01.130), within a wetland or wetland buffer to the extent that they are not prohibited by the Shorelines Management ACT of 1971 (Chapter 90.58 RCW), Federal Water Pollution Control Act (Clean Water ACT), State Water Pollution Control Act (Chapter 90.48 RCW), State Hydraulic Code (RCW 75.20.100 - .140), Forest Practices Act (Chapter 76.09 RCW and Chapter 222-16 WAC) or any other applicable ordinance or law and provided they are conducted using best management practices, except where such activities result in the conversion of a regulated wetland or wetland buffer to a use to which it was not previously subjected and provided further that forest practices and conversions from forest land shall be governed by Chapter 76.09 RCW and its rules:

a. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife;
b. Outdoor recreational activities that do not have a significant adverse impact on the wetland and its related buffer;
c. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the wetland by changing existing topography, water conditions or water resources;
d. Existing and ongoing agricultural activities, including farming, horticulture, aquaculture, irrigation, ranching or grazing of animals. Activities on areas lying fallow as part of a conventional rotational cycle are part of an ongoing operation. Activities which bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area in which it was conducted has been converted to another use or has lain idle for more than five years unless that idle land is registered in a federal or state soils conservation program. Forest practices are not included in this definition.
e. The maintenance (but not construction) of drainage ditches;
f. Education, scientific research, and use of nature trails;
g. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every case, wetland impacts shall be minimized and disturbed areas shall be immediately restored; and
h. The following uses are allowed within wetlands and/or wetland buffer, provided that any required permits or approvals are obtained and further provided that wetland impacts are minimized and that disturbed areas are immediately restored:
(1) Normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Maintenance and repair does not include any modification that changes the character, scope, or size of the original structure, facility, or improved area and does not include the construction of a maintenance road; and
(2) Minor modification of existing serviceable structures within a buffer zone where modification does not adversely impact wetland functions.
(3) Repair or reconstruction of damaged or destroyed structures within two years of the damage or destruction.

i. The felling of danger trees within buffers provided the following conditions are met:
   (1) When it is demonstrated to the satisfaction of the Mason County Director of Community Development or his or her designee ("Department") that an imminent threat exists to public health or safety, or the safety of private or public property. Landowner shall provide to the Department a written statement describing tree location, danger it poses, and proposed mitigation.
   (2) Should the imminent threat not be apparent to the Department (as danger trees are defined in Section 17.01.240), the Department may require the landowner submit a report from a professional forester or certified arborist.
   (3) Before a danger tree may be felled or removed, with the exception of an emergency pursuant to Section 17.01.170, the landowner shall obtain written approval from the Department. This approval shall be processed promptly and may not be unreasonably withheld. If the Department fails to respond to a danger tree removal request within 10 business days, the landowner’s request shall be conclusively allowed.
   (4) Trees felled as danger trees shall be counted in the allowed amounts under Section 8.52.170(F)(4).
   (5) Mitigation as approved by the Department to include:
       i. the planting within the critical area or its buffer a total of six new native trees, each a minimum three years old. Should a report be submitted under subsection 5(b), it shall contain recommendations for suitable replacement trees.
       ii. felled trees shall be left within the critical area or buffer unless a submitted report warrants its removal to avoid spreading disease or pests;
       iii. the trunk of the cut tree may be segmented, but should be left in as large of segments as possible to provide habitat;
       iv. the branches from the cut tree may be removed to control fire hazard; and
       v. additional mitigation may be required if three or more trees are to be felled on one property within a 10 year period.

E. DEVELOPMENT STANDARDS

1. Wetlands Rating System

A four-tier wetlands rating system is hereby adopted as the rating system for Mason County. Wetland buffer widths, wetland activities, and replacement ratios shall be based on this rating system.

a. Wetlands shall be categorized as follows:

Table 17.01.070 A

1) **Category I Wetlands.** Category I wetlands are those regulated wetlands that include but are not limited to rare, unique wetland types that are more sensitive to disturbance than most wetlands and that contain ecological attributes that are impossible to replace within a human lifetime. Category I wetlands score 70 points or more out of 100 on the wetlands ratings systems.

2) **Category II Wetlands.** Category II wetlands are those regulated wetlands that score between 51-69 points out of 100 on the wetlands ratings system.

3) **Category III Wetlands.** Category III wetlands are those regulated wetlands that score between 30-50 points on the wetlands ratings system.*

4) **Category IV Wetlands.** Category IV wetlands are those regulated wetlands that score less than 30 points out of 100 on the wetlands ratings system.*

5) Wetlands intentionally created from non-wetland areas to mitigate conversion of other wetlands.

6) Mosaic wetlands as defined in 17.01.240.

*Non-Regulated Wetlands. Isolated wetlands under 1,000 square feet which are not associated with a riparian corridor, not part of a wetland mosaic, and not essential habitat of a priority species as identified by the Washington Department of Fish and Wildlife.

Please refer to Appendix A or the Department of Ecology publication for more information.

2. Wetland Buffers
   a. **Buffer Widths.**

Wetland buffers shall be required for all regulated wetlands. Any wetland created, restored, or enhanced as compensation for approved wetland alterations shall also include a buffer required for the category of the created, restored, or enhanced wetland. The buffer widths are established by adjusting a base width for the category of wetland at the site for the habitat value as scored by the wetland rating system and for the land use intensity of the proposed activity. All buffers shall be measured horizontally from the wetland boundary as surveyed in the field.

The width of the wetland buffer shall be determined by the following process:

1) The wetland is categorized according to wetland ratings system category as shown in Table 17.01.070 A;
2) Table 17.01.070 B rates examples of different land uses for intensity of impacts to wetlands.
3) The width of the buffer is determined based on the habitat value scored by the wetland on the wetland rating system and on the land use intensity of the proposed use as shown in Tables 17.01.070 C, D, E, or F.
### Table 17.01.070 B. Ratings of impact from land uses

<table>
<thead>
<tr>
<th>Rating of impact from proposed changes in land use</th>
<th>Examples of land uses that cause the impact based on common zoning categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>Commercial, Urban, Industrial, Institutional, Retail Sales, Residential subdivisions with more than 1 unit/acre, New agriculture (high-intensity processing such as dairies, nurseries and green houses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), New transportation corridors, High intensity recreation (golf courses, ball fields), hobby farms.</td>
</tr>
<tr>
<td>Moderate</td>
<td>Single-family residential lots, residential subdivisions with 1 unit/acre or less, Moderate-Intensity Open Space (parks), New agriculture (moderate- intensity such as orchards and hay fields), Transportation enhancement projects.</td>
</tr>
<tr>
<td>Low</td>
<td>Forestry, Open space (low-intensity such as passive recreation and natural resources preservation, minor transportation improvements).</td>
</tr>
</tbody>
</table>

### Table 17.01.070 C: Width of buffer required to protect Category IV wetlands.

<table>
<thead>
<tr>
<th>Category IV Wetland Characteristics</th>
<th>Buffer Width by impact of land use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Score for functions &lt; 30 points</td>
<td>Low -25 feet</td>
</tr>
<tr>
<td></td>
<td>Moderate - 40 feet</td>
</tr>
<tr>
<td></td>
<td>High - 50 feet</td>
</tr>
</tbody>
</table>
Table 17.01.070 D: Width of buffers required to protect Category III wetlands. Wetlands scoring between 30 and 50 points on the wetlands rating system.

<table>
<thead>
<tr>
<th>Category III Wetland Characteristics</th>
<th>Buffer Width by impact of land use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moderate level of function for habitat (score for habitat is 20 - 28 pts.)</td>
<td>Low - 75 feet</td>
</tr>
<tr>
<td></td>
<td>Moderate - 110 feet</td>
</tr>
<tr>
<td></td>
<td>High - . 150 feet</td>
</tr>
<tr>
<td>Category III wetlands not meeting above criteria (score for habitat is less than 20 pts.)</td>
<td>Low -40 feet</td>
</tr>
<tr>
<td></td>
<td>Moderate - 60 feet</td>
</tr>
<tr>
<td></td>
<td>High - 80 feet</td>
</tr>
</tbody>
</table>

Table 17.01.070 E: Width of Buffers required to protect Category II wetlands. Wetlands scoring between 51 and 69 points on the wetlands rating system.

<table>
<thead>
<tr>
<th>Category II Wetland Characteristics</th>
<th>Buffer Width by impact of land use (apply most protective)</th>
</tr>
</thead>
<tbody>
<tr>
<td>High level of function for habitat (score for habitat is 29-36 pts.)</td>
<td>Low - 150 feet</td>
</tr>
<tr>
<td></td>
<td>Moderate -.200 feet</td>
</tr>
<tr>
<td></td>
<td>High - 225 feet</td>
</tr>
<tr>
<td>Moderate level of function for habitat (score for habitat is 20-28 pts.)</td>
<td>Low -.75 feet</td>
</tr>
<tr>
<td></td>
<td>Moderate -110 feet</td>
</tr>
<tr>
<td></td>
<td>High - 150 feet</td>
</tr>
<tr>
<td>High level of function for water quality improvement and low for habitat (score water quality is 24-32 pts and habitat is less than 20)</td>
<td>Low 75 feet</td>
</tr>
<tr>
<td></td>
<td>Moderate - 90 feet</td>
</tr>
<tr>
<td></td>
<td>High - 100 feet</td>
</tr>
<tr>
<td>Estuarine</td>
<td>Low - 75 feet</td>
</tr>
<tr>
<td></td>
<td>Moderate 110 feet</td>
</tr>
<tr>
<td></td>
<td>High - 150 feet</td>
</tr>
<tr>
<td>Category II wetlands not meeting above criteria</td>
<td>Low - 50 feet</td>
</tr>
<tr>
<td></td>
<td>Moderate - 75 feet</td>
</tr>
<tr>
<td></td>
<td>High - 100 feet</td>
</tr>
</tbody>
</table>
Table 17.01.070 F: Width of Buffers required to protect Category I wetlands. Wetlands scoring over 70 points on the wetlands rating system.

<table>
<thead>
<tr>
<th>Category I Wetland Characteristics</th>
<th>Buffer Width by impact of land use (apply most protective)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural Heritage Wetlands and Bogs</td>
<td>Low -125 feet  Moderate - 190 feet  High - 250 feet</td>
</tr>
<tr>
<td>Forested</td>
<td>Buffer size to be based on score for habitat functions or water quality functions see below.</td>
</tr>
<tr>
<td>Estuarine and Wetlands in Coastal Lagoons</td>
<td>Low - 100 feet  Moderate - 200 feet</td>
</tr>
<tr>
<td>High level of function for habitat (score for habitat is 29-36 pts.)</td>
<td>High - 250 feet</td>
</tr>
<tr>
<td>Moderate level of function for habitat (score for habitat is 20-28 pts.)</td>
<td>Low - 75 feet  Moderate - 110 feet  High - 200 feet</td>
</tr>
<tr>
<td>High level of function for water quality improvement (WQI) (score is 24-32) and low for habitat (score for habitat is less than 20 points)</td>
<td>Low 50 feet  Moderate - 75 feet  High - 100 feet</td>
</tr>
<tr>
<td>Category I wetlands not meeting any of the above criteria</td>
<td>Low 50 feet  Moderate -75 feet  High -100 feet</td>
</tr>
</tbody>
</table>

b. Increased Wetland Buffer Width

The Administrator shall require increased standard buffer widths or may require other conditions be placed on the development on a case-by-case basis when necessary to protect wetland functions and values based on local conditions. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the regulated wetland. Such determination shall be attached as a permit condition and shall demonstrate that:

a) A larger buffer is necessary to maintain viable populations or critical habitat of threatened or endangered species living within the subject wetland(s) boundaries; or
b) The adjacent land is susceptible to severe erosion and erosion control measures otherwise required will not effectively prevent adverse wetland impacts; or
c) There are other nearby wetlands or critical areas and adjustments to the buffers would prevent fragmentation of the habitat or is otherwise necessary to preserve the structure, function and value of the wetland, or
d) The buffer is poorly vegetated due to lack of vegetation or invasive or non-native species being the dominant cover. Conditions would include enhancement of the area, a larger buffer, or both.
c. **Wetland Buffer Width Averaging.**

The boundary of the buffer may be modified by averaging buffer widths. If buffer averaging is used, the following conditions must be met:

a. The total area contained in the buffer after averaging shall be no less than that contained within the buffer prior to averaging. In other words, mitigation for buffer impacts will be on a minimum of a 1:1 ratio; and

b. Buffer averaging will incorporate site conditions to provide measures to increase the functions and values of the wetland buffer beyond what is currently in place; and

c. In no instance shall the buffer width be reduced to less than 75 percent of the required width for each of the wetland categories.

d. **Wetland Buffer Reduction.**

The width of the buffer may be reduced for proposed land uses with high-intensity impacts under the following conditions:

a. For wetlands that score moderate or high for habitat (20 points or more for the habitat functions), the width of the buffer may be reduced to that required for moderate-intensity impacts provided that:

   (1) A relatively undisturbed, vegetated area corridor at least 100-feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. Protection of the corridor shall be assured by a conservation easement.

   (2) Measures to minimize the impacts of the land use shall be applied. Examples of these measures are shown in Table X.

b. For wetlands that score less than 20 points for habitat, the buffer width can be reduced to that required for moderate-impact land uses provided that measures to minimize the impacts of the land use shall be applied. Examples of these measures are shown in Table X.

e. **Wetland Buffer Conditions.**

Except as otherwise specified, wetland buffers shall be retained in their natural condition. Where buffer disturbance has occurred during construction, revegetation of the buffer with native plant species may be required.

3. **Permitted Uses In A Wetland Buffer.**

Regulated activities shall not be allowed within a buffer except as follows:

a. Activities that are permissible within a wetland shall be permissible within a wetland buffer; and

b. Stormwater management facilities (bioswales and dispersal trenches) only when required to allow a reasonable use of the property. Encroachment into the buffer shall be the minimum necessary and will be permitted only within the outer twenty-five (25) feet or outer twenty-five percent (25%) of the buffer, whichever is more restrictive.

c. Other passive activities such as recreational trails and tot lots are also permitted within the outer twenty-five percent (25%) of the buffer.

d. Selective commercial timber cutting will be limited to the outer twenty-five percent (25%) of Category I and II wetland buffers and fifty percent (50%) of Category III and IV wetland buffers. No more than thirty percent (30%) of the merchantable trees may be harvested in this area on a one-time-only basis as associated with a land use conversion application. The thirty percent (30%) harvest must be representative and maintain an intact forest community character. The percentage and species distribution of all trees must be consistent before and after the selective timber harvest.
### TABLE X Examples of measures to reduce impacts to wetlands.

<table>
<thead>
<tr>
<th>Examples of Disturbance</th>
<th>Activities and Uses that Cause Disturbances</th>
<th>Examples of Measures to Minimize Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lights</td>
<td>● Parking lots&lt;br&gt;● Warehouses&lt;br&gt;● Manufacturing&lt;br&gt;● Residential</td>
<td>● Direct lights away from wetland</td>
</tr>
<tr>
<td>Noise</td>
<td>● Manufacturing&lt;br&gt;● Residential</td>
<td>● Locate activity that generates noise away from wetland</td>
</tr>
<tr>
<td>Toxic runoff*</td>
<td>● Parking lots&lt;br&gt;● Roads&lt;br&gt;● Manufacturing&lt;br&gt;● Residential areas&lt;br&gt;● Application of agricultural pesticides&lt;br&gt;● Landscaping</td>
<td>● Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered&lt;br&gt;● Establish covenants limiting use of pesticides within 150 ft of wetland&lt;br&gt;● Apply integrated pest management</td>
</tr>
<tr>
<td>Stormwater runoff</td>
<td>● Parking lots&lt;br&gt;● Roads&lt;br&gt;● Manufacturing&lt;br&gt;● Residential areas&lt;br&gt;● Commercial&lt;br&gt;● Landscaping</td>
<td>● Retrofit stormwater detention and treatment for roads and existing adjacent development&lt;br&gt;● Prevent channelized flow from lawns that directly enters the buffer</td>
</tr>
<tr>
<td>Change in water regime</td>
<td>● Impermeable surfaces&lt;br&gt;● Lawns&lt;br&gt;● Tilling</td>
<td>● Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</td>
</tr>
<tr>
<td>Pets and human disturbance</td>
<td>● Residential areas</td>
<td>● Use privacy fencing: plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract</td>
</tr>
<tr>
<td>Dust</td>
<td>● Tilled fields</td>
<td>● Use best management practices to control dust</td>
</tr>
</tbody>
</table>

* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.
4. Building Setback Lines
A building setback line of fifteen (15) feet is required from the edge of any wetland buffer. Minor structural intrusions into the area of the building setback may be allowed if the Administrator determined that such intrusions will not negatively impact the wetland.

F. MITIGATION FOR WETLAND IMPACTS

As a condition of any permit allowing alteration of wetlands and/or wetland buffers, the County shall require that the applicant engage in the restoration, creation or enhancement of wetlands and their buffers in order to offset the impacts resulting from the applicant's actions. If wetland or wetland buffer impacts are proposed, a sequence of review must be considered. First, the applicant must consider avoiding the wetland or wetland buffer. If the applicant can not avoid the wetland or wetland buffer, they must consider reducing (or minimizing) the impact. Impacts which can not be avoided must be mitigated as provided in this ordinance. Mitigation for buffers shall be on a minimum 1:1 ratio. Approval of the mitigation plan shall be signified by a notarized memorandum of agreement signed by the applicant and Director of the Department of Community Development or designee, and recorded with the Mason County Auditor. The agreement shall refer to all requirements for the mitigation project. The County may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of work set for in the permit. The overall goal of any compensatory project shall be no net loss of wetland function and acreage.

1. Wetland mitigation ratios are illustrated in the following Table 17.-01.070 H.

2. Wetland Restoration, Creation and Enhancement (see details in 17.01.200 I)

3. The department may increase or decrease the ratios based on one or more of the following:
   a. Replacement ratios may be increased under the following circumstances:
      (1) Uncertainty exists as to the probable success of the proposed restoration or creation;
      (2) A significant period of time will elapse between impact and establishment of wetland functions at the mitigation site;
      (3) Proposed compensation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
      (4) The impact was an unauthorized impact.
   b. Replacement ratios may be decreased under the following circumstances:
      (1) Documentation by the applicant provides more certainty that the proposed compensation actions will be successful. For example, demonstrated prior success with similar compensation actions as those proposed, and/or extensive hydrologic data to support the proposed water regime;
      (2) Documentation by the applicant demonstrates that the proposed compensation actions will provide functions and values that are significantly greater than the wetland being impacted; or
      (3) The proposed mitigation actions are conducted in advance of the impact and are shown to be successful.
Table 17.01.070 H: Wetland Mitigation Replacement Ratios Table

<table>
<thead>
<tr>
<th>Wetland Category</th>
<th>Re-establishment or Creation</th>
<th>Rehabilitation</th>
<th>1:1 Reestablishment or Creation (R/C) and Enhancement (E)</th>
<th>Enhancement Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Category IV</td>
<td>1.5:1</td>
<td>3:1</td>
<td>1:1 R/C and 2:1 E</td>
<td>6:1</td>
</tr>
<tr>
<td>All Category III</td>
<td>2:1</td>
<td>4:1</td>
<td>1:1 R/C and 2:1 E</td>
<td>8:1</td>
</tr>
<tr>
<td>Category II</td>
<td>Case-by-case</td>
<td>4:1</td>
<td>Case-by-case</td>
<td>Case-by-case</td>
</tr>
<tr>
<td>Estuarine</td>
<td></td>
<td>6:1 rehabilitation of an estuarine wetland</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All other</td>
<td>3:1</td>
<td>8:1</td>
<td>1:1 R/C and 4:1 E</td>
<td>12:1</td>
</tr>
<tr>
<td>Category II</td>
<td>6:1</td>
<td>12:1</td>
<td>1:1 R/C and 10:1 E</td>
<td>24:1</td>
</tr>
<tr>
<td>Forested</td>
<td>4:1</td>
<td>8:1</td>
<td>1:1 R/C and 6:1 E</td>
<td>16:1</td>
</tr>
<tr>
<td>Category I</td>
<td>Case-by-case</td>
<td>6:1</td>
<td>Case-by-case</td>
<td>Case-by-case</td>
</tr>
<tr>
<td>Natural Heritage</td>
<td></td>
<td>6:1 rehabilitation of a Natural Heritage site</td>
<td></td>
<td></td>
</tr>
<tr>
<td>site</td>
<td></td>
<td></td>
<td>Case-by-case</td>
<td></td>
</tr>
<tr>
<td>Category I</td>
<td>Case-by-case</td>
<td>6:1</td>
<td>Case-by-case</td>
<td>Case-by-case</td>
</tr>
<tr>
<td>Coastal Lagoon</td>
<td></td>
<td></td>
<td>6:1 rehabilitation of a coastal lagoon</td>
<td></td>
</tr>
<tr>
<td>Category I</td>
<td>Case-by-case</td>
<td>6:1</td>
<td>Case-by-case</td>
<td>Case-by-case</td>
</tr>
<tr>
<td>Bog</td>
<td></td>
<td></td>
<td>6:1 rehabilitation of a bog</td>
<td></td>
</tr>
<tr>
<td>Category I</td>
<td>Case-by-case</td>
<td>6:1</td>
<td>Case-by-case</td>
<td>Case-by-case</td>
</tr>
<tr>
<td>Estuarine</td>
<td></td>
<td></td>
<td>6:1 rehabilitation of an estuarine wetland</td>
<td></td>
</tr>
</tbody>
</table>
4. Off-Site Compensatory Mitigation.
   a. Considerations for determining whether off-site mitigation is preferable include, but are not limited to:
      (1) On-site conditions do not favor successful establishment of the required vegetation type, or lack the proper soil conditions, or hydrology;
      (2) On-site compensation would result in an aquatic habitat that is isolated from other natural habitats or severely impaired by the effects of the adjacent development;
      (3) Off-site location is crucial to one or more species that is threatened, endangered, or otherwise of concern, and the on-site location is not;
      (4) Off-site location is crucial to larger ecosystem functions, such as providing corridors between habitats, and the on-site location is not; and
      (5) Off-site compensation has a greater likelihood of success or will provide greater functional benefits.
   b. When determining whether off-site mitigation is preferable, the value of the site-specific wetland functions at the project site, such as flood control, nutrient retention, sediment filtering, and rare or unique habitats or species, should be fully considered.
   c. When conditions do not favor on-site compensation, off-site compensatory mitigation should be located as close to the impact site as possible, at least within the same watershed, while still replacing lost functions.

5. Monitoring Requirements.
   Mason County shall require monitoring reports on an annual basis for a minimum of five years and up to ten years, or until the department determines that the mitigation project has achieved success. The wetlands mitigation plan shall provide specific criteria for monitoring the mitigation project. Criteria shall be project-specific and use best available science to aid the department in evaluating whether or not the project has achieved success.

G. PERMIT REVIEW

The basic concern in the permitting process is to avoid and minimize wetland impacts. Permits are issued when the applicant can demonstrate that the activity is both unavoidable and necessary. The applicant must state the purpose of the proposed project, and demonstrate the requirement for a wetland location or access across wetlands, and the reason it cannot be located at other sites, or at another location on-site.

APPENDIX A

The following is from:

3. RATIONALE FOR THE CATEGORIES

This rating system is designed to differentiate between wetlands based on their sensitivity to disturbance, rarity, the functions they provide, and whether we can replace them or not. The emphasis is on identifying those wetlands:
• where our ability to replace them is low,
• that are sensitive to adjacent disturbance,
• that are rare in the landscape,
• that perform many functions well,
• that are important in maintaining biodiversity.

The following description summarizes the rationale for including different wetland types in each category. As a general principle, it is important to note that wetlands of all categories have valuable functions in the landscape, and all are worthy of inclusion in programs for wetland protection.

3.1 CATEGORY I

Category I wetlands are those that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of functions. We cannot afford the risk of any degradation to these wetlands because their functions and values are too difficult to replace. Generally, these wetlands are not common and make up a small percentage of the wetlands in the region. Of the 122 wetlands used to field test the current rating system only 24 (20%) were rated as a Category I. In western Washington the following types of wetlands are Category I.

**Estuarine Wetlands** - Relatively undisturbed estuarine wetlands larger than 1 acre are Category I wetlands because they are relatively rare and provide unique natural resources that are considered to be valuable to society. These wetlands need a high level of protection to maintain their functions and the values society derives from them. Furthermore, the questions used to characterize how well a freshwater wetland functions cannot be used for estuarine wetlands. No rapid methods have been developed to date to characterize how well estuarine wetlands function.

Estuaries, the areas where freshwater and salt water mix, are among the most highly productive and complex ecosystems where tremendous quantities of sediments, nutrients and organic matter are exchanged between terrestrial, freshwater and marine communities. This availability of resources benefits an enormous variety of plants and animals. Fish, shellfish and birds and plants are the most visible. However, there is also a huge variety of other life forms in an estuarine wetland: for example, many kinds of diatoms, algae and invertebrates are found there.

Estuarine systems have substantial economic value as well as environmental value. All Washington State estuaries have been modified to some degree, bearing the brunt of development pressures through filling, drainage, port development and disposal of urban and industrial wastes. The over-harvest of certain selected economic species has also modified the natural functioning of estuarine systems. Many Puget Sound estuaries such as the Duwamish, Puyallup, Snohomish and Skagit have been extensively modified. Up to 99% of some estuarine wetland areas in the state have been lost.

Estuaries, of which estuarine wetlands are a part, are a “priority habitat” as defined by the state department of Fish and Wildlife. Estuaries have a high fish and wildlife density and species richness, important breeding habitat, important fish and wildlife seasonal ranges and movement corridors, limited availability, and high vulnerability to alteration of their habitat (Washington State Department of Fish and Wildlife (WDFW), http://www.wa.gov/wdfw/hab/phslist.htm, accessed October 15, 2003).

**Natural Heritage Wetlands** – Wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high quality, relatively undisturbed wetlands, or wetlands that support State listed threatened or endangered plants are Category I wetlands.

High quality, relatively undisturbed examples of wetlands are uncommon in western Washington. By categorizing these wetlands as Category I, we are trying to provide a high level of protection to the undisturbed character of these remaining high quality wetlands. Examples of undisturbed wetlands help us to understand natural wetland processes.

Furthermore, the presence of rare plants in a wetland indicates unique habitats that might otherwise not be identified through the rating system. Rare plant populations are also sensitive to disturbance, particularly activities that result in the spread of invasive species. The Washington Natural Heritage Program of the Department of Natural Resources (DNR) has identified
important natural plant communities and species that are very sensitive to disturbance or threatened by human activities, and maintains a database of these sites.

“These natural systems and species will survive in Washington only if we give them special attention and protection. By focusing on species at risk and maintaining the diversity of natural ecosystems and native species, we can help assure our state’s continued environmental and economic health.” (DNR http://www.wa.gov/dnr/htdocs/fr/nhp/wanhp.html, accessed October 1, 2002)

**Bogs** - Bogs are Category I wetlands because they are sensitive to disturbance and impossible to re-create through compensatory mitigation.

Bogs are low nutrient, acidic wetlands that have organic soils. The chemistry of bogs is such that changes to the water regime or water quality of the wetland can easily alter its ecosystem. The plants and animals that grow in bogs are specifically adapted to such conditions and do not tolerate changes well. Immediate changes in the composition of the plant community often occur after the water regime changes. Minor changes in the water regime or nutrient levels in these systems can have major adverse impacts on the plant and animal communities (e.g. Grigal and Brooks, 1997).

In addition to being sensitive to disturbance, bogs are not easy to re-create through compensatory mitigation. Researchers in northern Europe and Canada have found that restoring bogs is difficult, specifically in regard to plant communities (Bolscher 1995, Grosvermier et al. 1995, Schouwenaars 1995, Schrautzer et al. 1996), water regime (Grootjans and van Diggelen 1995, Schouwenaars 1995) and/or water chemistry (Wind-Mulder and Vitt 2000). In fact, restoration may be impossible because of changes to the biotic and abiotic properties preclude the re-establishment of bogs (Schouwenaars 1995, Schrautzer et al. 1996). Furthermore, bogs form extremely slowly, with organic soils forming at a rate of about one inch per 40 years in western Washington (Rigg 1958). Nutrient poor wetlands, such as bogs, have a higher species richness, many more rare species, and a greater range of plant communities than nutrient rich wetlands (review in Adamus and Brandt 1990). They are, therefore, more important than would be accounted for using a simple assessment of wetland functions (Moore et al. 1989).

**Mature and Old-growth Forested Wetlands** – Mature and old-growth forested wetlands over 1 acre in size are “rated” as Category I because these wetlands cannot be easily replaced through compensatory mitigation. A mature forest may require a century or more to develop, and the full range of functions performed by these wetlands may take even longer (see review in Sheldon et al. 2004, in press).

These forested wetlands are also important because they represent a second “priority habitat” as defined by the state department of Fish and Wildlife. “Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species.” (Washington State Department of Fish and Wildlife (WDFW), http://www.wa.gov/wdfw/hab/phslist.htm, accessed October 15, 2002). NOTE: All wetlands are categorized as a priority habitat by the WDFW. Mature and forested wetlands, therefore, represent two priority habitats that coincide.

**Wetlands in Coastal Lagoons** – Coastal lagoons are shallow bodies of water, like a pond, partly or completely separated from the sea by a barrier beach. They may, or may not, be connected to the sea by an inlet, but they all receive periodic influxes of salt water. This can be either through storm surges overtopping the barrier beach, or by flow through the porous sediments of the beach.

Wetlands in coastal lagoons are placed into Category I because they probably cannot be reproduced through compensatory mitigation, and because they are relatively rare in the landscape. No information was found on any attempts to create or restore coastal lagoons in Washington that would suggest this type of compensatory mitigation is possible. Any impacts to lagoons will, therefore, probably result in a net loss of their functions and values.

In addition, coastal lagoons and their associated wetlands are proving to be very important habitat for salmonids. Unpublished reports of ongoing research in the Puget Sound (Hirschi et al. 2003, Beamer et al. 2003) suggests coastal lagoons are heavily used by juvenile salmonids.

**Wetlands That Perform Many Functions Very Well** - Wetlands scoring 70 points or more (out of 100) on the questions related to functions are Category I wetlands.
Not all wetlands function equally well, especially across the suite of functions performed. The field questionnaire was developed to provide a method by which wetlands can be categorized based on their relative performance of different functions. Wetlands scoring 70 points or more were judged to have the highest levels of function. Wetlands that provide high levels of all three types of functions (improving water quality, hydrologic functions, and habitat) are also relatively rare. Of the 122 wetlands used to calibrate the rating system in western Washington, only 18 (15%) scored 70 points or higher based on their functions.

The questionnaire on wetland functions is based on the six-year effort to develop detailed methods for assessing wetland functions both in eastern and western Washington. These methods currently represent the “best available science” in rapid assessments of wetland functions.

3.2 CATEGORY II

Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands in western Washington include:

**Estuarine Wetlands** - Any estuarine wetland smaller than an acre, or those that are disturbed and larger than 1 acre are category II wetlands. Although disturbed, these wetlands still provide unique natural resources that are considered to be valuable to society. Furthermore, the questions used to characterize how well a wetland functions cannot be used for estuarine wetlands.

**Interdunal Wetlands** - Interdunal wetlands greater than 1 acre are Category II because they provide critical habitat in this ecosystem (Wiedemann 1984). This resource is important but constitutes only a small part of the total dune system (Wiedemann 1984). No methods have been developed to characterize how well interdunal wetlands function, so these wetlands cannot be rated by a score.

Interdunal wetlands form in the “deflation plains” and “swales” that are geomorphic features in areas of coastal dunes. These dune forms are the result of the interaction between sand, wind, water and plants. The dune system immediately behind the ocean beach (the primary dune system) is very dynamic and can change from storm to storm (Wiedemann 1984). For the purpose of rating, any wetlands that are located to the west of the 1889 line (western boundary of upland ownership) are considered to be interdunal.

**Wetlands That Perform Functions Well** - Wetlands scoring between 51-69 points (out of 100) on the questions related to the functions present are Category II wetlands. Wetlands scoring 51-69 points were judged to perform most functions relatively well, or performed one group of functions very well and the other two moderately well.

3.3 CATEGORY III

Category III wetlands are 1) wetlands with a moderate level of functions (scores between 30 -50 points) and 2) interdunal wetlands between 0.1 and 1 acre in size. Wetlands scoring between 30 -50 points generally have been disturbed in some ways, and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

3.4 CATEGORY IV

Category IV wetlands have the lowest levels of functions (scores less than 30 points) and are often heavily disturbed. These are wetlands that we should be able to replace, and in some cases be able to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and also need to be protected.
17.01.080 CRITICAL AQUIFER RECHARGE AREAS

In order to protect the public health and safety, prevent the degradation of ground water aquifers used for potable water, and to provide for regulations that prevent and control risks to the degradation of ground water aquifers, the following standards for Mason County are described in Section 17.01.080. Critical Aquifer Recharge Areas are those areas which are determined to have an important recharging effect on aquifers used as a source for potable water and vulnerable to contamination from recharge. Critical Aquifer Recharge Areas are areas of special concern and are subject to the Mason County Health Codes.

Contents:

A. Classification of Aquifer Recharge Areas
B. Designation
C. Pre-existing Uses
D. Prohibited Uses and Activities
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P. Secondary Containment and Recycling of Hazardous Materials

A. Classification of Aquifer Recharge Areas

1. Classes. Critical Aquifer Recharge Areas are classified as either Class I (Extremely Susceptible), Class II (Highly Susceptible), Class III (Moderately Susceptible), or Class IV (Low Susceptibility), as described below.

2. Methodology. The aquifer classification system and maps were developed by a qualified geologist in consultation with the Washington Department of Natural Resources and considering data from the following sources;
   c. Geologic Map of the South Half of the Shelton and South Half of the Copalis Beach Quadrangles Washington; Robert L. Logan; Washington Division of Geology an Earth Resources; Open file Report 87-9; 1987.
   d. Geologic Map of North Central Mason County; R. J. Carson; Department of Geology and Earth Resources; Open File Report 76-2; 1976.
   e. Soil Conservation Maps for Mason County Washington; various.
   f. Topographic maps for Mason County; various.
   g. Water Well records.

   Interpretation of these data sources was performed by Geologist Gordon Adams. An explanation of that interpretation is included in a letter from Gordon Adams dated March 29, 1999.
2. Standards of Classification.

a. Class I (Extremely Susceptible). Areas designated as Class I demonstrate hydrogeologic characteristics that allow for an extremely high susceptibility of an underground source of drinking water. These areas are identified as recessional outwash of thickness greater than 25 feet. Recessional outwashes are a geological formation predominantly composed of underground source of drinking water unconsolidated sands and gravels. These formations exhibit horizontal permeabilities greater than 30 feet per day \((horizontal\,permeabilities\,are\,generally\,10\,times\,less\,than\,vertical\,permeabilities)\). Potential contaminants entering an underground source of drinking water can be expected to travel one mile in six months or less.

b. Class II (Highly Susceptible). Areas designated as Class II demonstrate hydrogeologic characteristics that allow for a high susceptibility of an underground source of drinking water. These areas are identified as recessional outwash and alluvium 25 feet or less in thickness. These geologic formations are composed of unconsolidated sands and gravels interlain with discontinuous layers of hardpan and silty clays. Depth to water is generally 25 to 125 feet below land surface. These formations exhibit horizontal permeabilities in the range of 30 to 15 feet per day. Potential contaminants entering an underground source of drinking water can be expected to travel one mile in a time frame greater than six months and up to one year.

c. Class III (Moderately Susceptible). Areas designated as Class III demonstrate hydrogeologic characteristics that allow for a moderate susceptibility of an underground source of drinking water. These areas are identified as advance outwash. The geologic formations consist of discontinuous layers of clayey gravel and sand and layers of silt and clay, which are more continuous and have been compacted into hardpan. Depth to water is greater than 125 feet below land surface. These formations exhibit horizontal permeabilities in the range of 15 to 3 feet per day. Potential contaminants entering an underground source of drinking water can be expect to travel one mile in a time frame greater than one year and up to five years. Class III areas include those well head protection areas, not otherwise designated as a Class I, II, or III critical recharge area, and recorded with the Mason County Department of Community Development.

d. Class IV (Low Susceptibility). Areas designated as Class IV demonstrate hydrogeologic characteristics that allow for a low susceptibility of an underground source of drinking water. These areas are identified as advance outwash found in the southwest part of Mason County along the Satsop drainage.

B. Designation

The lands and fresh waters of Mason County meeting the Critical Aquifer Recharge Areas Classification, plus 300 feet beyond the mapped boundary of all Class I, II or III areas, are hereby designated under RCW Chapter 36.70A as Critical Area Protection Zones requiring protection for public health.

C. Pre-existing Uses

Uses legally existing as of the date of adoption of this ordinance and which are listed under Sections D. (Prohibited Uses and Activities) or E. (Uses Requiring an Environmental Permit) are defined to be pre-existing uses. Pre-existing uses may continue operation pursuant to the following provisions and procedures. The purpose of these provisions is to assure that pre-existing uses that represent a threat to the aquifer are brought into compliance with the provisions of this chapter over time and to the highest degree possible. These provisions shall not be construed to mean that a pre-existing business must cease operations even if the type of business operates as a prohibited use per section D. below. The following procedures and requirements are hereby established:

Upon identification of a legal pre-existing use, the county shall contact the operator and/or owner in order to develop a compliance plan and time line for bringing the pre-existing use into compliance to the highest degree practicable and which provides an acceptable low level of risk to the aquifer.

1. The County will negotiate with the owner/operator to identify a reasonable time frame and necessary steps to bring the use into compliance with this chapter.
2. Technical assistance will be offered the owner/operator by state and/or local personnel to enable the owner/operator to bring the operation into compliance.
3. The County will require that a written compliance plan be developed and agreed to by the owner/operator setting forth the compliance steps that will be taken and the agreed time frame under which these steps will be completed.
4. The compliance plan shall be agreed to in a reasonable time as defined by the Director on a case-by-case basis.
5. Such compliance plan will take the form of a contract between the County and the owner/operator.
6. No expansion of any non-conforming aspect of the use or business activity will be permitted.
7. Failure to meet the terms of the contract, including time frames agreed to, shall constitute a breach of contract subject to all applicable law. If legal action on the part of the County becomes necessary to enforce the contract, the owner/operator shall be liable for all legal expenses.

D. Prohibited Uses

The following uses or activities are considered high impact uses due to the probability and/or potential magnitude of their adverse effects on groundwater and shall be prohibited in Class I, Class II and Class III Critical Aquifer Recharge Areas.

1. Landfill
2. Wood preserving, not fully contained operations
3. Electroplating
4. Dry cleaners excluding drop-off only operations where there is no on-site cleaning using hazardous materials
5. Class V injection wells, but limited to subclasses 5F01, 5D03, 5D04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24.
6. Surface mining operations within designated urban growth areas, or within Class I, II, or III areas contiguous with the urban growth areas.
7. Radioactive disposal sites
8. Outdoor auto wrecking operations
9. Hazardous waste transfer and treatment
10. Land spreading disposal sites where disposal is above agronomic rates (as in WAC 173-304)
11. Feedlots
12. Dumping of chemicals into a on-site septic system of a type or quantity that exceeds the systems designed capacity to treat.
13. Hazardous waste storage facilities unless accessory to an otherwise permitted use and approved under State hazardous waste permit.

E. Uses Requiring an Environmental Permit

The following activities are allowed in Class I, Class II and Class III Aquifer Recharge Areas after issuance of a Permit per subsection I. below. This requirement is not intended to apply to schools, colleges, hospitals and other public institutions where the activities are incidental or accessory to the principal activity. This requirement is not intended to apply to a home occupation or cottage industry, where the amounts of hazardous materials use are below the thresholds established and regulated in the Uniform Fire Code. Permit review shall be by the Administrative Review process specified in section 17.01.120.

1. Chemical Manufacturing
2. Chemical mixing and remanufacture
3. Above and below ground storage tanks ad pipes used to contain regulated substances (see section 17.01.240)
4. Facilities that conduct biological research
5. Boat repair shops
6. Chemical research facilities
7. Gasoline service stations
8. Pipelines (petroleum and chemical transfer)
9. Printing and publishing operations that use printing liquids
10. Below ground transformers and capacitors
11. Sawmills producing over 10,000 board feet per day
12. Solid Waste handling and processing facilities
13. Vehicle repair, recycling, and auto wrecking activities
14. Mortuary
15. Furniture stripping
16. Motor vehicle service garages
17. Chemical processing of photographic film
18. Creosote and asphalt manufacturing and treatment facilities
19. Golf courses or ranges
20. Medium quantity generators (of dangerous, acutely hazardous, an toxic extremely hazardous waste)
21. Large quantity generators (of dangerous, acutely hazardous, and toxic extremely hazardous waste)
22. Activities reclassified as eligible for a Permit after County approval of a request to reclassify per subsection L.
23. Fully contained wood preserving operations.
24. Surface mining operations permitted under general permit by the Washington State Department of Ecology and not otherwise prohibited per Subsection D.

F. **Subdivision Standards and Evaluation Requirements.**

1. Subdivision, short subdivisions and other divisions of land in areas of special concern shall be evaluated for their impact on groundwater quality as follows:

   a. In urban growth areas, land divisions may be allowed which create lots less than one acre in size which rely on individual on-site septic systems. Such approvals shall be conditioned so that the total development allowed within the area to be divided shall not exceed an average density of one dwelling unit per acre, or an equivalent waste-water volume, until such development is served by public sewer.

   b. In urban growth areas, land divisions may be allowed which create lots less than one acre in size which rely on a community on-site septic systems. Such approvals shall be conditioned so that the total development allowed within the area to be divided shall not exceed an average density of one dwelling unit per acre, or an equivalent waste-water volume, until such development is served by public sewer. In addition, said system shall be evaluated to assure that it does not have localized effects that might have a significant adverse impact on wells or surface water bodies. Information for the evaluation shall be provided by the applicant in the form of a Site Evaluation Report as specified in subsection M.2.

   c. Outside of urban growth areas, subdivisions which provide for clusters of residential development where the density of the cluster of residential lots exceed one lot per acre, or where development will rely on a community on-site septic system, shall be evaluated to assure that they do not have localized effects that might have a significant adverse impact on wells or surface water bodies. Information for the evaluation shall be provided by the applicant in the form of a Site Evaluation Report as specified in subsection M.2.

2. Approval of a permit for 1. b. or c. above shall be based on a review of the report and a determination that there are no probable significant adverse impacts to wells, springs, surface water bodies, or off-site ground water quality.

G. **On-site Septic System Standards**

1. The proper operation and maintenance of community or on-site septic systems is required in the critical aquifer recharge areas. The standards and procedures to be met to assure this are as set forth in the “Mason County On-Site Sewage Operation and Maintenance Program” and any subsequent implementing regulations. Participation in this program is mandatory for existing and new septic systems in the critical aquifer recharge areas.
2. New construction

a. New construction which relies on on-site septic systems shall not be allowed to exceed a density of one dwelling unit per acre, or an equivalent waste-water volume, except for the development of one dwelling on lots existing or vested by December 5, 1996, where the on-site septic system can comply with all Environmental Health Department standards. For the purposes of this section, the sewage flow of one single family dwelling equals one unit volume of sewage equals 450 gallons per day. An exception to this may be made where a sewage treatment system or plant is used that processes the effluent so that the total of contaminants is equivalent to or less than that which would be produced by one dwelling unit per acre in suitable soils using individual on-site septic systems. The intensity of non-residential development that is allowed in compliance with this standard shall be calculated from Table 1. Alternative calculations for activities not included in Table 1 may be proposed, but the calculation method and conclusions must be approved by the County Environmental Health Department.

b. Where such development relies on a new on-site sewage treatment plant or other new on-site community septic system, said plant or system shall not have localized affects that might have a significant adverse impact on wells or surface water bodies. Information for the evaluation shall be provided by the applicant in the form of a Site Evaluation Report as specified in subsection M.2. Approval of a permit shall be based on a review of the report and a determination that there are no probable significant adverse impacts to wells, springs, surface water bodies, or off-site ground water quality.

3. All new development within the designated urban growth areas, except for single-family residences built prior to the opportunity to connect to a public sewer system, shall be required to connect to existing public sewer systems, or to proposed public sewer systems as soon as connection is available.

H. Well Head Protection Area - Notice

Within well head protection areas, in addition to any other notice requirements, notice shall be provided to the manager of said area for any applications for an Environmental Permit for the Critical Aquifer Recharge Area or for any long subdivisions.

I. Standards for an Environmental Permit for the Critical Aquifer Recharge Area

To receive an Environmental Permit to operate in the Critical Aquifer Recharge Area an applicant must;


2. Demonstrate through a Best Management Practices Report pursuant to subsection M.1. below, how they will integrate other necessary and appropriate mitigating measures in the design, installation, and management of the proposed facility or use, and

3. Provide a written agreement to the County providing that all employees at the site will be notified that the operation lies above an aquifer recharge area and providing annual training regarding all measures set forth by the BMP established in subsection I. 1 or 2 above.

J. BMP Monitoring and Inspection.

To assure that Best Management Practices are implemented and maintained over time, the following procedures and requirements are hereby established:
1. The county will maintain a data-base identifying all pre-existing prohibited uses or uses requiring a permit under the provisions of this section. Information for this purpose will be gathered from applicants for development permits and by consultation with appropriate state agencies. During pre-application meetings or on application, the county will require applicants to identify if they are required to have a hazardous waste identification number by the Washington State Department of Ecology and whether they generate any hazardous waste as defined under WAC 173-303.

2. Inspection and monitoring procedures.
   As a condition of approval, regular inspections for compliance will be required as appropriate to the activity, but not less than once in two years. The first inspection shall be made within 3 months of the issuance of the certificate of occupancy for the project.

K. Map Amendments

Applicants may seek to have the Aquifer Recharge Map amended as it pertains to the parcel or parcels for which they are applying. The application will be for a conditional environmental permit. This may be granted after the applicant demonstrates to the satisfaction of the county that site conditions meet the standards of classification per subsection C. for the Aquifer Area Class sought.

Such demonstration shall be accomplished by providing a Map Amendment Report per subsection M.2. to the county. The County shall evaluate the Report and make a written determination as to whether the map will be amended. Approval of the map amendment requires that, based on the best available science, the site does not qualify as a critical aquifer recharge area, or qualifies as a different class designation from its current designation, as applied by the County pursuant to the Growth Management Act.

The report shall be reviewed by the County in conjunction with the underlying permit process, if any exists. The review process shall be a public review as specified in subsection 17.01.120 E. 2. b. The County may consult with the Mason County Health Department, State of Washington Department of Health, independent reviewer, or any other parties it sees fit. The County will review the report with consideration of the level of science that currently exists and was employed to make the map designation being challenged. The applicant will not be required to provide information and/or analysis in excess of that required to convince the County that a map change is warranted.

In addition, the County will re-assess all Map Amendment Reports and all other pertinent information received on a periodic basis and consider other appropriate map amendments on the basis of this increased information.

L. Reclassification of Specific Land Use Activity

Applicants may seek to have the use for which they are applying able to receive a Aquifer Areas Protection Permit per subsection E. This may be granted after the applicant demonstrates to the satisfaction of the County, that the use proposed applies new technologies and/or procedures, not traditional to the industry, that reduce the threat to the aquifer beyond that posed by the traditional technologies and/or procedures to a degree that the County determines will justify the reclassification.

Such demonstration shall be accomplished by providing an Activity Reclassification Report per subsection M. 3. to the County. The County shall evaluate the Report and make a written determination as to whether the individual proposed land use will be recategorized. Review of the application shall be a public review as provided in section 17.01.120 2. b. Reclassification of a land use shall apply only to the particular use for which the reclassification is sought and shall not be applied to all or any similar uses.

In addition, the County will re-assess all Reports received pursuant to this chapter and all other pertinent information received on a periodic basis and consider other changes in the categorization of land uses in this chapter on the basis of this increased information.
M. Reports

1. Best Management Practices (BMP) Report - criteria. The following criteria shall apply when preparing a Best Management Practices (BMP) report:
   
a. The report shall be prepared by, or done under the direction of and designed by, a qualified person with demonstrated expertise in the industry or field as demonstrated by a statement of qualifications and at least three references from parties familiar with common business practices in the subject field or known expertise in the field.

b. The report will identify appropriate Best Management Practices by specifying all known and available reasonable technologies and how they will be employed to prevent degradation of groundwater. All necessary technical data, drawings, calculations, and other information to describe application of the BMP must be supplied.

c. The report will identify how the applicant will satisfy the requirements of the Dangerous Waste Regulations, chapter 173-303 WAC in the event that hazardous material is released into the ground or ground water.

d. The report will be reviewed by the Department of Community Development or a consultant hired by the County, at the applicant’s expense, for this review. The County may consult with the Mason County Environmental Health Department; State of Washington Departments of Health or Ecology, independent reviewer, or any other parties it sees fit.

2. Map Amendment Report/ Site Evaluation Report - criteria. The following criteria shall apply when preparing a Map Amendment Report/ Site Evaluation Report:

   a. A qualified groundwater professional will make a determination whether the proposed map amendment or project application will have adverse impacts on groundwater based on the requirements of the Safe Drinking Water Act and the Wellhead Protection Program, pursuant to Public Water Supplies, Chapter 246-290 WAC; Water Quality Standards for ground waters of the state of Washington, Chapter 173-200 WAC; and Dangerous Waste regulations, Chapter 173-303 WAC. Those chapters of Washington Administrative Code are hereby adopted, as written or hereafter amended, as part of this chapter by reference. They are available at County offices.

   b. Map Amendment Report/ Site Evaluation Reports shall include the following:

      i. Identification of features of the proposed development plan (e.g., on-site septic systems and other on-site activities) that may adversely impact ground water quality underlying or down gradient of the project or project area.

      ii. Drawing in an appropriate scale showing location of abandoned and active wells, springs, and surface water bodies within 1,000 feet of the project limits.

      iii. A description of the geologic and hydrologic characteristics of the subject property sufficient to justify the map amendment sought. This information may include any or all of the following:

         (a) Lithologic characteristics and stratigraphic relationships;

         (b) Aquifer characteristics including recharge and discharge areas, depth to ground water, static water flow patterns, and estimated groundwater flow velocity;

         (c) Contaminant rate and transport including probable migration pathways and travel time of a potential contaminant release from a site through the unsaturated zone to the aquifer(s) and through the aquifers(s), and how contaminant(s) may be attenuated within the unsaturated zone and the aquifer(s);
(d) Appropriate hydrogeologic cross sections which depict lithology, stratigraphy, aquifer units, potential or probable contaminant pathways from a chemical release, and rate of groundwater flow; and

(e) Existing groundwater quality, proposal for a groundwater monitoring plan to detect changes and indicate the corrective actions that will be taken if monitoring results indicate contaminants from the site have entered the underlying aquifer(s).

(f) Existing soils types and characteristics

(g) A discussion of the probable geologic history of the site and its impact on aquifer formation, soils conditions, and aquifer susceptibility.

3. Activity Reclassification Report - preparation and review criteria. The following criteria shall apply when preparing an Activity Reclassification Report:

a. The report shall be prepared by, or done under the direction of and signed by, a qualified person with demonstrated expertise in the industry or field as demonstrated by a statement of qualifications and at least three references from parties familiar with common business practices in the subject field or known expertise in the field.

b. The report shall contain a complete description of the activity for which reclassification is being sought. This description shall include all necessary technical data for the County to assess potential threat to the aquifer from an unmitigated operation, including chemicals and substances used, byproducts produced, etc.

c. The report shall present Best Management Practices and/or mitigation techniques adequate to insure, to the satisfaction of the County, that the activity or land use for which reclassification is sought will present no greater threat to groundwater quality than other uses listed in this ordinance in the category being sought. The burden is on the applicant to make this showing sufficient in the eyes of the County to reclassify the use. The report will include all technical data necessary, design drawings, specifications for equipment used, performance data on equipment or structures, and any evidence or testimony of successful operation of same or similar facilities and practices in other locations.

d. The report will demonstrate to the satisfaction of the County that reclassification of a land use will have no adverse impacts on groundwater based on the requirements of the Safe Drinking Water Act and the Wellhead Protection Program, pursuant to Public Water Supplies, Chapter 246-290 WAC; Water Quality Standards for Ground Waters of the State of Washington, Chapter 173-200 WAC; and Dangerous Waste Regulations, Chapter 173-303 WAC. Those chapters of Washington Administrative Code are hereby adopted, as written or hereafter amended, as part of this chapter by reference. They are available at Department of Community Development offices.

e. The report will be reviewed by the Department of Community Development. The County may consult with the Mason County Health Department; State of Washington Departments of Health or Ecology, independent reviewer, or any other parties it sees fit.

N. Public Education/Notice

1. The household or commercial use of herbicides, pesticides, and fertilizers not in conformance with the manufacturers instructions/label directions is a violation of state and/or federal regulation. Improper disposal of oil based paints, paint thinners and other hazardous materials is a violation of the Mason County Solid Waste Regulation and of state and/or federal regulation. The county encourages proper use of such materials and shall provide educational information to the public through its sponsorship of the Washington State Cooperative Extension Service, the Mason Conservation District, or through the provision of informational materials in its offices.
2. Notification:

   a. Title Notification

   The owner of any site within a designated Critical Aquifer Recharge Area as identified in the Mason County Critical Aquifer Recharge Areas Map, on which a development proposal is submitted, shall record a notice with the Mason County Auditor. The notice shall indicate in the public record the presence of a critical aquifer recharge area, the application of this Chapter to the site, and that limitations on regulated activities may exist. Only one such notice is required to be made on any individual property or lot. The notice shall be as set forth below.

   "Notice: This site lies within a critical aquifer recharge area as defined by Chapter 8, Mason County Code. The site was the subject of a development proposal for application number ______ filed on ___________ (date). Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. Review of such application provides information on the location of a critical aquifer recharge area and the restrictions on the site. A copy of the plan showing the aquifer recharge area is attached hereto.

   b. Plat Notification

   For all proposed short subdivision and subdivision proposals within Critical Aquifer Recharge Areas, the applicant shall include a note on the face of the plat. The note shall be as set forth below:

   "Notice: This site lies within a critical aquifer recharge area as defined by Chapter 8, Mason County Code. The site was the subject of a development proposal for application number ________ filed on ___________ (date). Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. The note shall be recorded as part of final plat approval of any short subdivision or subdivision.

   c. Evidence of recording of these notices must be provided to the County.

O. Protection of Private Wells

Generators of hazardous materials are hereby defined as a known or suspected source of contamination per state law. No small, medium, or large quantity generators of hazardous materials shall be permitted to locate within 100 feet of any water well per the provisions of WAC 173-160-171 or its successors. This requirement applies to all portions of the County.

P. Secondary Containment of Recycling of Hazardous Materials

The following practices and procedures shall be observed throughout the County:

1. Moderate risk waste and petroleum products, including but not limited to oil and grease, shall be disposed of by recycling or use of a hazardous waste management facility operating under interim status or with a permit issued by EPA or an authorized state. No person shall intentionally or negligently dump or deposit or permit the dumping or depositing of any such waste in any other manner, including onto the surface of the ground, into surface water, or into ground water.

2. Moderate risk waste, petroleum products, and hazardous materials shall be kept in containers and shall be stored in such a manner and location that if a container is ruptured, the contents will not discharge, flow, be washed or fall into surface water or ground water. This is not intended to supersede any regulations as stated in the Fire Code.
<table>
<thead>
<tr>
<th>TYPE OF FACILITY</th>
<th>DESIGN UNITS</th>
<th>FLOW (GPD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airports</td>
<td>per employee; add per passenger</td>
<td>10; 4.0</td>
</tr>
<tr>
<td>Banquet rooms</td>
<td>per seat</td>
<td>5</td>
</tr>
<tr>
<td>Barber and beauty shops</td>
<td>per chair</td>
<td>100</td>
</tr>
<tr>
<td>Bowling alleys (bar and food)</td>
<td>per lane</td>
<td>125</td>
</tr>
<tr>
<td>Bowling alleys (bar only)</td>
<td>per lane</td>
<td>75</td>
</tr>
<tr>
<td>Campgrounds with no laundry, no wet sewer hookups or dump station</td>
<td>per camp site</td>
<td>50</td>
</tr>
<tr>
<td>Campgrounds/RV park, with toilets</td>
<td>per camp site</td>
<td>75</td>
</tr>
<tr>
<td>Campgrounds/RV park, showers, toilets, laundry, sewer hookup</td>
<td>per camp site</td>
<td>100</td>
</tr>
<tr>
<td>Church - food service, 4-hour</td>
<td>per person</td>
<td>5</td>
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<tr>
<td>Church - no food, 4-hour</td>
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<tr>
<td>Community College</td>
<td>per student &amp; faculty, 12-hours</td>
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<tr>
<td>Country club - includes food, showers, lounge</td>
<td>per member; add per non-member</td>
<td>50; 25</td>
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<tr>
<td>Day Care Centers, 12-hour</td>
<td>per person</td>
<td>20</td>
</tr>
<tr>
<td>Dentist office</td>
<td>per dentist; add per wet chair</td>
<td>250; 200</td>
</tr>
<tr>
<td>Doctor office</td>
<td>per doctor</td>
<td>250</td>
</tr>
<tr>
<td>Doctor office, in medical center</td>
<td>per 1000 sq ft, 12-hours</td>
<td>500</td>
</tr>
<tr>
<td>Food Service and Bars</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Ordinary restaurant</td>
<td>per seat</td>
<td>50</td>
</tr>
<tr>
<td>b. 24-hour restaurant</td>
<td>per seat</td>
<td>75</td>
</tr>
<tr>
<td>c. Bar and cocktail lounge</td>
<td>per seat</td>
<td>30</td>
</tr>
<tr>
<td>d. Drive-in restaurant</td>
<td>per car space</td>
<td>75</td>
</tr>
<tr>
<td>e. Bar only, no food</td>
<td>per seat</td>
<td>10</td>
</tr>
<tr>
<td>f. Coffee shop, 6 hour operation</td>
<td>per seat</td>
<td>6</td>
</tr>
<tr>
<td>Hospital</td>
<td>per bed</td>
<td>300</td>
</tr>
<tr>
<td>Hospital - mental</td>
<td>per bed and per employee</td>
<td>172 and 11</td>
</tr>
<tr>
<td>Hotels and motels, rooms only</td>
<td>per room</td>
<td>130</td>
</tr>
<tr>
<td>TYPE OF FACILITY</td>
<td>DESIGN UNITS</td>
<td>FLOW (GPD)</td>
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<tr>
<td>---------------------------------------------------</td>
<td>------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Industrial building, excl. cafeteria and process</td>
<td>per employee/ 8 hour shift</td>
<td>17</td>
</tr>
<tr>
<td>waste</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial, add for Cafeteria</td>
<td>per employee</td>
<td>13</td>
</tr>
<tr>
<td>Laundries, self serve, 16-hour</td>
<td>per machine</td>
<td>400</td>
</tr>
<tr>
<td>Meeting rooms</td>
<td>per seat</td>
<td>3</td>
</tr>
<tr>
<td>Mobile home parks</td>
<td>per space</td>
<td>300</td>
</tr>
<tr>
<td>Nursing home/rest home</td>
<td>per bed</td>
<td>200</td>
</tr>
<tr>
<td>Office building</td>
<td>per worker</td>
<td>20</td>
</tr>
<tr>
<td>Parks - toilets</td>
<td>per person</td>
<td>10</td>
</tr>
<tr>
<td>Parks - toilets &amp; showers</td>
<td>per person</td>
<td>20</td>
</tr>
<tr>
<td>Prison</td>
<td>per resident; add per employee</td>
<td>159; 16</td>
</tr>
<tr>
<td>Resort camps, cottages</td>
<td>per room</td>
<td>100</td>
</tr>
<tr>
<td>Rooming house</td>
<td>per resident</td>
<td>50</td>
</tr>
<tr>
<td>Schools, no food or showers</td>
<td>per student</td>
<td>10</td>
</tr>
<tr>
<td>Schools, add for cafeterias</td>
<td>per student</td>
<td>5</td>
</tr>
<tr>
<td>Schools, add for showers</td>
<td>per student</td>
<td>5</td>
</tr>
<tr>
<td>Schools, boarding</td>
<td>per student</td>
<td>75</td>
</tr>
<tr>
<td>Service station - pumps</td>
<td>per island; add per employee</td>
<td>500; 25</td>
</tr>
<tr>
<td>Service stations - repair</td>
<td>for first bay; add each additional bay</td>
<td>1000; 500</td>
</tr>
<tr>
<td>Shopping centers, 12-hour</td>
<td>per 1000 sq. ft floor space</td>
<td>300</td>
</tr>
<tr>
<td>Stadiums, race tracks, ball parks</td>
<td>per seat</td>
<td>3</td>
</tr>
<tr>
<td>Stores, without food service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Private toilets, for employees only</td>
<td>per employee</td>
<td>20</td>
</tr>
<tr>
<td>b. Public toilets</td>
<td>per toilet room</td>
<td>400</td>
</tr>
<tr>
<td>Theaters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Indoor, auditoriums, 12-hour</td>
<td>per seat</td>
<td>5</td>
</tr>
<tr>
<td>b. Outdoor, drive-ins, 4-hour</td>
<td>per space</td>
<td>5</td>
</tr>
</tbody>
</table>


*Mason County Resource Ordinance* 47 *Revised June 16, 2009*
17.01.090 FREQUENTLY FLOODED AREAS

The purpose of this Section is to prevent the potential for further aggravation of flooding problems and to guide development in areas vulnerable to flooding.

A. CLASSIFICATION

The following shall be classified Frequently Flooded Areas:

Frequently Flooded Areas are identified by the Federal Emergency Management Agency as those areas within the 100 year floodplain in a report entitled “The Flood Insurance Study for Mason County” dated May 17, 1988, and revised December 8, 1998, with accompanying Flood Insurance Rate Maps, and any subsequent amendments thereto, and should be utilized as a guide to development.

The Skokomish River and floodplain as shown in the Comprehensive Flood Hazard Management Plan for the Skokomish River, February 1997.

B. DESIGNATION

Lands of Mason County meeting the classification criterion for Frequently Flooded Areas are hereby designated, under RCW 36.70A.060 and RCW 36.70A.170, as Frequently Flooded Areas requiring immediate protection from incompatible land uses.

C. LAND USE

1. Land uses in Frequently Flooded Areas shall be in compliance with the applicable provisions and requirements of all ordinances as referenced in Section 17.01.050, or as amended and updated.

2. The following uses within Frequently Flooded Areas are subject to conditional use permits:

   a. Radio and transmission towers, resource based industries, schools, trailer-mix concrete plants, sawmills, marinas, fire stations, fuel storage tanks, and commercial outdoor recreation.

   b. Other uses and activities determined by the Director and the Health Director that are likely to pose a threat to public health, safety, and general welfare if located within a frequently flooded area.

D. DEVELOPMENT STANDARDS

Mason County Flood Damage Prevention Ordinance provides specific regulations and permit requirements for development conducted within the frequently flooded areas of Mason County.
17.01.100 LANDSLIDE HAZARD AREAS

The purpose of the Landslide Hazard Section is to identify areas that present potential dangers to public health and safety, to prevent the acceleration of natural geological hazards, to address off site environmental impacts, and to minimize the risk to the property owner or adjacent property owners from development activities.

Except for the exceptions listed below, development in or near landslide hazard areas requires a permit and the professional preparation of a geotechnical report or geological assessment to determine under what conditions the development may proceed at a reasonable risk. All development applications are reviewed to determine if they are likely to be in or near a landslide hazard area.

- Landslide hazard areas in Mason County are defined in A.
- The designation of landslide hazard areas is done in B.
- Activities exempt from these requirements are described in C.1. and others are listed in section 17.01.130 of the Resource Ordinance.
- Activities requiring permits are described in C.2.
- Standard requirements for certain activities are contained in D.
- When a geotechnical report or geological assessment is required is determined in E 1 and 2.
- The standards for a geotechnical report and geological assessment are contained in E. 3, 4, 5, and 6.
- The general review standard for approval of a permit is in E.7.
- Notice of the risks inherent in development in a landslide hazard area is required for the applicant and future property owners in F.

A. CLASSIFICATION

1. The following shall be classified as Landslide Hazard Areas:

   a. Areas with any indications of earth movement such as debris slides, earthflows, slumps and rock falls (see figure F.100).
   b. Areas with artificial oversteepened or unengineered slopes, i.e. cuts or fills.
   c. Areas with slopes containing soft or potentially liquefiable soils.
   d. Areas oversteepened or otherwise unstable as a result of stream incision, stream bank erosion, and undercutting by wave action.
   e. Slopes greater than 15% (8.5 degrees) and having the following:
      i. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock (e.g. sand overlying clay); and
      ii. Springs or groundwater seepage.
   f. Any area with a slope of forty percent or steeper and with a vertical relief of ten or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief.

2. The following information may be used as a guide by the County to indicate areas that have a higher likelihood of meeting the classification criteria above:

   a. The areas identified on the Mason County Soil Survey Map as having slopes greater than 15%.
   b. The areas identified on the Coastal Zone Atlas, Volume 9, of Mason County, Washington as:
I. Unstable - "U"
ii. Unstable Old Slides - "UOS"
iii. Unstable Recent Slides - "URS"
iv. Intermediate Slopes - "I"
v. Modified Slopes - "M"


B. DESIGNATION

1. Lands of Mason County classified as Landslide Hazard Areas are hereby designated, under RCW 36.70A.060 and RCW 36.70A.170, as critical areas requiring immediate protection from incompatible land uses.

2. Upon an application for development on either mapped or unmapped lands, the Director shall determine if a potential landslide hazard exists on a particular site based on:

   a. Information supplied by the applicant in the form of a geotechnical report or geological assessment,
   b. Actual physical observation of the site,
   c. Existing County Hazard Area maps identified in subsection A, or
   d. Other means determined to be appropriate.

C. LAND USES

1. Exempt Uses
   a. The growing and harvesting of timber, forest products and associated management activities in accordance with the Washington Forest Practices Act of 1974, as amended, and regulations adopted pursuant thereto; including, but not limited to, road construction and maintenance; aerial operations; applications of fertilizers and pesticides; helispots; and other uses specific to growing and harvesting timber forest products and management activities, except those Forest Practices designated as “Class IV - General Forest Practices” under the authority of the “Washington State Forest Practices Act Rules and Regulations”, WAC 222-16-030;
   b. Those activities and uses conducted pursuant to the Washington State Surface Mining Act, RCW 78.44 and its Rules and Regulations, where State law specifically exempts local authority;
   c. Existing and ongoing agriculture, aquaculture, floriculture, horticulture, general

2. Permit Required Uses

Permits are required for all new construction, grading, land clearing, and other uses subject to Section 17.01.050, and any Class IV Conversion Permit pursuant to the State Forest Practices Act which involves conversion to a Permit Required Use, and are within a Landslide Hazard Area or its buffer. Permit Required Use in or within 300 feet of a landslide hazard areas requires a Special Report, see Section 17.01.100.E.

D. DEVELOPMENT STANDARDS

Any land use on Landslide Hazard Areas or their buffers shall conform to the following standards:

1. Grading
   a. No grading shall be performed in landslide hazard areas prior to obtaining a grading permit subject to approval, by the Director, based on recommendations contained in the geotechnical report with slope stability, drainage, erosion control and grading recommendations.
   b. Clearing during grading shall be limited to the area of the approved development.
   c. No fill, dead vegetation (slash/stumps), or other foreign material shall be placed within a Landslide Hazard Area or its associated buffers; with the exception of engineered compacted fill for construction of buttresses for landslide stabilization which shall be in accordance with recommendations specified in a Geotechnical Report.

2. Land Clearing
   a. Within this section, “Land Clearing” is defined as the cutting or harvesting of trees or the removing or cutting of vegetation so as to expose the soil and which is not otherwise exempt from this section.
   b. Land Clearing in Landslide Hazard Areas or their buffers is permitted when it is consistent with the recommendation and plans contained in the Geotechnical Report and development approval.
   c. If there is no Geotechnical Report for the site, land clearing is not permitted: however removal of danger trees, selected removal for viewing purposes of trees less than 6 inches dbh (diameter at breast height) and trimming or pruning of existing trees and vegetation is allowed with the qualifications cited herein. Danger trees shall be identified with the recommendation of a member of the Association of Consulting Foresters of America, an arborist certified by the International Society of Arboriculture, or with the recommendation of a person qualified to prepare a geotechnical report if removing trees for slope stabilization purposes. Removal of trees less than 6 inches dbh shall be limited to less than 2 percent of the total number of trees of that size or larger in the hazard area. Removal of multiple trees in a concentrated area, i.e. within a distance of 25 feet of each other, shall be accompanied by replacement by deep rooting native
shrubs or other vegetation that serve similar moisture and erosion protective functions to that provided by the removed trees. Trimming and pruning shall be accomplished in accordance with pruning standards of the International Society of Arboriculture, as published in "ANSI A300-95" or subsequent updated versions in order to minimize the potential for long term damage to the trees.

d. Removal of selected trees and ground cover is allowed without a permit for the purpose of surveying and geotechnical exploration activities that do not involve grading, provided that re-vegetation of the disturbed areas occurs immediately afterward.

e. Land clearing for which a permit has been obtained shall not be allowed during the wet season, i.e. from October 15 through May 1, unless special provisions for wet season erosion and landslide protection have been addressed in the Geotechnical Report and approved by the Director.

3. Drainage

a. Surface drainage, including downspouts and runoff from paved or unpaved surfaces up slope, shall not be directed onto or within 50 feet above or onto the face of a Landslide Hazard Area or its associated buffer. If drainage must be discharged from the top of a Landslide Hazard Area to below its toe, it shall be collected above the top and directed to below the toe by tight line drain and provided with an energy dissipating device at the toe.

b. Stormwater retention and detention systems, including percolation systems utilizing buried pipe or French drain, are prohibited unless a licensed civil engineer certifies appropriate mitigation measures.

c. Erosion shall be controlled as provided in the Mason County Stormwater Management Ordinance and in accordance with the recommendations provided in any geotechnical report or geological assessment prepared for the site.

4. Sewage Collection/Treatment Systems

Sewage collection and treatment systems shall be located outside of the Landslide Hazard Areas and associated buffers, unless an approved geotechnical report specifies appropriate mitigation measures. See Section 17.01.100.E.

5. Subdivision Design and Lot Size

For the purpose of determining lot sizes under Title 16 of the Mason County Code, and other county regulatory requirements, the Director shall review available information and required Geotechnical Reports or Geological Assessments under Section 17.01.100.E, and make a decision on a case-by-case basis based on the reports. To avoid impacts to anadromous fisheries and fish habitat, land divisions, (short plats, subdivisions, and large lot divisions) shall not be approved unless:

a. No improvements or construction shall be within fish and wildlife habitat conservation areas, wetlands, or their buffers, provided that necessary water or wetland crossings or encroachments approved pursuant to other sections of the Mason County Resource Ordinance or other county regulations may be permitted for roads and utilities.

b. All lots must have designated building areas on which structures may be safely located without the requirement for bulkheading, bank protection or other
structures that encroach on fish and wildlife habitat conservation areas, wetlands, or their buffers. Future buildings are to be limited to such designated areas.

The number, size, or configuration of lots may be changed as a condition of approval to meet this requirement.

6. Buffers
   a. A 50 foot (15.25 meter) buffer of undisturbed, natural vegetation is required around the Landslide Hazard Area or as recommended by the geotechnical engineer.
   b. Based on the results of the Geotechnical Report or Geological Assessment, the Director may increase the buffer.
   c. An application may be made to reduce the buffer for the purpose of constructing a single family residence on a lot existing or vested by December 6, 1996. Notice of application for the reduction of the buffer shall be made as provided in Section 15.07.010 of the Mason County Development Code (which specifies how notice is sent to adjacent property owners and posted on the site). The Director shall approve such a reduction only on finding that the approval is conditioned as necessary to be consistent with the recommendations contained within the Geotechnical Report or Geological Assessment (described in Sections 17.01.100.E.) and on finding that impacts to anadromous fish or their habitat or to fish and wildlife habitat conservation areas shall be avoided or mitigated as detailed in an approved Habitat Management Plan (described in Section 17.01.110.)

7. Bulkheads and Bank Protection

 Bulkheads and bank protections, along with related fill, constructed for landslide stabilization measures approved under the Shoreline Master Program or the Fish and Wildlife Habitat Conservation Area regulations, shall be consistent with recommendations specified in a Geotechnical Report.

8. Residential Densities and Floor Area Ratios

 The landslide hazard area and its buffer shall be counted in calculating the number of dwelling units (determined by the size of the site and residential density allowed) or the area of non-residential building (determined by the size of the site and the floor area ratio allowed) that may be built on the site; provided that:
   a. the development is outside of the landslide hazard area or its buffer, and
   b. the development is able to comply with all county regulations without encroaching on the landslide hazard area or its buffer.

 Clustering of residential development away from landslide hazard area and its buffer may receive a density bonus if performed meeting the design requirements contained in Chapter 16.22, Mason County Code.

E. SPECIAL REPORTS

1. Applicability

 Every application for development within a Landslide Hazard Area or its buffer or within 250 feet of the buffer (that is – within 300 feet of the landslide hazard area) shall meet the standards of Section 17.01.100.D and shall require a professionally prepared special report:
either a Geological Assessment or a Geotechnical Report, or both. The intent of the Geological Assessment is to confirm that the proposed development is outside of the landslide hazard area and its associated buffers and setbacks. The intent of the Geotechnical Report is to specify how the hazards are to be mitigated when development is proposed within the landslide hazard area itself or its buffers or setbacks. The type of report that is required is specified below:

**Category a.** Development proposed within 300 feet of areas slopes greater than 40 percent (21.8 degrees) will require a Geotechnical Report.

**Category b.** Development proposed within 200 feet of areas with any visible signs of earth movement such as debris slides, earthflows, slumps and rockfalls, or areas of previously mapped or recorded landslides will require a Geotechnical Report. If the proposed development is 200 feet or more from these areas, but not more than 300 feet from them, then a Geological Assessment is required and a Geotechnical Report may be required based on findings of the assessment.

**Category c.** Development proposed within 100 feet of areas of oversteepened or otherwise potentially unstable slopes as a result of stream incision, stream bank erosion, and undercutting by wave action will require a Geotechnical Report. If the proposed development is 100 feet or more from these areas, but not more than 300 feet from them, then a Geological Assessment is required and a Geotechnical Report may be required based on findings of the assessment.

**Category d.** Development proposed within 300 feet of areas with slopes between 15 percent (8.5 degrees) and 40 percent (21.8 degrees) will require a Geological Assessment, and may further require a Geotechnical Report upon analysis of the following factors by the Director:

1. Lot size and use;
2. Overall height of slope and maximum any planned cut or fill (requires a grading plan from the applicant);
3. Soil types and history of sliding in the vicinity;
4. Groundwater conditions, including depth to water and quantity of surface seepage;
5. Approximate depth to hard or dense competent soil, e.g. glacial till or outwash sand;
6. Impervious surfaces and drainage schemes (requires development/grading plan from the applicant);
7. Wastewater treatment (requires on-site sewage disposal system approval from Mason County Department of Health);
8. Potential off-site impacts, including adjacent properties, roadways, etc. (requires environmental statement from the applicant, dependant on scope of project).

2. Waiver of Geotechnical Report

The Director may waive the requirement for the Geotechnical Report for Category c and d sites upon a written finding in the Geological Assessment that the potential for landslide activity is low and that the proposed development would not cause significant adverse impacts, or that there is adequate geological information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures.

3. Qualifications of Preparer
The Geologic Assessment shall be prepared at the discretion of the Director by either a licensed
civil engineer with specialized knowledge of geotechnical/geological engineering or a licensed
geologist or engineering geologist with special knowledge of the local conditions. The
Geotechnical Report shall be prepared at the discretion of the Director by a licensed civil engineer
with specialized knowledge of geotechnical/geological engineering or a licensed engineering
geologist. The preparer shall be licensed in the State of Washington.

4. Content of the Geological Assessment

A Geological Assessment shall include but not be limited to the following:

(1) A discussion of geologic conditions in the general vicinity of the proposed development, with
geologic unit designation consistent with terminology used in the Coastal Zone Atlas
(Washington Department of Natural Resources, 1980) or in applicable U.S. Geologic Survey
maps (e.g. Geological Map of North Central Mason County, by R.J. Carson, 1976, U.S.
Geologic Survey OFR 76-2). Also to be used as applicable are: Geologic map of the
Longbranch 7.5-minute quadrangle, Thurston, Pierce, and Mason Counties, Washington, by
R. L. Logan, T. J. Walsh, and Michael Polenz. 1 sheet, scale 1:24,000, 2003; Geologic map
of the Squaxin Island 7.5-minute quadrangle, Mason and Thurston Counties, Washington, by
R. L. Logan, Michael Polenz, T. J. Walsh, and H. W. Schasse. 1 sheet, scale 1:24,000, 2003;
Geologic map of the Shelton 7.5-minute quadrangle, Mason and Thurston Counties,
Washington, by H. W. Schasse, R. L. Logan, Michael Polenz, and T. J. Walsh. 1 sheet, scale
1:24,000, 2003; and the Geologic map of the Summit Lake 7.5-minute quadrangle, Thurston
and Mason Counties, Washington, by R. L. Logan and T. J. Walsh. 42 x 36 in. color sheet,
scale 1:24,000, 2004. Use of Soil Conservation Service soil layer terminology is considered
inappropriate for this assessment.

(2) A discussion of the ground water conditions at the site, including the estimated depth to
water and the quantity of surface seepage and the upslope geomorphology and location
of upland waterbodies and wetlands.

(3) The approximate depth to hard or dense competent soil, e.g. glacial till or outwash sand.

(4) A discussion of any geomorphic expression of past slope instability (presence of
hummocky ground or ground cracks, terraced topography indicative of landslide block
movement, bowed or arched trees indicating downslope movement, etc.).

(5) A discussion of the history of landslide activity in the vicinity, as available in the Coastal
Zone Atlas, the map of “Relative Slope Stability of the Southern Hood Canal Area,
Washington” by M. Smith and R.J. Carson, 1977; Geologic map of the Longbranch 7.5-
minute quadrangle, Thurston, Pierce, and Mason Counties, Washington, by R. L. Logan,
T. J. Walsh, and Michael Polenz. 1 sheet, scale 1:24,000, 2003; Geologic map of the
Squaxin Island 7.5-minute quadrangle, Mason and Thurston Counties, Washington, by R.
L. Logan, Michael Polenz, T. J. Walsh, and H. W. Schasse. 1 sheet, scale 1:24,000, 2003;
Geologic map of the Shelton 7.5-minute quadrangle, Mason and Thurston Counties,
Washington, by H. W. Schasse, R. L. Logan, Michael Polenz, and T. J. Walsh. 1 sheet, scale
1:24,000, 2003; and the Geologic map of the Summit Lake 7.5-minute quadrangle, Thurston
and Mason Counties, Washington, by R. L. Logan and T. J. Walsh. 42 x 36 in. color sheet,
scale 1:24,000, 2004; and the landslide records on file with the
Mason County Department of Community Development.

(6) An opinion on whether the proposed development is within the landslide hazard area or its
associated buffer or setback.

(7) A recommendation by the preparer whether a Geotechnical Report should be required to
further evaluate site conditions and the proposed development of the subject property.

(8) If the presence of a hazard is determined within 300 feet of the proposed development,
then the area of the proposed development, the boundaries of the hazard, and associated
buffers and setbacks shall be delineated (top, both sides, and toe) on a geologic map/ site
map.
(9) A site map drawn to scale showing the property boundaries, scale, north arrow, and the location and nature of existing and proposed development on the site.

5. Content of a Geotechnical Report

A Geotechnical Report shall include but not be limited to the following:
(1) A discussion of general geologic conditions, specific soil types, ground water conditions, the upslope geomorphology and location of upland waterbodies and wetlands, and history of landslide activity in the vicinity.
(2) A site plan which identifies the important development and geologic features.
(3) Locations and logs of exploratory holes or probes.
(4) The area of the proposed development, the boundaries of the hazard, and associated buffers and setbacks shall be delineated (top, both sides, and toe) on a geologic map of the site.
(5) A minimum of one cross section at a scale which adequately depicts the subsurface profile, and which incorporates the details of proposed grade changes.
(6) A description and results of slope stability analyses performed for both static and seismic loading conditions. Analysis should examine worst case failures. The analysis should include the Simplified Bishop’s Method of Circles. The minimum static safety factor is 1.5, the minimum seismic safety factor is 1.1, and the quasi-static analysis coefficients should be a value of 0.15.
(7) Appropriate restrictions on placement of drainage features, septic drain fields and compacted fills and footings, including recommended buffers and setbacks from the landslide hazard areas.
(8) Recommendations for the preparation of a detailed clearing and grading plan which specifically identifies vegetation to be removed, a schedule for vegetation removal and replanting, and the method of vegetation removal.
(9) Recommendations for the preparation of a detailed temporary erosion control plan which identifies the specific mitigating measures to be implemented during construction to protect the slope from erosion, landslides and harmful construction methods.
(10) An analysis of both on-site and off-site impacts of the proposed development.
(11) Specifications of final development conditions such as, vegetative management, drainage, erosion control, and buffer widths.
(12) Recommendations for the preparation of structural mitigation or details of other proposed mitigation.
(13) A site map drawn to scale showing the property boundaries, scale, north arrow, and the location and nature of existing and proposed development on the site.

6. Applicable Standards


7. Administrative Determination
Any area in which the Geotechnical report or geological assessment indicates the presence of landslide hazards shall not be subjected to development unless the report demonstrates conclusively that the risks posed by the landslide hazards can be mitigated through geotechnical design recommendations, and that the development meets all standards in Section 17.01.100.D. Hazards must be mitigated in such a manner as to prevent harm to property and public health and safety, and to assure no significant adverse environmental impact. Impacts to anadromous fish or their habitat or to fish and wildlife habitat conservation areas shall be avoided or mitigated as detailed in an approved Habitat Management Plan, as described in Section 17.01.110. The Director may submit either the Geologic Assessment or the Geotechnical Report to an outside agency with geotechnical expertise or to a geotechnical consultant for third party peer review prior to issuing a ruling on the project.

F. APPLICANT HOLD HARMLESS STATEMENT

The property owner shall be required to acknowledge in writing the risks inherent in developing in a geologic hazard area, to accept the responsibility of any adverse affects which may occur to the subject property or other properties as a result of the development, and to agree to convey the knowledge of this risk to persons purchasing the site by filing the notice on the property title.
17.01.102 SEISMIC HAZARD AREAS

The purpose of the Seismic Hazard Section is to identify areas that present potential dangers to public health and safety, and to prevent the acceleration of manmade and natural geological hazards, and to neutralize the risk to the property owner or adjacent properties from development activities. Types of Seismic Hazards include: Surface Faulting; Ground Shaking; Earthquake-related ground failure and landslides; Lateral Spreading; Liquefaction; Lurch Cracks; Rockfalls; Differential Settlement; Regional Uplift; Seiches; and/or Tsunamis. These are defined under Seismic Hazard Areas in Section 17.01.240.

A. CLASSIFICATION

The following shall be classified as Seismic Hazard Areas:

1. Areas susceptible to ground failure including the following:
   a. Areas with geologic faults;
   b. Deep road fills and areas of poorly compacted artificial fill;
   c. Areas with artificially steepened slopes (i.e. old gravel pits);
   d. Postglacial stream, lake or beach sediments;
   e. River deltas;
   f. Areas designated as potential Landslide Hazard Areas;
   g. Bluff areas; and
   h. Areas underlain by potentially liquefiable soils.

2. The following criteria may be used as a guide by the County to indicate areas that have a higher likelihood of meeting the classification criteria above:
   a. Areas identified on the Coastal Zone Atlas of Washington, Volume 9, Mason County as Af, Qa1, Qa2, Qvc, Qls, Qos and Qp.
   b. Areas identified on the Mason County Soil Survey Map as having slopes greater than 15 percent.

B. DESIGNATION

Lands of Mason County meeting the criteria for Seismic Hazard Areas are hereby designated, under RCW 36.70A.060 and RCW 36.70A.170, as critical areas.
C. LAND USES

All uses and activities within Seismic Hazard Areas are subject to the development standards of this Section.

D. DEVELOPMENT STANDARDS

1. Development in Seismic Hazard Areas must be in compliance with Section 17.01.050.

2. Development within Landslide Hazard Areas must be in compliance with Section 17.01.100.

3. Location of Buildings and Facilities

   Upon application for a Building Permit, if the Director finds that the proposed development is within a Seismic Hazard Area, the County shall notify the applicant and indicate that the potential effects of seismic activity shall be considered and that Geologic Assessment or Geotechnical Report which addresses the seismic hazard shall be required. Requirements of the Geologic Assessment and Geotechnical Report and the preparer shall be as detailed in Section 17.01.100 E.

   a. The Geologic Assessment or Geotechnical Report shall include a description of the geology of the site, conclusions and recommendations regarding the effect of geological conditions on the proposed development, and opinions and recommendations for compensating for the seismic hazards present.

   b. The County shall take the potential seismic effects into consideration when reviewing the proposal under SEPA and may include an alternative site analysis and recommendations.

4. Approval of development in Seismic Hazard Areas shall not be issued unless a Geological Assessment or Geotechnical Report demonstrates conclusively that the hazards can be overcome. Hazards must be mitigated in such a manner as to prevent harm to public health, safety, and property and to minimize environmental impact. Impacts to anadromous fish or their habitat or to fish and wildlife habitat conservation areas must be avoided or mitigated as detailed in an approved Habitat Management Plan, as described in Section 17.01.110. The Director may submit the Report to an outside agency with geotechnical expertise or to a geotechnical consultant for third party peer review prior to issuing a ruling on the project at the applicant’s expense.

5. New developments within Seismic Hazard Areas shall be designed in accordance with applicable provisions of the 2003 International Building Code (IBC) including consideration of the ground motions associated with a 475 year return period seismic event for Seismic Zone 3 and the liquefaction and soil strength loss that may occur during that event. Components of the new development that are critical to health and safety, such as roadways and bridges, that may not be directly addressed by the IBC shall be designed taking into consideration the same ground motions and their possible effects as identified in the IBC for structures.
17.01.104  EROSION HAZARD AREAS

The purpose of the Erosion Hazard Section is to identify areas that present potential dangers to public health and safety, and to prevent the acceleration of natural geological hazards, and to neutralize the risk to the property owner from development activities.

A. CLASSIFICATION

The following shall be classified as Erosion Hazard Areas:
Areas in Mason County underlain by soils which are subject to severe erosion when disturbed. Such soils include, but are not limited to, those for which potential for erosion is identified in the Soil Survey of Mason County, USDA Soil Conservation Service, 1960, or any subsequent revisions or addition to this source. These soils include, but are not limited to, any occurrence of River Wash ("Ra") or Coastal Beaches ("Cg") and the following when they occur on slopes 15% or steeper:

a. Alderwood gravelly sandy loam ("Ac" and "Ad")
b. Cloquallum silt loam ("Cd")
c. Harstine gravelly sandy loam ("Hb")
d. Kitsap silt loam ("Kc")

B. DESIGNATION

The lands of Mason County meeting the criteria for Erosion Hazard Areas and are classified as such are hereby designated, under RCW 36.70A.060 and RCW 36.70A.170, as critical areas.

C. LAND USES

All uses and activities within Erosion Hazard Areas are subject to the development standards of this Section.

D. DEVELOPMENT STANDARDS

Any land use on Erosion Hazard Areas shall conform to the following standards:

1. Development in Erosion Hazard Areas must be in compliance with Section 17.01.050, and standards and requirements in Section 17.01.100 of this Chapter.

2. No land clearing or grading activities shall be performed in an Erosion Hazard Area prior to obtaining a grading permit, subject to approval by the Director, based on the recommendations contained in the Geotechnical Report.

3. Upon application for a Building Permit, if the Director finds that the proposed development is within an Erosion Hazard Area, the County shall require the applicant to submit a Soil Erosion and Sediment Control Plan prepared by a professional engineer licensed in the State of Washington. The Plan may be included as an attachment in the Geotechnical Report. The Soil Erosion and Sediment Control Plan shall specifically and realistically identify temporary and permanent measures of erosion control.

4. Wet Season Operations: Clearing on an erosion hazard area shall be limited to the period between May 1 – October 15. If wet season operations are sought, the applicant shall provide erosion and sedimentation control plan prepared by a professional engineer licensed in the State of Washington that specifically and realistically identifies methods of erosion control for wet weather conditions.

5. The Soil Erosion and Sediment Control Plan shall provide for protection of the development area
and disturbed surfaces not involved in the immediate development operation using Best Management Practices (BMP) such as sediment traps, check dams, stabilized construction entrances, storm inlet protection, silt fencing, mulching or other effective means of soil protection.

6. Runoff from activities subject to a development permit shall be properly controlled to prevent erosion.

7. Continued Responsibility: It shall be the responsibility of the property owner and the permittee to ensure that accelerated erosion does not occur during and after the project construction. Additional measures, beyond those specified in an approved Soil Erosion and Sediment Control Plan, may be required by the Director as deemed necessary to control erosion after project completion.
17.01.110  FISH AND WILDLIFE HABITAT CONSERVATION AREAS

A. PURPOSE.

Fish and wildlife habitat conservation means land management for maintaining species in suitable habitats within their natural geographic distribution so that isolated populations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean intergovernmental cooperation and coordination is critically important in a region. In some cases, it is sufficient to assure that a species will usually be found in certain regions across the state. The provisions for the protection of habitat contained in this section can not succeed in their purpose of supporting viable populations of fish and wildlife species unless other agencies and the public also act to protect the species. In the case of anadromous fish, the Statewide Salmon Recovery Strategy identifies that it will take a balanced approach to addressing the factors of decline that are within human control, including harvest, hatchery, habitat, and hydropower. The underlying assumption within this section is that impacts to anadromous fish or their habitat or to fish and wildlife conservation areas shall be avoided or mitigated as detailed in an approved Habitat Management Plan as described in Section 17.01.110.J. The intent of this Section is to:

1. Protect critical habitat features to support genetically viable populations of fish and wildlife species and allow for commercial and non-commercial uses;
2. Protect the biological, physical, and chemical components of water quality for the benefit of aquatic and terrestrial resources, as well as human consumptive uses;
3. Ensure that natural stream and marine shoreline functions such as flow patterns, production of sediment and large woody debris are maintained with minimal interference or impact to private property;
4. Protect habitat for federal or state listed endangered, threatened or sensitive fish and wildlife.
5. Encourage non-regulatory methods of habitat retention whenever practical, through education, and the Open Space Tax Program.
6. To supplement the Shorelines Master Plan for Mason County to preserve and protect critical fish and wildlife habitat pursuant to (WAC 365-190-080(5)). It is the intent that this ordinance will compliment and supplement the Shorelines Master Plan.
7. To implement the Mason County Comprehensive Plan and to achieve these purposes consistent with the Comprehensive Plan.

B. FISH AND WILDLIFE HABITAT CONSERVATION AREA CATEGORIES.

Fish and wildlife habitat conservation areas include both aquatic and terrestrial areas within Mason County. The approximate location and extent of critical fish and wildlife habitat areas are displayed in the Washington Department of Fish & Wildlife's (WDFW) Priority Habitat and Species (PHS) Program database. Mason County will also use other available information for these critical fish and wildlife habitat areas, including tribal and federal databases and local knowledge. The following categories shall be used in classifying critical areas to be regulated under this ordinance:

1. Commercial and recreational shellfish areas.
2. Kelp and eelgrass beds; herring, sand lance, and smelt spawning areas.
3. Naturally occurring lakes and ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat.
4. Streams.
5. Saltwater Shorelines, and Lakes 20 Acres and Greater in Surface Area.
6. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal
entity.

7. State Department of Natural Resources natural area preserves and natural resource conservation areas.

8. Areas with which Federal or State endangered, threatened and sensitive species of fish and wildlife have a primary association. Those species known to be found in Mason County are listed in Table 1. Protection of species habitats is determined by the State or Federal listing, and their actual presence near the site subject to review. Other listed and protected species may be found in Mason County, which are not in Table 1.

8. Other areas that contain habitats and species of local importance (which include juvenile salmonid migration areas) as listed in Table 1 below. Species of local importance may include, but are not limited to, State Candidate and Monitor species.

Table 1. Species of Importance that may occur in Mason County

<table>
<thead>
<tr>
<th>Species</th>
<th>Scientific Name</th>
<th>State Status</th>
<th>Federal Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fish</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bull Trout</td>
<td><em>Salvelinus confluentis</em></td>
<td>Candidate</td>
<td>Threatened</td>
</tr>
<tr>
<td>Puget Sound Chinook</td>
<td><em>Onchorynchus tshawytscha</em></td>
<td>Candidate</td>
<td>Threatened</td>
</tr>
<tr>
<td>Hood Canal Summer Chum</td>
<td><em>Onchorynchus keta</em></td>
<td>Candidate</td>
<td>Threatened</td>
</tr>
<tr>
<td>Dolly Varden</td>
<td><em>Salvelinus malma</em></td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td><strong>Amphibians</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Western Pond Turtle</td>
<td><em>Clemmys maramorata</em></td>
<td>Endangered</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Cascade Frog</td>
<td><em>Rana cascadae</em></td>
<td>none</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Van Dyke's salamander</td>
<td><em>Plethodon vandykei</em></td>
<td>Species of Concern</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Tailed Frog</td>
<td><em>Ascaphus truei</em></td>
<td>Monitor</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Olympic Torrent salamander</td>
<td><em>Ryacotriton olympicus</em></td>
<td>Monitor</td>
<td>none</td>
</tr>
<tr>
<td><strong>Mollusks</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Newcomb's littorine snail</td>
<td><em>Algamorda newcombiana</em></td>
<td>Species of Concern</td>
<td>Species of Concern</td>
</tr>
<tr>
<td><strong>Birds</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marbled Murrelet</td>
<td><em>Brachyramphus marmoratus</em></td>
<td>Threatened</td>
<td>Threatened</td>
</tr>
<tr>
<td>Bald Eagle</td>
<td><em>Haliaetus leucocephalus</em></td>
<td>Threatened</td>
<td>Threatened</td>
</tr>
<tr>
<td>Northern Spotted Owl</td>
<td><em>Strix occidentalis</em></td>
<td>Endangered</td>
<td>Threatened</td>
</tr>
<tr>
<td>Northern Goshawk</td>
<td><em>Accipiter gentilis</em></td>
<td>Candidate</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Peregrine Falcon</td>
<td><em>Falco peregrinus</em></td>
<td>Endangered</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Pileated Woodpecker</td>
<td><em>Dryocopus pileatus</em></td>
<td>Candidate</td>
<td>none</td>
</tr>
<tr>
<td>Common Loon</td>
<td><em>Gavia immer</em></td>
<td>Sensitive</td>
<td>none</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Species</th>
<th>Scientific Name</th>
<th>State Status</th>
<th>Federal Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harlequin Duck</td>
<td>Histrionicus histrionicus</td>
<td>none</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Brandt's Cormorant</td>
<td>Phalacrocorax penicillatus</td>
<td>Candidate</td>
<td>none</td>
</tr>
<tr>
<td>Olive-sided Flycatcher</td>
<td>Contopus borea</td>
<td>none</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Golden Eagle</td>
<td>Aquila chrysaetos</td>
<td>Candidate</td>
<td>none</td>
</tr>
<tr>
<td>Great Blue Heron</td>
<td>Ardea herodias</td>
<td>Monitor</td>
<td>None</td>
</tr>
<tr>
<td>Merlin</td>
<td>Falco columbarius</td>
<td>Candidate</td>
<td>None</td>
</tr>
<tr>
<td>Purple Martin</td>
<td>Progne subis</td>
<td>Candidate</td>
<td>None</td>
</tr>
<tr>
<td>Western Bluebird</td>
<td>Sialia mexicana</td>
<td>Monitor</td>
<td>None</td>
</tr>
<tr>
<td>Vaux's Swift</td>
<td>Chateura vauxi</td>
<td>Candidate</td>
<td>None</td>
</tr>
<tr>
<td><strong>Mammals</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gray Wolf</td>
<td>Canis lupis</td>
<td>Endangered</td>
<td>Endangered</td>
</tr>
<tr>
<td>Pacific Fisher</td>
<td>Martes pennanti</td>
<td>Endangered</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Townsend's big-eared bat</td>
<td>Plecotus townsendii</td>
<td>Candidate</td>
<td>Species of Concern</td>
</tr>
<tr>
<td>Shelton pocket gopher</td>
<td>Thomomys</td>
<td>Candidate</td>
<td>None</td>
</tr>
<tr>
<td>Merriam's Shrew</td>
<td>Sorex merriami</td>
<td>Candidate</td>
<td>None</td>
</tr>
<tr>
<td>Roosevelt elk</td>
<td>Cervus elaphus roosevelti</td>
<td>none</td>
<td>None</td>
</tr>
<tr>
<td>Pygmy Shrew</td>
<td>Sorex hoyi</td>
<td>Monitor</td>
<td>None</td>
</tr>
</tbody>
</table>

Table 2. Priority Species not Federally or State listed and not governed by this ordinance.

<table>
<thead>
<tr>
<th>Species</th>
<th>Scientific Name</th>
<th>State Status</th>
<th>Federal Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue Grouse</td>
<td>Dendragapus obscurus</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Band-tailed Pigeon</td>
<td>Colmba fasciata</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Wood Duck</td>
<td>Aix sponsa</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Hooded Merganser</td>
<td>Lophodytes cucullatus</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Mountain Quail</td>
<td>Oreortyx pictus</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

C. DESIGNATION

The areas classified in Section B above as Fish and Wildlife Habitat Conservation Areas (FWHCA) are hereby designated under RCW 36.70A.060 and RCW 36.70A.170, as critical areas requiring proper land management to protect their value and functions.

D. ESTABLISHMENT OF BUFFERS ON FISH & WILDLIFE HABITAT CONSERVATION AREAS

1. Fish and Wildlife Habitat Conservation Areas shall have Buffers and Building Setbacks established. The standard buffer and setback requirements are shown in Table 3.
   a. Buffers or setbacks shall be maintained along the perimeter of Fish and Wildlife Habitat Conservation Areas Buffer distances associated with streams shall be measured horizontally from the ordinary high water mark (OHWM) or channel migration zone (CMZ), whichever is greater. All other buffer distances shall be measured horizontally from the established FWHCA perimeter.
b. Buffers shall be retained in their natural condition, except as provided elsewhere in this ordinance.

c. Building Setback Lines: A building setback line of fifteen (15) feet is required from the edge of any buffer area, except for Type 1 saltwater and lake excluding Conservancy Shorelines.

2. The following are special provisions for buffers and setbacks on lots created prior to December 5, 1996, and which are located on saltwater or on a freshwater lake 20 acres or larger in size. As stated in the Table 3, there shall be a standard 100 foot buffer for a total of 100 feet as measured from the ordinary high water mark (OHWM). Provided, however, that in the following circumstances, these special provisions apply instead of the standard buffer and setback requirement.

a. Special provision for view protection on subject lots.

Applications for single-family residential construction and meeting the following conditions shall have buffers and setbacks as described below:

1) Where existing residences are on both sides of and within 150 feet of the lot line of the subject lot, and no more than 200 feet from the shoreline OHWM, the setback on the subject lot is determined by an imaginary common line drawn across the subject lot which connects the shore-side roof lines of the first adjacent existing residences. (See Figure 1). The common line setback may be more or less than 100 feet from the OHWM, provided, however, that:

(a) the buffer shall not be less than 20 feet in width from the OHWM and a minimum setback from the edge of the buffer is 15 feet; and

(b) there shall be a maximum buffer of 100 feet from the OHWM with the balance of the setback established by the common line to be a building setback area.

(c) if the resulting buffer is less than 100 feet, it will be enhanced for wildlife function which will include at a minimum planting with native vegetation.

(d) if the resulting buffer is less than 100 feet, the development of site outside the buffer shall also use best management practices such as those in Appendix C to limit impacts to the resource.

2) Where an existing residence is on one side of and within 150 feet of the lot line of the subject lot, and no more than 200 feet from the shoreline OHWM, the setback on the subject lot is determined by an imaginary common line drawn from the shore-side roof line of the existing residence and across the subject lot to a point which is 100 feet from the OHWM along the far lot line of the subject lot. (See Figure 2). The common line setback may be more or less than 100 feet from the OHWM, provided, however, that:

(a) the buffer shall not be less than 20 feet in width from the OHWM and a minimum setback from the edge of the buffer is 15 feet; and

(b) there shall be a maximum buffer of 100 feet from the OHWM with the balance of the setback established by the common line to be a building setback area.

(c) If the resulting buffer is less than 100 feet, it will be enhanced for wildlife function which will include at a minimum planting with native vegetation.

(d) If the resulting buffer is less than 100 feet, the development of site outside the buffer shall also use best management practices such as those in Appendix C to limit impacts to the resource.
3) As used in this section, a “residence” refers to the principal dwelling/residential structure and does not include outbuildings or other structures.

4) When applying 1) above, if the shoreline has a high degree of curvature, the Administrator may use the average set back from OHWM of the two existing residences rather than the imaginary line between the rooflines in order to establish the common line setback. When applying 2) above, if the shoreline has a high degree of curvature, the Administrator may use the average of the set back from OHWM of the existing residence and the 100 foot setback, rather than the imaginary line between the roofline and the 100 foot setback, in order to establish the common line setback.

b. **Special provision for water-dependent uses on existing lots.**

Applications for development defined as water-dependent uses shall provide the standard 100 foot buffer along as much of the shoreline as possible while making the minimum necessary adjustments to the buffer to provide for the water-dependent use, as determined by the Director. Such development shall meet the requirements of other applicable regulations, including other Resource Ordinance sections and the Mason County Shoreline Master Program.

<table>
<thead>
<tr>
<th>Habitat Type</th>
<th>Buffer</th>
<th>Building Setback from Buffer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type S Stream</td>
<td>150 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Type F Stream</td>
<td>150 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Type SP Stream**</td>
<td>200 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Type Np Stream</td>
<td>100 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Type Ns Stream</td>
<td>75 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Saltwater and Lakes over 20 acres excluding Conservancy Shorelines</td>
<td>100 feet</td>
<td>0 feet</td>
</tr>
<tr>
<td>Conservancy Shorelines*, Saltwater and Lakes over 20 acres</td>
<td>100 feet</td>
<td>15 feet</td>
</tr>
</tbody>
</table>

*Conservancy Shorelines are those shorelines designated as Conservancy Shoreline Environment in the Mason County Shoreline Master Program. Please see the Definitions section under “Stream” for further explanation.

S = shoreline of the state, F = fish habitat, Np = non-fish habitat with perennial (all year) water, Ns = non-fish habitat with dry periods or seasonal water flow. **SP stream is proposed for consideration if any specific streams are identified that are significant in terms of anadromous fish and recommended to be protected by a larger buffer.

3. **Provision for Decreasing Buffer.**

For major new development, Mason County may decrease the buffer after consultation with the Washington State Department of Fish and Wildlife and the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe, after review and approval of a Habitat Management Plan, and after a public hearing. Mitigation must be adequate to preserve or enhance the functions and values of the critical area. This means that a finding must be made that the net effect of the proposal equal or better than applying the standard buffers. If enhancement is part of the mitigation plan, then a greater level of enhancement is required to offset the time lost while the enhancement matures.

4. **Provision for Increasing Buffer.**

Mason County may increase the buffer width on a case-by-case basis, after a public
hearing, as provided in subsection 17.01.120.L., when a larger buffer is necessary to protect the structure, function and value of Fish & Wildlife Habitat Conservation Areas. The buffer shall be increased or other protections shall be provided in order to prevent a significant adverse environmental impact by a proposed project on those functions and values. This determination shall be supported by appropriate documentation to be obtained in consultation with the state of Washington and the Skokomish Tribe, Quinault Tribe and/or the Squaxin Island Tribe. Such determination shall be attached as a permit condition and shall demonstrate that:

a. A larger buffer is necessary to maintain viable populations or critical habitat of endangered, threatened, or sensitive species; or
b. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts to the FWHCA; or
c. If the FWHCA contains variations in sensitivity, increasing the vegetation area widths will only be done as necessary to preserve the structure, function and value of the FWHCA.
d. If the increase in buffer is based on the upland area feeding substantial material to the net-shore drift system, as identified in the Mason County Shoreline Inventory Report, June 12, 1995, that the larger buffer is necessary in maintenance of that system and the functions and values of the FWHCA. The increase shall approximate the bluff erosion distance having occurred over the past 50 years, based on best available information.

5. Lakes and ponds under 20 Acres that are not regulated as wetlands and that do not have critical habitat for listed species of local importance shall have buffers of 35 feet with an additional 15 foot building setback.

E. STEWARDSHIP OPTIONS AND INCENTIVES

The purpose of this subsection is to encourage property owners to protect critical areas and their buffers and to reduce the burden on property owners from the application of the Resource Ordinance regulations. Options given below may be used individually, or they may be combined for greatest effect and benefit.

1. **Open Space Bonus.** Any property owner, except on land designated as Long-Term Commercial Forest Lands, Agricultural Resource Lands or Mineral Resource Lands, may apply for a performance subdivision as provided in Chapter 16.22, Mason County Code. Approval of such a subdivision provides for a development density bonus - that is, it allows more lots for development - in exchange for the protection of critical areas and meeting other design requirements.

2. **Open Space Tax Assessment and Public Benefit Ratings System:** Any property owner may apply for current use property tax assessment for lands which are fish and wildlife habitat conservation areas or their buffers pursuant to RCW 84.34. The county is developing an Open Space Plan and system of evaluating the public benefit rating and an assessed valuation schedule to provide incentives for property owners to conserve important open space lands.

   a. The land proposed for current use tax assessment shall be in a separate tract or a conservation easement.

   b. Any person who owns an identified critical area or its associated buffer may place a conservation easement over that portion of the property. A conservation easement is a legal agreement a property owner makes to restrict the type and amount of development that may occur on a parcel. Each easement is tailored to the particular property and to the interest of the individual owner. The property owner grants an easement to an appropriate governmental agency or non-profit land trust. It provides significant property and federal income tax benefits to the property owner. The purpose of the easement shall be to preserve, protect, maintain, restore and limit future use of the property affected. The terms of the conservation easement may include prohibitions or restrictions on access and shall be approved by the property owner and the county.
3. **Density Credit.** On lands containing FWHCAs or their buffers, the county shall allow a transfer of density for residential uses from the portion of the property containing the critical areas or buffers to that portion of the property that does not contain critical areas or buffers - that is, the property could be developed with the same number of lots it would have if critical areas were not present - provided that such transfer does not create any adverse impacts to the critical area that can not be adequately mitigated and provided that all other development regulations can be met.

4. **Tax Re-assessment.** The owner of any property that has been affected by a permit decision by the county may request an immediate re-assessment by the Mason County Assessors Office, as provided by RCW Chapter 84.

5. **Conservation Futures.** If approved by a vote of the people of Mason County, Mason County shall use conservation futures revenue to compensate affected property owners for the impact of protecting fish and wildlife through the purchase of conservation easements on impacted land or the impacted land.

6. **Education.** The county encourages proper stewardship on land to provide benefits to fish and wildlife. The county shall provide educational information to the public through its sponsorship of the Washington State Cooperative Extension Service, the Mason Conservation District, or through the provision of informational materials in its offices.

7. **Best Management Practices:** Where not otherwise required, Mason County encourages the use of best management practices that are part of site preparation, development construction, and use activities after construction: erosion and sediment control measures; maintain existing vegetation and minimize site clearing; use native plants in landscaping rather than lawn areas; control runoff to small ponds and buffer vegetation; and minimize use of fertilizers and chemicals in property maintenance (pest, weed, and moss control; sealants, oils, and fuels).

8. **Enhancement.** Mason County encourages property owners to enhance critical areas and buffers which have been degraded by past land clearing and site modification activities or replaced by noxious vegetation. The county has established a Noxious Weed Board to assist with this process. Critical area enhancement projects shall require staff review and needed approvals. Mason County shall waive review fees for enhancement projects that meet either of the below criteria:

   (a) Sponsored Projects. Enhancement projects sponsored by Mason County, Washington Department of Fish and Wildlife, Mason Conservation District, U.S. Natural Resources Conservation Service, U.S. Fish and Wildlife Service, Washington Department of Natural Resources, or other public agency approved by the Administrator which are consistent with the Comprehensive Plan, Resource Ordinance, and other plans adopted by the Board of County Commissioners.

   (b) Vegetation Planting/Removal. Planting of native vegetation or removal of non-native species for the enhancement of the critical area; provided, that such activities are performed using hand tools and are limited to the area being enhanced; provided further, that watering of newly planted vegetation is limited to the first three years. Watering of newly planted vegetation on landslide hazard areas shall require approval of a geotechnical report, mitigation plan or restoration plan in accordance with this chapter. Allowable hand tools include gas and electric-powered equipment which is typically moved by hand, including equipment such as chain saws, hedge trimmers, and lawn mowers.

F. **ACTIVITIES WHICH DO NOT REQUIRE A MASON ENVIRONMENTAL PERMIT**

The following uses shall be allowed, within a FWHCA or its buffer to the extent that they are not prohibited by any other applicable law or ordinance, provided they are conducted so as to minimize any impact on the values and functions of the FWHCA, and provided they are consistent with any county approved Resource Ordinance Special Study (such as a Habitat Management Plan or Geotechnical Report) or any state or Federally approved management plan for an endangered, threatened, or sensitive species.
1. a. The remodel, repair, or change of use of an existing building shall be approved within its existing footprint, plus or minus ten percent as long as the modification does not increase any intrusion into the FWHCA or its buffer.

b. Reconstruction of structures destroyed by fire or other means shall be approved, provided that the planned reconstruction occurs within the previous structural footprint and completed application is made within two years of the destruction. The ten percent expansion set forth in 1a. may also be applied.

c. To further reduce the impacts of existing development, the footprint of existing structures approved by permit within the FWHCA or its buffer may be combined into one footprint area equal to or lesser than the original area, provided that:
   (1) the combined footprint proposed shall be located in the site of legally established residences and garages most distant from or less intrusive to the FWHCA or buffer, and the other structures nearer to the FWHCA shall be removed from the FWHCA or buffer; and
   (2) the square footage area of the structure in the combined footprint may not be increased more than 20 percent of the total square footage area of the original structures. The ten percent expansion of footprint set forth in 1a. does not apply.

For the purpose of this section, footprint does not include uncovered decks and patios.

2. Maintenance and use of existing landscaped areas within the buffer area. An existing landscaped area is one which is defined by mowed grass, flower beds, orchard trees, non-native shrubs, and non-native trees. Maintenance and use includes mowing, weeding, trimming, replacement of vegetation types, placing landscape walls no more than 2 feet in height, excavating or placing top soil or compost not exceeding 6 inches in depth or 10 cubic yards in total, placing play equipment (swings, slides, temporary plastic above-ground pools, but not including tree houses or other play houses), and picnic tables and chairs. Maintenance does not include the removal of native trees over 6 inches in diameter at 4 foot height. Exposure of more than 200 square feet of soil at any one time requires stormwater precautions so that no contaminated run off reaches the river, wetland, stream, or lake. If such maintenance or use in the buffer area is abandoned or discontinued for greater than three (3) years, activities must conform to the provisions of Section 17.01.110.G.1.

3. All new and existing agricultural activities within any FWHCA and or its buffer complying with a current conservation plan that conforms with the standards and specifications of the Natural Resources Conservation Service and is submitted to and approved by the Administrator; or operating in conformity with a permit of a state agency, except as required by subsection 17.01.110 G.1.j. below.

4. Buffer alterations for view corridors are allowed with emphasis placed on limbing and with selective timber removal minimized to the extent possible. Proposed alterations shall be the minimum to afford views within the buffer and shall minimize shrub vegetation removal and ground disturbance while maintaining the large mature trees. Under this provision, no more than 10 percent of trees in the buffer less than six inches in diameter at breast height may be cut without specific authorization from Mason County, which may allow removal up to 20 percent. View corridor improvement actions which include the cutting of trees larger than six inches in diameter at breast height will require Mason County approval prior to cutting, replacement with native tree and/or shrub plant species, and are limited to 15 percent of such trees in the buffer. The cutting down of more than 15 percent of such trees requires a Mason Environmental Permit from Mason County.

5. The felling of danger trees within buffers provided the following conditions are met:
   a. When it is demonstrated to the satisfaction of the Mason County Director of Community Development or his or her designee (“Department”) that an imminent threat exists to public health or safety, or the safety of private or public property. Landowner shall provide to the Department a written statement describing tree location, danger it poses, and proposed mitigation.
b. Should the imminent threat not be apparent to the Department (as danger trees are defined in Section 17.01.240), the Department may require the landowner submit a report from a professional forester or certified arborist.

c. Before a danger tree may be felled or removed, with the exception of an emergency pursuant to Section 17.01.170, the landowner shall obtain written approval from the Department. This approval shall be processed promptly and may not be unreasonably withheld. If the Department fails to respond to a danger tree removal request within 10 business days, the landowner’s request shall be conclusively allowed.

d. Trees felled as danger trees shall be counted in the allowed amounts under Section 8.52.170(F)(4).

e. Mitigation as approved by the Department to include:
   i. the planting within the critical area or its buffer a total of six new native trees, each a minimum three years old. Should a report be submitted under subsection 5(b), it shall contain recommendations for suitable replacement trees.
   ii. felled trees shall be left within the critical area or buffer unless a submitted report warrants its removal to avoid spreading disease or pests;
   iii. the trunk of the cut tree may be segmented, but should be left in as large of segments as possible to provide habitat;
   iv. the branches from the cut tree may be removed to control fire hazard; and
   v. additional mitigation may be required if three or more trees are to be felled on one property within a 10 year period.

6. The removal from buffer areas of noxious weeds designated in Chapter 17.10 RCW and the enhancement of a buffer by planting indigenous vegetation (see also Section 17.01.110.E.8).

7. The construction of trails associated with residential use which shall be unpaved when located in the buffer areas and elevated when located in wetlands, which are not intended for motorized use, and which are no wider than three (3) feet, unless additional width is necessary for safety along a precipice, steep hillside, or other hazardous area.

8. A habitat enhancement project that has minimum County review and is subject to the review and approval by a governmental agency, tribal agency, or fish and wildlife habitat enhancement group utilizing the process stated in R.C.W. 77.55.290.

9. Harvesting of Wild Crops: Harvesting wild crops which do not significantly affect the viability of the wild crop, the function of the Fish and Wildlife Habitat or regulated buffer (does not include tilling of soil or alteration of the Fish and Wildlife Habitat Conservation Area).

10. Any of the General Exemptions authorized by Section 17.01.130.

G. DEVELOPMENT AND ACTIVITIES REQUIRING A MASON ENVIRONMENTAL PERMIT IN FISH & WILDLIFE HABITAT CONSERVATION AREAS OR THEIR BUFFERS

A Mason Environmental Permit shall be obtained from the County, using the administrative review process in this Chapter, before undertaking the following activities in FWHCAs or their buffers. When a major new development is proposed within 1/4 mile of a listed species point location (den
or nest site), as identified through the WDFW PHS data base, tribal and other local fish and wildlife databases or knowledge, a preliminary review by a qualified fish and wildlife professional shall be provided to the county which shall determine if a FWHCA or its buffer is within the area of the development.

1. A Habitat Management Plan (HMP) shall be prepared for these activities:
   a. The removal, excavation, grading, dumping, discharging or filling of any material unless part of a project which has been permitted pursuant to this section or for which no permit is required.
   b. The destruction or alteration of FWHCA’s or their buffers through clearing, harvesting, shading, intentional burning, vegetation removal (terrestrial, freshwater, or marine), or planting of vegetation that would alter the character of the FWHCA or buffer, unless part of a project which has been permitted pursuant to this section or for which no permit is required.
   c. New Construction and Major New Development:
      1. New residential construction and major new development is not permitted within FWHCA or its buffer, except for the activities listed in this subsection G, or as approved through a variance or reasonable use exception as provided in subsection K.
      2. Appurtenant structures not needing building permits, associated with residential development and located in the FWHCA or buffer may be permitted. A proposal shall meet the additional review standards of the Mason County Shoreline Master Program, Resource Ordinance, and other development ordinances.
      3. Saltwater Activities: Accessory uses to existing or new development, such as a saltwater pier, dock, or float; boat ramp, boat lift, stairways, and stair-towers will need to meet the additional review standards of the Mason County Shoreline Master Program, Resource Ordinance, and other development ordinances. All activities in tidal/saltwater submerged lands shall avoid impacts to eelgrass and kelp beds to the maximum extent. If eel grass or kelp is known or suspected in the vicinity, then an aquatic vegetation survey is required to identify the location of eelgrass or kelp. Unavoidable impacts to these sensitive marine areas shall be addressed in a Habitat Management Plan that presents an acceptable mitigation program. Appendix B has best management practices for docks and floats.

The design and siting of these projects should not adversely impact water quality of receiving waters such as wetlands, streams, rivers, Hood Canal or Puget Sound. In addition, project design should meet or exceed any storm water design requirements to avoid any risk of decertification of shellfish beds or impacts to baitfish (herring, smelt, sand lance, candlefish, etc.) spawning areas.

d. Stream Relocation. Stream relocations are discouraged except for the purpose of fisheries restoration and require a Habitat Management Plan. Stream relocation shall only be permitted when adhering to the following minimum performance standards and when consistent with Washington State Department of Fish and Wildlife Hydraulic Project Approval.
   i. The channel, bank and buffer areas shall be replanted with native vegetation that replicates a natural, undisturbed riparian condition; and,
   ii. For those shorelands and waters designated as Frequently Flooded Areas pursuant to Section 17.01.090, a professional engineer licensed in the State of Washington shall provide information demonstrating that the equivalent base flood storage volume and function will be maintained.
   iii. Relocated stream channels shall be designed to meet or exceed the functions and values of the stream to be relocated as determined by the monitoring in the Habitat Management Plan.
e. **Bank Stabilization**: A stream channel and bank, bluff, and shoreline may be stabilized when naturally occurring earth movement threatens existing legal structures (structure is defined for this purpose as those requiring a Building Permit pursuant to the International Building Code), public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property, and, in the case of streams, when such stabilization results in maintenance of fish habitat, flood control and improved water quality. Bluff, bank and shoreline stabilization shall follow the standards of the Mason County Shoreline Master Program, Landslide Hazard Areas, and any floodplain management plan adopted by the Board of Commissioners.

Mason County may require that bank stabilization be designed by a professional engineer licensed in the State of Washington with demonstrated expertise in hydraulic actions of shorelines. For bank stabilization projects within FWHCAs, emphasis shall be placed on bioengineering solutions (techniques used alone or in combination such as beach nourishment, coarse beach fill, gravel berms, or vegetation rather than hard surfaces such as concrete armoring) unless proved by the applicant to be infeasible. Bank stabilization projects may also require a Hydraulic Project Approval from the Washington Department of Fish and Wildlife and will be determined after consultation with WDFW.

f. **Gravel Mining**: Gravel mining is discouraged within FWHCAs or their buffers, and it shall not be permitted if it causes significant adverse environmental impact, but it may be allowed following the review and approval of a Habitat Management Plan, including a detailed mining and reclamation plan (required by the Washington Department of Natural Resources).

g. **Conservation**: Any conservation, preservation, or enhancement projects to protect functions and values of the critical area system, including activities and mitigation allowed pursuant to the mitigation priorities identified in Section I (see also Section 17.01.110.E.8).

h. **Outdoor Recreation, Education and Trails**: Activities and improvements which do not significantly affect the function of the Fish and Wildlife habitat or regulated buffer (including viewing structures, outdoor scientific or interpretive facilities, trails, hunting blinds, etc.) may be permitted in FWHCA or their buffers.

i. Trails and other facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or other such previously disturbed areas;

ii. Trails and other facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat;

iii. Viewing platforms, interpretive centers, benches and access to them, shall be designed and located to minimize impacts to wildlife, fish, or their habitat and/or critical characteristics of the affected conservation area.

iv. Trails, in general, shall be set back from streams so that there will be minimal impact to the stream from trail use or maintenance. Trails shall be constructed with pervious surfaces when feasible and trails within FWHCAs are not intended to be used by motorized vehicles.

i. **Road/Street Expansion & Construction**: Any private or public road or street expansion or construction which is allowed in a Fish and Wildlife Habitat Conservation Area or its buffer shall comply with the following minimum development standards:

i. No other reasonable or practicable alternative exists and the proposed road or street serves multiple properties whenever possible;

ii. Public and private roads should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.; and,

iii. The road or street construction is the minimum necessary, as required by the Department of Public Works and Fire Marshall, and shall comply with the Department of Public Works' guidelines and Fire Code to provide public safety and mitigated storm water impacts. Minimum necessary
provisions may include projected level of service requirements.

iv. Construction time limits shall be determined in consultation with the Washington Department of Fish and Wildlife in order to ensure species and habitat protection.

j. **Agricultural Restrictions:** All new and existing agricultural activities within any FWHCA or its buffer, unless exempted as provided in subsection 17.01.110.F.3.

2. A Habitat Management Plan (HMP) will not be required the following activities which comply with the development standards below, except as specified:

a. **Stream Crossings:** All stream crossings should be discouraged and alternatives should be explored. Any private or public road expansion or construction which is proposed and must cross streams classified within this Ordinance, shall comply with the following minimum development standards:

i. Bridges or arch/bottomless culverts shall be required for all Type S or F streams (which have anadromous fish habitat). Fish passage shall be provided, if necessary to address man-made obstructions on site. Other alternatives may be allowed upon a showing that, for the site under review, the alternatives would be less disruptive to the habitat or that the necessary building foundations were not feasible. Submittal of a Habitat Management Plan which demonstrates that the alternatives would not result in significant impacts to the Fish and Wildlife Habitat Conservation Area (FWHCA) may be required if the information necessary to determine if the permit requirements contained in subsection I. 5. has been met. The plan must demonstrate that salmon habitat will be replaced at a minimum 1:1 ratio.

ii. Crossings shall not occur in salmonid spawning areas unless no other reasonable crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall be located as determined necessary through coordination with the Washington State Department of Fish and Wildlife and the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe;

iii. Bridge piers or abutments shall not be placed either within the floodway or between the ordinary, high water marks unless no other reasonable alternative placement exists;

iv. All stream crossings shall be required to pass 100 year projected flood flows, even in non-fish bearing Type Np or Ns streams. In addition, crossings for Type S or F should allow for downstream transport of large woody debris;

v. Crossings shall serve multiple properties whenever possible.

vi. Where there is no reasonable alternative to providing a culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity.

b. **Land Divisions:** In order to implement the purpose of this section and the County Comprehensive Plan, to accommodate design innovation, creativity, and flexibility, and to achieve a level of environmental protection that would not be possible by typical lot-by-lot development, the use of the Performance Subdivision process (Title 16 Mason County Subdivision Ordinance) is strongly encouraged. Divisions of land (Subdivisions, Short Subdivisions, Large Lot Subdivisions) shall comply with the following development standards:

i. In order to avoid the creation of non-conforming lots, each new lot shall contain at least one building site that meets the requirements of this Ordinance, including buffer requirements for habitat conservation areas. This site must also have access and a sewage disposal system location that are suitable for development and do not adversely impact the
FWHCA.

ii. After preliminary approval and prior to final land division approval, the common boundary between a required buffer and the adjacent property shall be identified using appropriate signs. In lieu of signs, alternative methods of buffer identification may be approved when such methods (fences or enhanced native planting) are determined by Mason County to provide adequate identification to the buffer and the FWHCA.

iii. Buffer areas shall be dedicated as permanent open space tracts, functioning as FWHCA buffers.

iv. If development is proposed within a FWHCA or its buffer, a HMP is required.

c. **Utilities**: Placement of utilities within designated Fish and Wildlife Habitat Conservation Areas may be allowed pursuant to the following standards:

i. Construction of utilities may be permitted in FWHCA's or their buffers, only when no practicable or reasonable alternative location is available and the utility corridor meets the requirements for installation, replacement of vegetation and maintenance outlined below. Utilities are encouraged to follow existing or permitted roads where possible.

ii. Construction of wells, sewer lines, water lines, or on-site sewage systems are not permitted in FWHCA's but may be permitted in a buffer area when the applicant demonstrates it is necessary to meet State and/or local health code requirements; there are no other practicable alternatives available; and construction meets the requirement of this section. Joint use of the sewer or water utility corridor by other utilities may be allowed. Encroachment of more than 50 feet into the buffer will require a HMP.

iii. New Utility Corridors shall not be allowed in FWHCA's with known locations of federal or state listed endangered, threatened or sensitive species, heron rookeries or nesting sites of raptors which are listed as state candidate or state monitor, except in those circumstances where an approved Habitat Management Plan is in place.

iv. Utility corridor construction and maintenance shall protect the environment of Fish and Wildlife Habitat Conservation Areas and their buffers.

   (1) New utility corridors shall be aligned when possible to avoid cutting trees greater than 12 inches in diameter at breast height (four and one-half feet) measured on the uphill side.

   (2) New utility corridors shall be revegetated with appropriate native vegetation at not less than pre-construction vegetation densities or greater, immediately upon completion of construction or as soon thereafter as possible due to seasonal growing constraints. The utility shall ensure that such vegetation survives for a three-year period;

v. Utility towers should be painted with brush, pad or roller and should not be sandblasted or spray painted, nor shall lead base paints be used.

d. **Forest Practices, Class IV General**: Timber harvesting with associated development activity involving land conversions from Forest Use, or otherwise meeting the DNR definition as a Class IV General application, shall comply with the provisions of this Ordinance including the maintenance of buffers, where required. If harvest or development is proposed within a FWHCA or its buffer, a HMP is required.

e. **Mobile Home or RV Parks**: new or expanded mobile home or RV parks shall comply with the following development standards:

i. Lots or spaces and other improved areas shall be outside of FWHCA and its buffer. Roads, utilities, and trails may encroach on the buffer or FWHCA as provided elsewhere in this section. The project as a whole shall not adversely impact the FWHCA.
ii. The common boundary between a required buffer and the adjacent property shall be identified using signs or alternative methods determined Mason County to provide adequate identification to the buffer and the FWHCA.

iii. Buffer areas shall be designated as open space and preserved to the extent possible.

iv. If development is proposed within a FWHCA or its buffer, a HMP is required.

f. 1. *Freshwater Activities.* Accessory uses to existing or new development, such as a freshwater pier, dock, or float; boat ramp, boat lift; stairways; stair-towers; will need to meet the additional review standards of the Mason County Shoreline Master Program, Resource Ordinance, and other development ordinances.

2. *Park or community recreation development that is water dependent.* In areas maintained as existing developed use for the park or community recreation land use, new development such as picnic or assembly structures is permitted and are required to meet the additional review standards of the Mason County Shoreline Master Program, Resource Ordinance, and other development ordinances.

g. *Chemical Application or Storage.* Chemical applications are not permitted within FWHCAs unless expressly approved as part of a farm plan, forest practices application or for the control of invasive or noxious plant species. In cases where approved chemical applications occur as part of a forest practices application or farm plan, proper reporting procedures shall be followed. Chemical application consistent with state and Federal regulation does not require a Mason Environmental Permit, but it does need to comply with the standards included herein. Chemical storage shall not be permitted within a FWHCA or its buffer.
H. HABITATS AND SPECIES OF LOCAL IMPORTANCE -- LISTING & DELISTING

1. Locally significant species are those which are not state listed as threatened, endangered or sensitive, but which live in Mason County, and the species is special importance to the citizens of Mason County for cultural or historical reasons, or the county is a critically significant portion of their range. Mason County is a critically significant portion of the range of a species when any of the following conditions apply:
   a. The species would be extirpated from the state of Washington if it is extirpated from Mason County; or
   b. The species' population would be divided into non-viable populations if it is extirpated from Mason County, where the isolated populations are critical to the survival of the species; or
   c. The species is listed as a state monitor or candidate species and Mason County is a significant portion of the range of the species and significant reduction or extirpation of the species from Mason County would result in changing the status of the species to that of state endangered, threatened, or sensitive.

2. Locally significant habitats are those habitats in which significant species live, or which is of special importance to the citizens of Mason County because they have been determined to contribute to the variety of habitats or diversity of species.

3. Regulations prepared to protect locally important habitat and species shall consider and, where possible, support the economic development of Mason County and the use of resource lands and resources industry, enhance the affordability of housing, and otherwise promote the achievement of other goals in the Mason County Comprehensive Plan.

4. The process for listing or delisting an important habitat or species in Mason County shall be an amendment to this section of the Interim Resource Ordinance. This action may be initiated by request of the State Department of Fish & Wildlife, the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe, County staff, or interested citizens. Any such request shall be in writing and shall include:
   a. The common and scientific names of for species under consideration;
   b. Habitat location on a map (scale 1:24,000);
   c. The reasons for the request, including:
      (1) declining or increasing population,
      (2) sensitivity to habitat manipulation.
   d. Habitat management recommendations, including potential uses and restrictions of the habitat areas, seasonally sensitive areas, and other guidelines necessary for the protection of the nominated species.
   e. Other supporting documentation, including an analysis which weighs the non-environmental impacts of the proposal, addressing economics and land use, against the benefits of the proposed listing.

5. The written request and supporting data may be evaluated by a qualified wildlife biologist or equivalent professional selected by the County.

6. In addition to the above, the County shall consider the following factors when evaluating the request:
   a. The specificity and scientific validity of the information about the nominated species needs and behaviors;
   b. The sufficiency of habitat areas currently available to sustain the species over time; and
   c. The versatility of the proposed habitat area to sustain species other than the one being nominated for local species of importance designation.

I. APPLICATION REVIEW PROCESS

1. Upon the receipt of an application for development, the Director shall determine whether the requirements of this section apply. The Director may consult with affected Tribes or state agencies in determining that the subject property is shown to be documented habitat
for federal or state listed endangered, threatened or sensitive species.

2. Boundaries: The procedures for formal determination of regulated Fish and Wildlife Habitat Conservation Area boundaries are as follows:
   a. The FWHCA boundary for streams shall be the Ordinary High Water Mark (OHWM) or channel migration zone (CMZ).
   b. The FWHCA boundary for marine shorelines and lakes greater than 20 acres shall be the OHWM.
   c. The boundary of all other FWHCA’s may be determined using published databases, resource agency personnel, consultation with the Skokomish Tribe, Quinault and/or the Squaxin Island Tribe, and/or by a qualified environmental professional based upon site specific assessment and species presence.

3. Permit information: When a Mason Environmental Permit is required under this section, it is the applicant's responsibility to provide all necessary and accurate data to the County for its review. This information will include a field delineation by a qualified professional (biologist, hydrologist, soil scientist, and/or other expert as circumstances warrant). Formal boundary determination is the responsibility of the County.
   a. When sufficient information exists from the County’s natural resource inventory or other sources, Mason County may waive the requirement of a field delineation, provided a qualified professional has reviewed and approved such information as reliable.
   b. When requested by the applicant, or an affected party, the County may perform the data collection, at a fee, in lieu of direct action by the applicant.
   c. Where Mason County performs a formal determination at the request of the applicant pursuant to subsection b above, it shall be considered a final determination unless contested by the applicant or other affected party.
   d. Where the applicant has provided the information in support of a permit for a formal determination by the County of the Fish and Wildlife Habitat Conservation Area boundary, Mason County shall verify the accuracy of, and may render adjustments to, the boundary determination in compliance with the provisions of this ordinance.

4. When a Mason Environmental Permit is required, the permit shall be obtained from the County using the administrative review process in this chapter prior to undertaking regulated activities in a FWHCA or its buffer.

5. In addition to any other requirements, permits shall only be granted if:
   a. The proposed activity avoids adverse impacts to regulated FWHCA, or takes affirmative and appropriate measures to compensate for impacts. Mitigation sequencing should follow the avoidance, reduction, and compensation analysis, in that order of preference, and
   b. The proposed activity is consistent with an approved Habitat Management Plan, if such a plan is prepared; or
   c. The proposed activity is approved as a variance or reasonable use exception under this chapter, if applicable.

6. FWHCA permits shall not be effective and no activity thereunder shall be allowed during the time provided to file and process a permit appeal.

J. HABITAT MANAGEMENT PLAN (HMP) REQUIREMENTS

The following describes the requirements of a Habitat Management Plan as discussed in this ordinance.

A HMP shall consider measures to preserve and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of natural vegetation on the functions and values of the FWHCA. This report shall identify how the impacts from the proposed use or activity will be avoided or mitigated through habitat mitigation which meets the purposes of this ordinance. The most recent publication of the Management Recommendations for Washington’s Priority Habitats and Species, as now or hereafter amended, and consultation with a habitat biologist from the Washington State Department of Fish and
Wildlife and with the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe and shall be the basis for the report. In the case of bald eagles, an approved Bald Eagle Management Plan by the Washington State Department of Fish and Wildlife meets the requirements for a HMP. For those projects requiring the preparation of a Biological Assessment (BA) or Biological Evaluation (BE) as part of the application for a Corps of Engineers permit, the approved BA or BE meets the requirements of a HMP, and the contents of the BA or BE meet the standards listed in J2.

Prior to submittal to the County, the Habitat Management Plan shall be reviewed and approved for adequacy by a qualified fish and wildlife professional. It shall contain but not be limited to the following information:

1. A map(s) prepared at an easily readable scale, showing:
   a. The location of the proposed site;
   b. The relationship of the site to surrounding topographic and built features;
   c. The nature and density of the proposed use or activity;
   d. Proposed building locations and sizes;
   e. A legend which includes:
      (1) A complete and accurate legal description and total acreage of the parcel;
      (2) Title, scale, date, and north arrow;
      (3) Certification by a qualified biologist.
   f. Existing structures and landscape features including the name and location of all water bodies.
   g. Location of listed species and their critical habitat areas.

2. A report which contains:
   a. A description of the nature, density and intensity of the proposed use or activity in sufficient detail to allow analysis of such land use change upon identified wildlife habitat;
   b. An analysis of the effect of the proposed use or activity upon fish and wildlife species and their habitats listed in this ordinance;
   c. A plan which explains how the applicant will avoid, minimize or mitigate adverse impacts to fish and/or wildlife habitats created by the proposed use or activity. This explanation must address the management goals, policies and recommendations presented in this ordinance. While species and site specific management practices will often be required, some general best management practices have been developed in Appendix C and may be used in the plan. The mitigation plan must take into account safety issues (including fire safety) resulting from implementation. For instance, if harvest of trees is proposed, the plan must account for the presence of snags being left or other features of the plan. If merchantable timber or other trees can not be harvested safely with the mitigation proposed, then the merchantable timber or other trees must be left as part of the management plan. Monitoring of mitigation shall be required when appropriate or necessary to ensure effectiveness. Mitigation measures within the plan may include, but are not limited to:
      (1) Establishment of buffer areas;
      (2) Preservation of critically important plants and trees;
      (3) Limitation of access to habitat area;
      (4) Seasonal restriction of construction activities;
      (5) Clustering of development and preservation of open space;
      (6) Sign marking habitats or habitat buffer areas;
      (7) Title notice or plat dedication warning statements;
      (8) Conservation easements.

3. Review comments by a habitat biologist from the Washington State Department of Fish and Wildlife (WDFW) and the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe shall be included in the HMP when available. If the HMP recommends mitigation involving federally listed threatened or endangered species, migratory waterfowl or wetlands, the U.S. Fish and Wildlife Service shall receive a copy of the draft HMP and their review comments shall be included in the final report.
This is provided that the Washington State Department of Fish and Wildlife, the Skokomish Tribe, the Quinault Tribe and/or the Squaxin Island Tribe and, if required, the U.S. Fish and Wildlife Service respond in writing to Mason County with review comments or a request for additional information within 28 days from the date of issuance of a draft habitat management plan. If review comments or a request for additional information is not received in the prescribed time frame, the tribal, state and/or federal review comments on the habitat management plan shall not be required for completion of the HMP. Mason County shall have the authority to approve Habitat Management Plans or require additional information.

K. RELIEF FROM THE REQUIREMENTS IN THIS SECTION

Specific relief from the requirements of this section may be obtained on a case-by-case basis by applying for a variance (Section 17.01.150) or a reasonable use exception (Section 17.01.120).
Figure 2

- Existing house
- Buffer line (B)
- Setback line (S)
- Subject lot

Legend:
- B = Buffer line
- S = Setback line
APPENDIX B -

Recommendations for Dock and Float Design and Construction

• Encourage the use of shared dock facilities to reduce cumulative impacts.
• Relocate or realign the structure to avoid eelgrass beds.
• Extend the length of the walkway portion of the pier so that the terminal platform/boat mooring is located over water too deep to support eelgrass growth.
• If a deepwater location is not accessible, locate the terminal platform or float in water at least 4 ft deep to avoid grounding and prevent prop scarring.
• Orient all structures in a north-south direction to the maximum extent possible.
• Use elevated fixed piers at least 4-5 ft. above MHHW for the walkway portion, then attach a small float portion at the terminal end.
• Use alternative materials (e.g. grid surface for floats, reflective panels on fixed piers) to increase the amount of light penetration to seagrasses.
• Limit the width of the walkway portion of the pier to 4 ft.
• Limit the maximum size of the terminal platform or float.
• Use the minimum number of pilings required for structural integrity.
• Consider seasonal removal of the float.
APPENDIX C
BEST MANAGEMENT PRACTICES FOR HABITAT MANAGEMENT PLANS

DURING CONSTRUCTION

- Perform any excavation and grading work during dry weather
- Install silt fencing around the work area to prevent erosion and siltation of marine and riverine waters.
- Minimize amount of erodible soils at any given time to the maximum extent feasible.
- Check all equipment daily for leaks. Refueling and lubrication of equipment should occur offsite. Don’t store any fuel, lubricants, chemicals, or hazardous substances overnight within the project area.
- Do not apply any chemicals when there is a possibility of rain.
- Comply with all permits and requirements of the government authority or agency.

Stream Buffer Protection
Existing trees and other native vegetation within the stream buffer should again be left undisturbed in areas outside of the proposed construction zone. Any storage or stockpiling of construction materials associated with construction or ensuing occupancy of the residence should take place within a designated construction zone in order to limit impacts to the buffer. The banks and channel of the stream should not be used for foot traffic since this would damage vegetation and increase erosion along the stream channel. Logs that currently exist within the stream channel should not be removed or disturbed and future downed woody debris should be encouraged.

Nurse Log Placement
Overstory trees at least 4 inches diameter at breast height removed from the reduced buffer should be placed within the protected buffer to proved nurse log habitat. The logs could be segmented into 10-15 foot pieces to facilitate transport but would best be left as long as possible. It is recommended that these logs be placed randomly throughout the buffer to mimic natural distribution.

Construction Phase Best Management Practices
An increase in the amount of impervious surface is a concern whenever new buildings are constructed. Impermeable surfaces, such as roads, rooftops and drive ways, cause more rain to run off at accelerated rates and less water to infiltrate back into the soil (Leedy and Adams 1984). To prevent increased erosion and impacts to water quality, runoff from the building and other impervious surfaces may require a storm water management plan that diverts this runoff away from the ground surface and back into the ground. Other good examples of Low Impact Development techniques are provided in the “Low Impact Development Technical Guidance Manual for Puget Sound” prepared by Puget Sound Action Team and WSU Extension 2005.

Best Management Practices (BMPs) need to be adhered to throughout the construction phase.
- Appropriate erosion control devices, such as silt fencing, mulch berms, and erosion control matting should again be used if needed during all aspects of the construction phase to mitigate potential erosion and runoff into the stream.
- The most important goal during the construction phase is to consolidate the time period in which heavy earthmoving machinery is used. Earthwork activities should be implemented during the driest season of the year to minimize the risk of erosion-relate impacts to the stream. Any work requiring use of this type of equipment (such as site grading, road building, grubbing, cutting and filling) should also be implemented over short periods or events. This should avoid continued and prolonged disturbance of the environment with heavy equipment, as would be the case if the work occurred over multiple and/or unconsolidated events.
- Construction activities should be confined to discrete areas of the site to minimize disturbance to native vegetation in the buffer.
- No construction debris or supplies should be placed in existing forested areas or anywhere
along the stream bank.

- Coinciding with, or immediately subsequent to the completion of the construction work, the restoration and stabilization of bare ground should occur. Restoration and stabilization phases include the application of a native seed mix and landscape stabilization of any cut and filled areas. Native species of plants should be used in transition zones between the construction area and undisturbed native vegetation.

Suggested BMP focus on reducing increases in impervious surfaces, preserving hydrologic functions, and controlling potential adverse impacts to water quality.

- Clearly mark clearing limits with orange construction fencing;
- Install silt fencing at the clearing limits to prevent surface runoff, erosion, and water quality degradation;
- Cover or mulch bare areas to prevent surface erosion
- Hydroseed disturbed areas with a slurry of native grass seed, mulch, and tackifier as soon as possible following completion of construction and at a minimum before the onset of fall rains;

RE-VEGETATION AND PLANTING

Earthwork

- No machinery earthwork will be necessary to implement this restoration plan; planting holes for specified vegetation installation will be hand dug. No additional clearing or grading should be required for site restoration.

Native Plantings

It is recommended that native plantings be installed within 10 foot wide restoration zones in linear strips extending across the site parallel to the edge of the buffer to achieve the following densities:

- Trees - 10’ on center
- Shrubs - 5’ on center
- Ferns - 4’ on center

The general plan calls for installing single trees, or clusters of three shrubs, on approximate 10-foot centers. Each row will alternate between 5 trees + 3 shrub clusters or 4 trees + 4 shrub clusters starting from the edge closest to the identified critical area proceeding to the edge of the buffer. Specifically for stream ravine replanting, cedar will be the first type of tree installed within the first row at the top of the ravine, and then incrementally changing one cedar tree to a fir through the first six rows, with all fir trees thereafter or to the edge of the buffer whichever comes first. Exact placement of installed materials will be up to the landscape installer, following the basic 10-foot spacing pattern prescribed. Finally, a native ground cover planting or sword fern will be randomly installed throughout the planting row on average four-foot centers. These densities have been selected to provide a moderately dense, structurally diverse plant community within the restoration area. Volunteer native vegetation can be counted towards the target densities of restoration plants.

Typical native plant species that may be used with the restoration zone include:

Trees:
- Western red cedar (Thuja plicata) - 2 gallon
- Douglas fir (Pseudotsuga menziesii) - 2 gallon
- Western hemlock (Tsuga heterophylla) - 2 gallon
- Grand fir (Abies grandis) - 2 gallon
- Cascara (Rhamnus purshiana) - 2 gallon
- Cottonwood (Populus balsamifera) - 2 gallon

Shrubs:
- nootka rose (Rosa nutkana) - 1 gallon
- salmonberry (Rubus spectabilis) - 1 gallon
- salal (Gaultheria shallon) - 1 gallon
- evergreen huckleberry (Vaccinium ovatum) - 1 gallon
twinberry (*Lonicera involucrate*) - 1 gallon
snowberry (*Symphorocarpus albus*) - 1 gallon
elderberry (*Sambucus racemosa*) - 1 gallon
red osier dogwood (*Cornus stolonifera*) - 1 gallon

Ferns: sword fern (*Polystichum munitum*) - 1 gallon

All planting should occur during winter dormancy. The optimum time for planting is during February and March.

**Installation**
Installation of the prescribed vegetation will be performed by qualified landscapers familiar with planting of native vegetation in natural settings. Installation will be performed only after home construction on the property is completed to avoid damage to the plantings from construction activities. All installed vegetation shall be marked with colored flagging to facilitate monitoring inspections. A separate “as-built” plan will be provided by the landscaper if the planting pattern or schedule deviates from that listed within this document.

**Fertilizing**
Artificial fertilizer may be applied to each planting hole in the form of “slow-release” tablets or some other similar material. However, general broadcast fertilization MAY Not be used within the landscape planting area.

**Maintenance**
Maintenance of the installations will be the responsibility of the landscape installer. Maintenance is to include and weeding or watering necessary to ensure plant survival for up to one year after the date of installation.

**Habitat Conservation Measures**
In general, proposed measures to protect habitat focus on promoting natural succession of native plant communities and increasing structural diversity and complexity.

- Minimize clearing and conversion of forest habitats to other uses, particularly within the stream and lake buffers;
- Retain larger conifers wherever possible; if trees are removed, use/retain large woody debris (LWD) in native plant communities to be retained. Retained LWD can be installed vertically or horizontally to provide habitat for woodpeckers, including pileated woodpecker.
- Retain and/or salvage downed large woody debris and western red cedar stumps;
- Thin dense, immature (sapling) red alder and underplant with native conifers to promote more rapid natural succession to later serial phase forest types;
- Enhance native plant communities by removing invasive and non-native species, such as Himalayan blackberry, and planting native trees and shrubs;
- Plant native shrubs and trees in the stream buffer, such as willows (*Salix* sp.), re-osier dogwood (*Cornus sericea*); and black twinberry (*Lonicera involucrata*). These will increase structural diversity and buffer functions, such as retention of organic matter and increasing shade and thermal protection;

**MONITORING THE SUCCESS OF THE PLANTING**

- Monitoring of the installed vegetation will be performed annually for three years following installation. Monitoring will entail inspection of each planted specimen for survival and vigor, and will be performed in August or September of each monitoring year. In addition, two photo points will be established that portray the planting area from each side of the property. A brief letter report summarizing monitoring findings will be submitted to Mason County Planning by 1 October of each monitoring year.
Contingency

- If mortality of the installed vegetation exceeds 10% for trees, 20% for shrubs and ferns, all dead materials will be replaced at a 1:1 ratio. If mortality is related to an inappropriate species for the site conditions, adjustments to the Plant Schedule may be made to replant with a species more like to survive.

Monitoring of the site will begin the first fall following tree planting and maintained on a seasonal basis. The information gathered will provide the following: 1) condition of reintroduced plant species; 2) the use of the site by wildlife species; 3) any disturbance caused by the development and its effect on protected zones and associated aquatic habitat; 4) any occurrence of exotic species within the restoration zones; 5) any corrective measures that may be deemed necessary to provide desired conditions. This monitoring will be in effect for the duration of three years. The information gathered will be provided in an annual report and submitted to the Director of Mason County Department of Community Development.

On-Going Homeowner Responsibilities

Suggested BMP focus on reducing increases in impervious surfaces, preserving hydrologic functions, and controlling potential adverse impacts to water quality.

- Infiltrate clean runoff from impervious surfaces such as roofs using infiltration trenches to maximize groundwater recharge. Avoid using roofing materials, such as zinc-coated products, that could contribute metals to surface waters;
- Properly maintain septic system to avoid septic system failure;
- Landscape with native plants and use mulch and drip irrigation to reduce water consumption, conserve water, and reduce cumulative help maintain instream flows in downstream surface waters;
- Use low flow toilets and shower heads to conserve water and reduce water consumption;
- Avoid use of herbicides and pesticides, which may adversely affect native flora and fauna, as well as pest species;
- Use porous pavement or gravel instead of asphalt or concrete for the driveway to reduce stormwater runoff; use biofiltration swales or infiltration trenches to promote removal of pollutants and promote groundwater recharge.

Home Owners Best Management Practices

Residents living by the unique stream environments have a continuing responsibility for maintaining the conditions that provide the function of the stream.

- Soil or yard waste must not be dumped anywhere within the buffer so that it may enter the stream.
- Runoff from the building and other impervious surfaces should be directed to sub-surface trenching that diverts runoff away from the ground surface and back into the ground, or according to the stormwater management plan that has been approved for the site. The erosion of soil or the forming of channels should be prevented. These efforts will prevent increased erosion and impacts to water quality.
- The occupants of the residence should also promote landscaping with native species.
- Landscaping around the construction zone should be compatible and blend with the native buffer.
- Bird boxes should be built or purchased and placed on the property to promote avian wildlife. Bird boxes can be built and placed on snags or live trees according to the bird species requirements that may be most likely to utilize habitat at the site. Guidance on bird boxes is available from the Mason Conservation District.

Stream Buffer Protection

- Existing trees and other native vegetation within the stream buffer should again be left undisturbed.
- Any storage or stockpiling of materials should take place outside of the buffer in order to limit impacts to the buffer.
• The banks and channel of the stream should not be used for foot traffic since this would damage vegetation and increase erosion along the stream channel.
• Logs that currently exist within the stream channel should not be removed or disturbed and future downed woody debris should be encouraged.

Functions and values of the forested area between the proposed residence and the marine shoreline should be maintained through the following measure.
• Do not remove overstory trees (view corridors can be established or maintained by limbing the trees to the minimum extent necessary)
• Shoreline access should be limited to a 3-foot wide path, with stairs when necessary, to concentrate all foot traffic through a single corridor.
• Species such as English Ivy and Himalayan blackberry should be removed and prevented from further invading the site. This can be accomplished through persistent cuttings during the growing season.
• Sites where invasive species are removed should be replanted using native species.
17.01.120 DEVELOPMENT REVIEW PROCESS

A. ADMINISTRATION

There is hereby established an administrative system designed to assign responsibilities for implementation of the Resource Ordinance, and to prescribe an orderly process by which to review proposals and permit applications, and to ensure that all persons affected by this Chapter are treated in a fair and equitable manner.

B. ADMINISTRATOR

1. The Director of the Mason County Department of Community Development is hereby vested with:
   a. Overall administrative responsibility for this Resource Ordinance;
   b. Authority to grant statements of exemption from the Resource Ordinance; and
   c. Authority to determine compliance with RCW 43.21C, State Environmental Policy Act.

2. The duties and responsibilities of the Director shall include:
   a. Establishing the procedures and preparing forms deemed essential for the administration of the Chapter.
   b. Advising interested citizens and applicants of the policies, regulations, and procedures of the Chapter.
   c. Making administrative decisions and interpretations of the principles and policies of this Chapter and the Growth Management Act.
   d. Collecting fees.
   e. Determining that all applications and necessary data are completed.
   f. Grant or deny permits after considering all relevant information.
   g. Making field inspections, as necessary.
   h. Reviewing, insofar as possible, all provided and related data deemed necessary for appropriate application needs.
   i. Determining if a Permit, Conditional Use or Variance is required.
   j. Submitting Variance Applications and Conditional Use Permit Applications and making written recommendations and findings on such permits to the Hearing Examiner. The Director shall assure that all relevant information and testimony regarding the application is made available to the Hearing Examiner during their review.
   k. Assuring that proper notice is given to the appropriate persons and the public of all hearings.
   l. Informing the citizens of Mason County of the purposes, goals, policies, and regulations of this Chapter and any changes or amendments thereto.
   m. Investigate, develop, and propose amendments to this Chapter as deemed necessary to more effectively and equitably achieve its goals and policies.

C. ENVIRONMENTAL PERMIT

1. Applicability

All developments and uses that are permit required or conditionally permitted under the terms of this Chapter within designated Resource Lands and Critical Areas shall be subject to review and approval by the County through the permit process described by this Section.
2. Approval Authority

a. Administrative Review

All development listed as "Permit Required" in this Chapter shall be processed through Administrative Review procedures. Decisions of the Director shall be appealable to the Hearing Examiner pursuant to terms of Title 15 Development Code Section 15.11.010 Appeals of Administrative Decisions.

b. Public Review

All development listed as "Conditional" in this Chapter shall be processed through Administrative Review procedures; provided that Public Review procedures shall be followed under the following conditions:

(1) Any person, who would qualify as an aggrieved person if an appeal was being requested, requests to the Director in writing within ten (10) calendar days following posting of the public notice, pursuant to Section 17.01.120.J, that a Public Review procedure be conducted; or

(2) The Director determines, based on the nature and complexity of the project, that the Public Review procedure should be conducted.

When Public Review procedures are followed, the final approval authority shall be the Hearing Examiner.

c. Shoreline Master Program Review

When a use, development or other activity that is subject to review under this Chapter is also subject to review under the Mason County Shoreline Master Program, the proposed use, development or activity shall be processed concurrently with provisions of the Shoreline Master Program. Administrative decisions under terms of this Chapter should generally, but are not required to, precede a public hearing before the Hearing Examiner. Permits issued under authority of the Shoreline Master Program may, but are not required to, include any or all conditions stipulated in the Mason Environmental Permit.

3. Permit Name

a. A permit required under one or more of the Permit Required Use categories of this Chapter shall be known as a "Mason Environmental Permit" (MEP).

b. A permit required under one or more of the Conditional Use categories of this Chapter shall be known as a "Mason Conditional Environmental Permit" (MCEP).

c. If a use is listed as a "Permit Required Use" for one or more critical areas or resource lands, and a "Conditional Use" for one or more of the critical areas or resource lands, it shall be considered a Conditional Use and require an Mason Conditional Environmental Permit (MCEP) for County approval. If a site is subject to permitting authority under more than one...
designated critical area or resource land, all such permits shall be processed concurrently.

4. Pre-Application Consultations

Any person intending to apply for a permit under terms of this Chapter is strongly encouraged, but not required, to meet with the County at the earliest possible stage of project planning in order to discuss potential impacts of this Chapter on the development proposal. Applicant will be encouraged to fill out a checklist to determine the need for particular permits in critical areas. Efforts put into pre-application consultations and planning will help applicants create projects which will be more quickly and easily processed. The County shall not charge a fee for pre-application consultations.

5. Permit Application Form

The Director shall establish, upon consultation with the County Engineer, Health Official, Fire Marshal, and Building Official, a single Mason Environmental Permit (MEP) and Mason Conditional Environmental Permit (MCEP) form, to be used for all development proposals subject to review under authority of this Chapter. Such form shall include requests for applicants to provide such information as to facilitate compliance with the terms of this Chapter.

In addition, all application forms for Building Permits, Sanitary Waste Permits, Shoreline Permits, Flood Plain Permits, and Subdivision Approvals including Boundary Line Adjustments, Short Subdivisions and Large Lot Segregations shall include adequate references to identify those properties subject to Resource Land and Critical Area regulations that enables the County to determine whether a Mason Environmental Permit (MEP) or Mason Conditional Environmental Permit (MCEP) is also necessary.

6. Administrative Determination of Applicability

Any person seeking to determine whether a proposed activity or an area is subject to this chapter may request in writing, at a fee set by the Board, a formal “Determination of Applicability” from the Director. Such a request for determination shall contain plans, data, and other information as may be specified by the Director.

7. Permit Fees

Fees for a Mason Environmental Permit (MEP), Mason Conditional Environmental Permit (MCEP), and other special studies review shall be set by Resolution of the Board.

D. SEPA COMPLIANCE

An application for a shall not be considered complete until it has complied with all procedural requirements of Chapter 43.21c RCW, the State Environmental Policy Act (SEPA), administrative regulations adopted to implement SEPA and the Mason County Environmental Policy Ordinance, 99-84, or as hereafter amended.

E. OLYMPIC REGION CLEAN AIR AGENCY COMPLIANCE

All Mason Environmental Permit (MEP) and Mason Conditional Environmental Permit (MCEP) applications shall be forwarded for review to the Olympic Region Clean Air Agency (ORCAA) unless the Director makes written findings that the proposed
development is unlikely to result in any direct or indirect impacts on air quality. Development shall be consistent with all applicable ORCAA standards.

F. SPECIAL STUDIES AND PLANS

1. Developments lying within one or more designated critical areas may be required by the Director to submit a Special Study or Plan that assures the proposed development does not degrade the functions and values of those critical areas. Those studies include:
   a. Wetland Delineation Report under Section 17.01.070
   b. Wetland Mitigation Plan under Section 17.01.070 and 17.01.200 I.
   c. Aquifer Recharge Area Report under Section 17.01.080
   d. Geological Report under Section 17.01.100
   e. Habitat Management Plan under Section 17.01.110

2. Requirements for Special Plans can be found in each critical area section.

3. An application for a Mason Environmental Permit (MEP) or Mason Conditional Environmental Permit (MCEP) shall not be considered complete until it includes all special studies or plans required by this Chapter.

G. ACCEPTANCE OF APPLICATIONS

1. The original and nine (9) copies of a complete Mason Environmental Permit (MEP) or Mason Conditional Environmental Permit (MCEP) application shall be submitted to the Department of Community Development. Copies of the accepted application shall be forwarded to the appropriate agencies for review.

2. Upon acceptance of an application, notice of application shall be posted by the applicant on the property or principal entry point to the property from the nearest public right-of-way upon which the proposed development is located using a stencil form provided by the County, on a waterproof sign. Said sign shall be maintained by the applicant until action is taken on the application, when it shall be promptly removed by the applicant. Said sign shall be located so that it is visible from the abutting road. When more than one road abuts the property, then the sign shall be visible from the road having the greatest traffic volume. Signs shall be of a size determined by the Department of Community Development.

H. REVIEW BY AGENCIES

For all applications, within 21 calendar days of acceptance of a complete application:

1. The Department of Community Development shall notify the Director that the proposal does or does not conform to the goals and policies of RCW 36.70A, the standards of this Chapter, and report on such other matters as may properly be their responsibility.

2. The Public Works Director shall notify the Director of Community Development that the proposed roads, utilities, drainage facilities and other improvements can or cannot conform to County development standards and state law under the Public Works Director's authority.

3. The Public Works Director shall also, in such manner deemed appropriate, establish the adequacy of legal descriptions of the subject property.

4. The Health Director shall notify the Director of Community Development that the proposed method of waste disposal and proposed system of water supply can or
cannot conform to adopted development standards, including the County Health Code and state law under the Health Director's authority.

5. The County Fire Marshal shall notify the Director of Community Development that the development can or cannot conform to adopted fire safety standards, including the Uniform Fire Code and state law under the Fire Marshal's authority.

6. The County Building Official shall notify the Director of Community Development that the development can or cannot conform to adopted building safety standards, including the Uniform Building Code and state law under the Building Official's authority.

In addition to the above agencies, the Director of Community Development shall provide, on a timely basis, a copy of the development proposal to all agencies of jurisdiction and affected tribes, as required by Chapter 43.21c RCW, the State Environmental Policy Act (SEPA). The Director shall also provide timely notice to the adjoining city of proposals located in the urban growth area or within 1000 feet of its boundary. The Director shall incorporate any comments received into the County decision making process.

I. ADMINISTRATIVE REVIEW

1. Review of permits shall follow the provisions of Title 15 Development Code Section 15.09 for type II decision review.

2. Director's Findings
   
   a. The Director shall make findings based upon the review and recommendations of County departments, other agencies, affected tribes, and any public comments received. Such findings and conclusions shall also set forth the manner by which the decision would carry out and conform to the goals of RCW 36.70A, other adopted County policies, objectives and regulations and this Chapter.

   b. A decision on the application may be to grant, deny, or grant with such conditions, modifications and restrictions as the Director finds necessary to ensure that the proposed development is compatible with the natural environment, and is in compliance with the goals of RCW 36.70A, the Shoreline Master Program, State Environmental Policy Act, the standards of this Chapter, and other County codes and ordinances found applicable. Examples of the kinds of conditions, modifications and restrictions which may be imposed include, but are not limited to, additional setbacks, screenings in the form of fencing or landscaping, storm drainage facilities, restrictive covenants, easements, dedications of additional rights-of-way, performance bonds and measures to mitigate identified adverse environmental and socio-economic impacts associated with the proposed action.

J. PUBLIC REVIEW

If a determination is made that a Public Review is necessary, pursuant to Section 17.01.120.C.2.b of this Chapter, then the provisions of Title 15 Development Code Chapter 15.09 for type III decision review shall be followed.
K. REASONABLE USE EXCEPTION

1. If the application of this Chapter would deny all reasonable use of a site, development may be allowed which is consistent with the general purposes of this Chapter and the public interest.

2. Nothing in this Chapter is intended to preclude all reasonable use of property. An applicant for a development proposal may file a request for a reasonable use exception which shall be considered by the Hearing Examiner at a public hearing.

   a. A description of the areas of the site which are critical areas and/or resource lands or within setbacks required under this Chapter;
   b. A description of the amount of the site which is within setbacks required by other County standards;
   c. A description of the proposed development, including a site plan;
   d. An analysis of the impact that the amount of development would have on the resource lands or critical areas;
   e. An analysis of whether any other reasonable use with less impact on the resource lands or critical areas is possible;
   f. A design of the proposal so that the amount of development proposed as reasonable use will have the least impact practicable on the resource lands and/or critical areas;
   g. Other information as the Department determines is reasonably necessary to evaluate the issue of reasonable use as it relates to the proposed development.

L. The Hearing Examiner may approve the reasonable use exception, if the Hearing Examiner determines the following criteria are met:

   1. There is no other reasonable use or feasible alternative to the proposed development with less impact on the resource lands or critical areas; and
   2. The proposed development does not pose a threat to the public health, safety or welfare on or off the site; and
   3. Any alteration of the resource lands and/or critical areas shall be the minimum necessary to allow for reasonable use of the property; and
   4. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line thereby creating the undevelopable condition after the effective date of the Chapter; and
   5. The proposal mitigates the impact on the resource lands and/or critical areas to the maximum extent possible, while still allowing reasonable use of the site.

M. Except when application from this Chapter would deny all reasonable use of a site, an applicant who seeks an exception from the regulations of the Chapter shall pursue a variance as provided in Title 15 Development Code Section 15.09.057.
17.01.130 GENERAL EXEMPTIONS

The following activities shall be exempt from the provisions of this ordinance:

A. All policies, regulations, and procedures of this ordinance are null and void and have no effect on those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030, where state law specifically exempts local authority, except those developments requiring local approval for Class 4 -General Forest Practice Permits (conversions) as defined in RCW 76.09 and WAC 222-12.

B. Normal and routine maintenance and operation of existing irrigation and drainage actions, farm ponds, fish ponds, manure lagoons, and livestock water ponds, provided that such activities do not involve conversion of any wetland not being used for such activity to another land use.

C. Normal and routine maintenance or repair of existing utility structures or rights-of-way.

D. Passive recreational uses, sport fishing or hunting, scientific or educational review, or similar minimal impact, non-development activities.

E. Site investigative work required by a county, state, or federal agency, or any other applicant preparing a land use application submittal such as surveys, soil logs, percolation tests, and other related activities, provided that impacts on environmentally critical areas are minimized, and disturbed areas are restored to the preexisting level of function and value within one (1) year after tests are concluded.

F. Maintenance, operation, reconstruction of, or addition to, existing roads, streets, and driveways, provided that reconstruction of, or addition to, any such facilities does not extend outside the previously disturbed area.

For activities outside of the right of way or previously disturbed areas and following the discussion of the proposed work with the Director or designee, maintenance of public roads conducted using the best management practices contained in the “Regional Road Maintenance ESA Program Guidelines” or similar programmatic guidelines endorsed by the U.S. Fish and Wildlife Service and NOAA Fisheries.

G. Any project currently under review by local, state or federal agencies prior to the official effective date of the Mason County Resource Ordinance (as amended or adopted) are exempt from this ordinance and will be grandfathered under previous Resource protection measures; except for projects which are affected by the invalidity finding of the Western Washington Growth Management Hearings Board dated September 6, 1996, and subsequent dates.

H. Installation, construction, replacement, operation or alteration of all electric facilities, lines, equipment or appurtenances; water and sewer lines; and all natural gas, cable communications and telephone facilities, lines, pipes, mains, equipment or appurtenances within the previously improved area of public road right-of-way or authorized private road; but not including the construction of substations.

I. Construction and operation (including normal repair and maintenance) of fish hatcheries.
17.01.140 NONCONFORMING USES

A. PURPOSE

This section establishes the terms and conditions for continuing nonconforming uses, structures and lots which were lawfully established prior to the effective date of this Chapter.

B. STANDARDS

1. A legally established nonconforming lot, use or structure shall be deemed a legal nonconforming lot, use or structure and may be continued, transferred or conveyed and/or used as if conforming.

2. A reduction in the setback and/or buffer requirements may be considered for a nonconforming lot. A reduction of setback shall be approved only if:

   a. The reduction of setback and/or buffer is necessary in order to achieve reasonable use of the land, and that it is the minimum reduction of setback and/or buffer which accomplishes this purpose; and

   b. The proposed reduction of setback and/or buffer is compatible with the character of surrounding permitted uses, and shall not adversely affect efficient and safe traffic circulation; and

   The burden of establishing the above-listed criteria for setback and/or buffer reductions is upon the applicant.

3. The burden of establishing that any nonconforming lot, use or structure lawfully existed as of the effective date of this Chapter shall, in all cases, rest with the owner and not with the County.

C. USE OF NONCONFORMING LOT

Any permitted use authorized by this Chapter in one or more designated areas shall be permitted on a legal nonconforming lot provided that it complies with all sections of this Chapter other than tract or parcel size or conditions imposed pursuant to Subsection "D" and other pertinent chapters of the Mason County Code and state law.

1. Adjustment of boundary lines to make legally established nonconforming lots more nearly conforming is encouraged and may be made pursuant to Title 16 of the Mason County Code.

2. A conforming use or structure located on a legally established nonconforming lot may be expanded, enlarged or extended as if it were on a conforming lot.

D. MAINTENANCE AND REPAIR OF NONCONFORMING STRUCTURE

Normal maintenance and incidental repair of legal nonconforming structures shall be permitted, provided that it complies with all sections of this Chapter and other pertinent chapters of the Mason County Code.
E. RECONSTRUCTION

Reconstruction, restoration or repair of a legal nonconforming structure damaged by fire, flood, earthquake or other disaster shall be permitted; Provided that such reconstruction shall not result in an expansion of the non-conforming structure.

F. EXPANSION OF NONCONFORMING USE OR STRUCTURE

No legal nonconforming use or structure may be expanded, enlarged, or extended in any way (including extension of hours of operation), unless such modification is in full compliance with this Chapter or the terms and conditions of approved permits pursuant to this Chapter.

G. DISCONTINUANCE OF NONCONFORMING USE

All legal nonconforming uses shall be encouraged to convert to a conforming use whenever possible and conformance shall be required when:

1. The use is changed;
2. The structure(s) within which the use is conducted is moved; or
3. The use is terminated or discontinued for more than three (3) years.

17.01.150 VARIANCES FROM STANDARDS

A. PURPOSE

The purpose of this section is to allow the County to consider requests to vary or adapt certain numerical standards of this Chapter where the strict application of said standards would deprive property owners of reasonable use of their property.

B. APPLICABILITY

The provisions of this Section shall apply to:

1. Setback requirements within designated critical areas and resource lands; except wetland related setbacks.
2. Buffer/vegetation area requirements within designated critical areas; except wetland related vegetation areas.
3. Tract or parcel size requirements of Section 17.01.060, .062 and .066; except that when the following conditions are met, creation of non-conforming lots under the terms of this Chapter are allowed outright; provided that all Mason County Code Title 16 (Subdivisions) requirements are followed:
   a. The parcel to be divided was legally established prior to the effective date of this Chapter; and
   b. The parcel contains two (2) dwelling units which were constructed prior to the effective date of this Chapter; and
   c. No more than two lots are proposed to be created; and
   d. No lot proposed to be created shall be less than 1 acre (0.405 hectares) in size; and
   e. Use of the lots to be created shall comply with all terms and conditions of this Chapter, other than lot size, and shall comply with other pertinent requirements of the Mason County Code.
A variance from standards may be appropriate where a lot is exceptionally narrow or shallow or contains unusual topographic conditions, but only when strict application would result in hardship on the owner of such property.

C. APPLICATION REQUIREMENTS

Application requirements shall be the same as for a Mason Environmental Permit in Section 17.01.120, as well as the following:

1. A description of the specific modification from the terms of the Chapter required; and

2. A description of the reasons for the variance.

D. REVIEW PROCESS

The review process for variances from standards shall be the public review process set forth in Section 17.01.120.

E. REVIEW STANDARDS

See Mason County Code 15.09.057 for the review criteria.

In addition to the review criteria in Mason County Code 15.09.057, the minimum reasonable use for a residence in a residentially zoned area shall be defined by the lesser of a) 40% of the area of the lot, or b) 2,550 square feet.

1. Included in the total allowed area for a residence is a) the area of the first floor of the residence, b) the area of any covered or uncovered decks or patios proposed, except for the area of landings at entrances of a minimum size to meet building code requirements, c) the area of roof overhangs greater than two feet, and d) the area of any living space or decks on any floor other than the first floor that extend beyond the walls of the first floor unless its area is already included in b) or c) above, and d) the area of any accessory structure. The area should be the same as the area covered by structures as seen in a birds-eye view of the site looking directly down, with the exceptions of not counting the roof overhangs of not more than two feet and of not counting the landings at entrances of a minimum size to meet building code requirements.

2. This provision does not allow wetlands or fish and wildlife habitat conservation areas or their buffers to be converted to lawn or residential landscaping.

17.01.160 TEMPORARY USES

The Director shall authorize by administrative decision temporary uses pursuant to the terms and conditions of this section.

A. PURPOSE

This section provides a process for authorizing certain uses or activities of a non-permanent nature for a limited duration.

B. APPLICATION REQUIREMENTS

The application shall contain those requirements the Director deems appropriate based on the duration of the use and its potential for environmental impact.
C. REVIEW PROCESS

The review process for a "Certificate of Temporary Use" shall be subject to administrative review consistent with Section 17.01.120; provided that the Director may waive any or all of this review process for uses that do not pose a potential for environmental impact.

D. DEVELOPMENT STANDARDS

Temporary uses shall be consistent with all standards set forth in this Chapter. For any temporary use the County shall impose such other reasonable conditions as may be found necessary to ensure that the activity or use is not incompatible with surrounding conforming uses and will not result in a potential environmental impact.

E. TIME LIMIT

Certificates of Temporary Use shall expire according to the terms set forth in the approval.

17.01.170 EMERGENCY ACTIONS

A. EMERGENCY PERMIT

Notwithstanding other provisions of this Chapter or any other laws to the contrary, the Director may issue an Emergency Permit if:

1. The Director determines that an unacceptable threat to life or severe loss of property will occur if an emergency permit is not granted; and

2. The anticipated threat or loss may occur before a permit can be issued or modified under the procedures otherwise required by this Chapter and other applicable laws.

Any such permit granted shall incorporate, to the greatest extent practicable and feasible but not inconsistent with the emergency situation, the standards and criteria required for non-emergency activities under this Chapter and shall:

1. Be limited in duration to the time required to complete the authorized emergency activity, not to exceed calendar 90 days; and

2. Require, within this 90 day period, the restoration of any critical area altered as a result of the emergency activity, except that if more than the 90 days from the issuance of the emergency permit is required to complete restoration, the emergency permit may be extended to complete this restoration.

Issuance of an emergency permit by the Director does not preclude the necessity to obtain necessary approvals from appropriate federal and state authorities.

Notice of the issuance of the emergency permit and request for public comments shall be published at least once a week on the same day of the week for two consecutive weeks in the Official Mason County Newspaper of Record no later than 10 calendar days after issuance of the emergency permit.

The emergency permit may be terminated at any time without process upon a determination by the Director that the action was not or is no longer necessary to protect human health or the environment.
B. ENFORCEMENT

The County shall have authority to enforce this Section consistent with all provisions of Section 17.01.200.

17.01.180 APPEALS

A. ADMINISTRATIVE INTERPRETATIONS

1. Administrative decisions of the Director of Community Development shall be final and conclusive, unless a written statement of appeal is filed using the appeal procedures contained in Mason County Development Code Chapter 15.11. Appeals. Said statement shall set forth any alleged errors and/or the basis for appeal and shall be accompanied by a fee in an amount as set by resolution of the Board; provided, that such appeal fee shall not be charged to a department of the County or to other than the first appellant.

2. The timely filing of an appeal shall stay the effective date of the decision until such time as the appeal is heard and decided or is withdrawn. The burden of proof regarding modification or reversal shall rest with the appellant.

B. DESIGNATIONS

1. Within 15 calendar days following application for a land development permit pursuant to this Chapter, the Director of Community Development shall make a determination as to whether a designated resource land or critical area is affected by said proposed development. Such designation shall be final and conclusive unless a written statement of appeal is filed using the appeal procedures contained in Development Code Chapter 15.11. Appeals. Said statement shall set forth any alleged errors and/or the basis for appeal and shall be accompanied by a fee as approved by resolution of the Board; provided, that such appeal fee shall not be charged to a department of the County or to other than the first appellant.

2. Appeals of designations shall be processed using the appeal procedures contained in Development Code Chapter 15.11. Appeals.

17.01.190 JUDICIAL REVIEW

The action of the Hearing Examiner shall be final and conclusive unless an appeal is filed pursuant Title 15 Development Code Chapter 15.11.

17.01.200 ENFORCEMENT

The Director is charged with enforcement of the provisions of this Chapter. Enforcement procedures are set forth in Title 15 Development Code Chapter 15.13 Enforcement.
17.01.210 RESTORATION

For property which contains designated wetlands, aquatic management areas, or terrestrial habitat management areas or their vegetation areas which has been disturbed, or landslide, seismic or erosion hazard areas on which a structure has been built or located in violation of this Chapter, no permit or approval or development of the property shall be authorized or granted for a period of up to three (3) years from completion of restoration as determined by the Director. In the event of intentional or knowing violation of this Chapter, the County may bring an action against the owner of the land or the operator who committed the violation. This restoration section is also applicable to Mitigation for Wetland Impacts (Section 17.01.070 F) as modified below.

1. Restoration Plan.
   a. Where any designated wetlands, aquatic management areas, or terrestrial management areas or their vegetation area which has been disturbed, or subject to a permitted fill requiring mitigation, or landslide, seismic or erosion hazard areas or their buffers has been disturbed or a structure has been built, the applicant shall cause to be prepared, by a qualified biologist, plant ecologist, geologist or similarly qualified professional, as appropriate, a restoration plan which shall include as a minimum the following:
      (1) Site plan 1 depicting site characteristics prior to disturbance; the extent of disturbance, or permitted action requiring mitigation, including an inventory of all vegetation cleared shall be shown; and
      (2) Site plan 2 depicting the specific location of all proposed restoration measures. Those measures shall include:
         a. Measures necessary to restore the critical areas or their buffers/vegetation area, including removal of fill, regrading to original contours, if necessary, replacement of excavated material, revegetation of all cleared areas with native trees and/or plants and removal of structures; or
         b. Location of the proposed mitigation action, ownership, and methods to recreate, as nearly as possible, the original wetlands or vegetation area in terms of acreage function, geographic location and setting.
      (3) A schedule for restoration; and
      (4) A monitoring plan to evaluate periodically the success of the restoration and provide for amendments to the plan which may become necessary to achieve its purpose.
   b. In preparing and approving the restoration plan, the applicant and the County, respectively, should consult with the Department of Wildlife, Department of Natural Resources, Department of Fisheries, and the Department of Ecology as appropriate.
   c. The restoration plan shall be prepared at the applicant's cost and shall be approved by the Director. The Director may approve, reject or approve the plan with conditions. All restoration shall be consistent with the approved restoration plan.

2. Monitoring. In any designated critical area where restoration has been required, the applicant, at its own cost, shall provide for seasonal monitoring of the site by a qualified biologist or other qualified professional, for a period of three years after completion. The applicant shall submit an annual report to the Director which discusses i) the condition of introduced or reintroduced plant species; ii) the condition of open water areas or other water features; iii) use of the site by fish and wildlife species; iv) any disturbances or alterations and their affects on the restoration; v) additional or corrective measures which should be taken to ensure
the success of the restoration; and vi) other information which the Director considers necessary to assess the status of the restoration.

3. Restoration bond. Prior to commencing restoration of a wetland, deep water habitat, tributary stream or protected species habitat, or their vegetation area or a steep or unstable slope, the applicant shall post with the Director a bond or other security in an amount sufficient to cover the cost of conformance with the conditions of the restoration plan, including corrective work necessary to provide adequate drainage, stabilize and restore disturbed areas, and remove sources of hazard associated with work which is not completed. After the Director determines that restoration has been completed in compliance with approved plans and the monitoring period has expired, the bond or other security shall be released. The County may collect against the bond when work which is not completed is found to be in violation of the conditions set forth in the restoration plan and/or the Director determines that the site is in violation of the purposes of this Chapter.

17.01.220 SEVERABILITY

If any provision of this Chapter or its application to any person or circumstances is held invalid, the remainder of this Chapter and the application of such provision to other persons or circumstances shall not be affected.

17.01.230 EVALUATION

This Chapter shall be formally evaluated on an annual basis by the County for its effectiveness and administrative efficiency. By September 1, 1994 and annually thereafter the Director shall report to the Board in writing an evaluation of this Chapter which shall include:

1. A summary of all Mason Environmental and Conditional Environmental Permits issued in the preceding year by type of critical area/resource land and geographic location in the County.

2. A list of written administrative interpretations of the Chapter, including determinations of applicability pursuant to Section 17.01.120.D.6.

3. A list of all applications for variation from standards pursuant to Section 17.01.140

4. A list of all applications for variation from standards pursuant to Section 17.01.150

5. A list of all administrative appeals pursuant to Section 17.01.180.

6. Recommendations on any changes to this Chapter to accomplish, in the Director's opinion, any of the following:

   a. Clarification of ambiguities,

   b. Correction of errors,

   c. Reduction in regulations placed on property owners that are not necessary and effective in conservation of resource lands and protection of critical areas,

   d. Streamlining development review procedures to reduce the administrative burden on the County and/or the applicant.
**17.01.240 DEFINITIONS**

**Accessory Use or Structure**: A subordinate or ancillary use, structure, building or portion of a building located on the same parcel of land as the principal legally permitted use, structure or building.

**Aggrieved Person**: The person appealing a decision of the County, who shows that he/she may suffer specific injury and that the interests claimed are those intended to be protected by this Chapter.

**Agricultural Activities & Existing and Ongoing Agriculture**: Those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and/or raising or keeping livestock, including the operation and maintenance of farm and stock ponds, drainage ditches, operation and maintenance of ditches, irrigation systems including irrigation laterals, canals, or irrigation drainage ditches, and normal operation, maintenance, and repair of existing serviceable agricultural structures, facilities or improved areas, and the practice of aquaculture. Activities which bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it is being conducted is converted to a nonagricultural use or has lain idle for more than five (5) years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.

Forest practices regulated under Chapter 76.09 RCW, Title 222 WAC are not included in this definition.

**Agricultural Lands**: Lands primarily devoted to the production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock.

**Agriculture 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.

**Anaerobic**: Living or functioning in the absence of oxygen.

**Annual Amendment Process**: The process for amending the Mason County Comprehensive Plan and development regulations, as adopted in the Mason County Development Code, Title 15.

**Applicant**: A person who files an application for permit under this Chapter and who is either the owner of the land on which that proposed activity would be located, a contract vendee, a lessee of the land, the person who would actually control and direct the proposed activity, or the authorized agent of such a person.

**Approval Authority**: The approval authority for all administrative decisions under this Chapter is the Director of Community Development. The approval authority for all decisions subject to public review is the Board of County Commissioners.

**Appurtenant Structure**: A structure that is ordinarily connected to the use and enjoyment of a single-family residence; normal appurtenant structures include, but are not limited to, a garage, deck, storage shed, woodshed, pump house, upland retaining wall, and fence.

**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.
Aquatic Management Areas: Aquatic areas and their associated uplands that are designated by this Chapter for protection.

Aquifer: A groundwater-bearing geologic formation or formations that contain enough saturated permeable material to yield significant quantities of water to wells or springs (source: Chapter 173-100 WAC).

Aquifer Recharge Areas: Areas where water infiltrates the soil, and percolates through it and surface rocks, to the groundwater table.

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year.


Block: A parcel or set of contiguous parcels that collectively meet all classification criteria for any officially designated resource land pursuant to this Chapter.

Board (or Board of County Commissioners): The Mason County Board of Commissioners.

Bog: A unique type of wetland dominated by mosses that form organic peat. Bogs form in areas where the climate allows the accumulation of peat to exceed its decomposition. Bog hydrology is dominated by precipitation rather than surface inflow. The plant community is specialized to survive in the nutrient-poor and highly acidic conditions typical of bog systems.

Building Official: The Building Official of Mason County.

Buffer: An area of land used or designated for the purpose of insulating or separating a structure or land use from a critical area or resource land in such a manner as to reduce or mitigate any adverse impacts of the developed area. Permitted development and activities within buffers depend on the type of critical area or resource land the buffer is protecting.

Channel Migration Zone (CMZ): A Channel Migration Zone is defined by the lateral extent of active channel movement along a stream reach over the past 100 years. Evidence of active movement over the 100 year time frame can be inferred from aerial photos or from specific channel and valley bottom characteristics. Also, the time span typically represents the time it takes to grow mature trees that can provide functional large woody debris to streams. A CMZ is not typically present if the valley width is generally less than two bankfull widths, is confined by terraces, no current or historical aerial photographic evidence exists of significant channel movement, and there is no field evidence of secondary channels with recent scour from stream flow or progressive bank erosion at meander bends.

Chapter: Unless otherwise stated, the terms "Chapter" or "this Chapter" refer to Chapter 17.01 of the Mason County Code.

Class V Injection Well: A drywell used for collection of stormwater (source: Federal Register, Monday, August 28, 1995, Volume 60, No. 166, Part IV, Environmental Protection Agency -40 CFR, Part 144 and 146, Table 1, Categories of Class V Injection Wells, page 44653). A Class I injection well is a well used for injection of industrial, commercial, or municipal waste fluids. A Class II injection well is a well used in natural gas and oil exploration or production. A Class III injection well is a well used for extraction of minerals. A Class IV injection well is a well used for injection of dangerous waste or radioactive waste fluids. Class V wells are commonly known as drywells.
Clearing or Land Clearing: The removal or disturbance of trees, shrubs and other vegetation, from a designated critical area or its buffer/vegetation area by physical, mechanical, chemical, or any other means, to the extent that the Director determines such removal or disturbance may constitute a safety hazard or otherwise pose a probable adverse impact on the functions or values of that critical area or buffer/vegetation area; Provided that removal or disturbance of vegetation from artificially landscaped areas existing at the time of adoption of this Chapter shall not constitute clearing.

Commercial and recreational shellfish areas: All public and private tidelands or bedlands suitable for shellfish harvest, including commercial and recreational shellfish areas, and including any shellfish protection districts established pursuant to chapter 90.72 RCW

Conditional Uses: Those uses requiring a Mason Conditional Environmental Permit (MCEP) and that may, due to their complexity or greater potential for impact, go through a public review process subject to the terms of this Chapter.

Conservation Futures: As provided in section 84.34.220 RCW, conservation futures are the rights in perpetuity to future development which may be acquired by the county on any open space land, farm and agricultural land, and timberland which are so designated under the provisions of chapter 84.34 RCW and taxed at current use assessment as provided by that chapter. Revenue for this purpose is provided by an optional levy on assessed valuation of all taxable property within the county.

Contaminant(s): Hazardous substance(s) which, if released in sufficient quantity, would impair a component of the environment as a useful resource.

Critical Aquifer Recharge Areas: Aquifer recharge areas that are designated by this Chapter for protection.

Critical Areas: Critical Areas shall include Designated Wetlands, Aquifer Recharge Areas, Frequently Flooded Areas, Landslide Hazard Areas, Seismic Hazard Areas, Erosion Hazard Areas, and Aquatic and Terrestrial Management Areas, as defined by this Chapter.

Critical Facility: A facility to which the existence of a geologic hazard or the chance of flooding would present even a slight threat. Critical facilities include, but are not limited to, public buildings; schools; hospitals; jails; police, fire, and emergency response installations; nursing homes; and installations which produce, use, or store hazardous materials and/or hazardous waste.

Danger Tree: A tree with a high probability of falling due to a debilitating disease, a structural defect, a root mass more than 50% exposed, or having been exposed to wind throw within the past 10 years, and where there is a residence or residential accessory structure within a tree length of the base of the trunk, or where the top of a bluff or steep slope is endangered. Where not immediately apparent to the review authority, the danger tree determination shall be made after review of a report prepared by an arborist or forester.

Dangerous Waste: solid waste designated in Chapter 173-303-070 through 130 WAC as dangerous or extremely hazardous waste... the word “dangerous waste” will refer to the full universe of wastes regulated by Chapter 173-303 (including dangerous and extremely hazardous waste).

Director or Director of Community Development: The Director of the Mason County Department of Community Development.

Emergent Wetland: A regulated wetland with at least thirty percent (30%) of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.

Engineer: A person who is licensed in the State of Washington in a particular field in question.
**Erosion Control**: On-site and off-site control measures that are needed to control conveyance and/or deposition of earth, turbidity or pollutants after development, construction, or restoration.

**Erosion Hazard Areas**: Areas susceptible to erosion that are designated by this Chapter for protection.

**Exotic**: Any species of plants or animals that are not native to the watershed.

**Extraordinary Hardship**: The strict application of this ordinance and/or programs adopted to implement this ordinance by the Administrator would cause or create severe financial loss, unreasonable safety risk or health harm to the party seeking exception, waiver or variance under this ordinance.

**Facility**: All structures, appurtenances, and other improvements on or in the land.

**Feedlot**: an outdoor enclosure where livestock is confined or fed for the purpose of fattening for market for more than 45 days a year and where no crops, forage, or post-harvest residues are sustained during the normal growth season. This definition is not intended to apply where fewer than five (5) livestock are kept on the site.

**Floodplain**: Any land area susceptible to the base flood.

**Floodway**: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Footprint**: The total area of the first floor of a structure, regardless of how the structure is supported, or the total perimeter of any development other than a structure.

**Forested Wetland**: A regulated wetland with at least thirty percent (30%) of the surface area covered by woody vegetation greater than twenty (20) feet in height.

**Forest Lands**: Lands primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially.

**Forest Practices**: Any activity conducted on or directly pertaining to forest land and related to 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.

**Frequently Flooded Areas**: Lands in the floodplain subject to a one percent or greater chance of flooding in any given year, including floodplain related areas of avulsion risk. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands and the like.

**Geologist**: A person who has earned his/her livelihood primarily from the field of geology for at least five years, and has received a degree in geology from an accredited 4 year institution of higher education.

**Government Lots**: Those irregular tracts of land designated on the plats of the United States Public Lands surveys.

**Groundwater**: water in a saturated zone or stratum beneath the surface of the land or below a surface water body *(source: Chapter 173-200-020 WAC)*.

**Habitats and Species of Local Importance**: Habitats of local importance include, a seasonal range or habitat element with which a given species has a primary association, and which, if
altered, may reduce the likelihood that the species will maintain and reproduce over the long term
[WAC 365-190-030(9)]; Species of local importance are those species that are of local concern
due to their population status or their sensitivity to habitat manipulation.

**Hazardous Materials** or **hazardous substance(s):** such materials as flammable solids; corrosive
liquids; radioactive material; oxidizing material; highly toxic material; poisonous gases; reactive
material; unstable material; hyperbolic material; pyrophoric material as defined in Article 2 of the
Uniform Fire Code; and substances, or mixtures of substances, that are an irritant or strong
sensitizer or which generate pressure through exposure to heat, decomposition, or other means.
Hazardous substances shall also mean **Hazardous waste** as designated in Chapter 173-303
WAC as dangerous or extremely hazardous waste. Hazardous substances also means any
dangerous waste or extremely dangerous waste as defined in chapter 70.105.010(5) and (6)
RCW, or any dangerous or extremely dangerous waste as designated by rule under 70.105 RCW;
and hazardous substance as defined in Chapter 70.105.010(14) RCW or any hazardous
substance as defined by rules under chapter 70.105 RCW; and substance that, on the effective
date of this ordinance, is a hazardous substance under section 101(14) of the Federal Cleanup
Law, 42 U.S.C., Section 9601(14); petroleum products; and any substance or category of
substances including solid waste decomposition products, determined by WDOE’s director to
present a threat to human health or the environment if released into the environment. The term
hazardous substances does not include crude oil or any fraction thereof or petroleum provided that
such are contained in an underground storage tank from which there is no release of material and
provided that the tank is in compliance with all applicable Federal, State, and local law.

**Health Director:** The Director of the Mason County Health Department.

**Hydric Soil:** Soil that is saturated, flooded or ponded long enough during the growing season to
develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined
following the methods described in the Washington State Wetland Identification and Delineation
Manual (Ecology #96-94), or as amended.

**Hydrogeology:** The science that deals with the hydrology of geologic formations.

**Hydrophytic Vegetation:** Macrophytic plant life growing in water or on a substrate that is at least
periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual (Ecology #96-94), or as amended.

**Impervious Surface:** That hard surface area which either prevents or retards the entry of water
into the soil mantle, whereas it entered under natural conditions prior to development; and/or that
hard surface area which causes water to run off the surface in greater quantities or at an increased
rate of flow, from that present under natural conditions prior to development.

**Inholding Lands:** Blocks of land that are surrounded on all sides by designated Long-Term
Commercial Forest Lands and are crucial areas for conservation of those lands but are not directly
of long-term commercial significance for forestry.

**Isolated Wetlands:** Those wetlands which:
A. Are outside of and not contiguous to any 100-year floodplain of a lake, river, or stream;
and
B. Have no contiguous hydric soil or hydrophytic vegetation between the wetland and any
surface water.
C. Have no surface water connection to a lake, river or stream.

**Landfill:** a disposal facility or part of a disposal facility at which solid and demolition waste is
permanently placed in or on the land that is not a land spreading disposal facility (source: Chapter
173-304 WAC). In addition, landfills means all continuous land and structures and other
improvements on the land used for the disposal of solid waste, pursuant to Chapter 173-351 WAC.

**Landslide Hazard Areas:** Areas susceptible to landslides that are designated by this Chapter for
Large Quantity Generators: those businesses which generate more than 2,200 pounds of dangerous waste per month. They accumulate more than 2,200 pounds of dangerous waste at any time. They generate and accumulate more than 2.2 pounds of acutely hazardous waste or toxic extremely hazardous waste.

Long-Term: A period of time that exceeds 100 years for forest management uses and exceeds 20 years for all other land uses.

Long-Term Commercial Forest Lands: See Forest Lands definition.

Long-Term Commercial Significance: The growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of land.

Lot: A designated parcel, tract or area established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. A lot shall not include a segregation of land established by the County Assessor and assigned numbers for assessment purposes only.

Major New Development: Major new development includes and is limited to all activities which require subdivision, short subdivision, or large lot subdivision approval, mobile home park or RV park approval, grading permit approval, or building permit approval, provided that this does not include repair, remodel, or alteration of existing buildings which do not increase the footprint of the building by more than 10%.

Mason Conditional Environmental Permit (MCEP): A County permit required for any proposed development or use in an area designated by this Chapter as a critical area or resource land, where the proposed development or use is listed as a Conditional Use in one or more designated critical areas or resource lands.

Mason Environmental Permit (MEP): A County permit required for any proposed development or use in an area designated by this Chapter as a critical area or resource land, where the proposed development or use is listed as a Permit Required Use in one or more designated critical areas or resource lands. Such permits shall, when possible, be processed concurrently with other County permits, and are designed to minimize any additional steps or staff time.

Medium Quantity Generators: those businesses that generate more than 220 pounds, but less than 2,200 pounds of dangerous waste per month. They are limited to the accumulation of less than 2,200 pounds of waste at any time. They are limited to the generation of, and accumulation of, less than 2.2 pounds of acutely hazardous waste or toxic extremely hazardous waste.

Mineral Resource Lands: Lands devoted primarily to the extraction of minerals, or that have known or potential long-term commercial significance for extraction of minerals.

Mining: All or any part of the process involved in extraction of minerals from the earth by removing mineral deposits for commercial use, including surface mining and sub-surface mining. Mining shall not include extraction, excavation or grading conducted on site exclusively for construction, road maintenance, forestry, or farming.

Mitigation: Actions necessary to replace project-induced wetland and wetland vegetation area losses, including land acquisition, planning, construction plans, monitoring and contingency actions. Replacing project-induced wetland losses or impacts, which includes, but is not limited to, the following:

A. Avoiding the impact altogether by not taking a certain action or parts of an action;
B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology; or by taking affirmative steps to avoid or reduce impacts;
C. Restoration: Actions performed to reestablish wetland functional characteristics and
processes which have been lost by alterations, activities, or catastrophic events within an area which no longer meets the definition of a wetland.

D. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

E. Creation: Actions performed to intentionally establish a wetland at a site where one did not formerly exist.

F. Enhancement: Actions performed to improve the condition of existing degraded wetlands so that the functions they provide are of a higher quality.

G. Monitoring the impact and the compensation project and taking appropriate corrective measures.

Mitigation for individual actions may include a combination of the above measures.

**Mitigation, compensatory:** "Compensation" or "Compensatory mitigation" means a form of mitigation that replaces project-induced wetland or habitat losses or impacts, and includes, but is not limited to, restoration, enhancement, substitute resources, creation, and preservation. "Substitute Resources" means actions performed to provide for an alternative environmentally sensitive area. "Preservation" means actions taken to ensure the permanent protection of existing, high-quality environmentally sensitive areas. Compensation also is not limited to mitigation at or adjacent to the site on which a wetland has been impacted by a regulated activity.

**Moderate Risk Waste:** means those two types of hazardous wastes: 1) Hazardous waste generated by households, called household hazardous waste; and 2) hazardous waste generated by businesses in amounts less than the quantity exclusion limit established in chapter 173-303-071 through 173-303-103 WAC, which is most commonly 220 pounds per month or batch, called small quantity generator waste.

**Native Vegetation:** Plant species which are indigenous to the area in question.

**Naturally Occurring Lakes and Ponds:** Naturally occurring ponds, not including ponds deliberately designed and created from dry sites, such as canals, stormwater detention facilities, waste water treatment facilities, farm ponds, and landscape amenities. However, naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority.

**New Construction:** Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

**On-Site Sewage System Site Evaluation and Disposal Permit Application:** An application to place an on site sewage system on a property approved under the authority of the Mason County Health Department. Also known as a County On-site System Permit.

**Ordinary High Water Mark:** 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 January 31, 1992, or as it may naturally change thereafter or as it may change thereafter in accordance with permits issued by local government or the State PROVIDED THAT in any areas where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water.

**Parcel:** See definition for "lot".

**Permit Required Uses:** Those uses requiring a Mason Environmental Permit (MEP) under the terms of this Chapter, unless otherwise stated.

**Practicable Alternative:** An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to designated wetlands. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in
order to fulfill the basic purpose of the proposed activity.

**Prime Farmland Soils**: Those soils identified by the U.S. Department of Agriculture Natural Resources Conservation Service as Prime Farmland Soils.

**Priority Habitat**: A habitat type with unique or significant value to many species. An area classified and mapped as priority habitat must have one or more of the following attributes:
- Comparatively high fish and wildlife density;
- Comparatively high fish and wildlife species diversity;
- Important fish and wildlife breeding habitat;
- Important fish and wildlife seasonal ranges;
- Important fish and wildlife movement corridors;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species.

**Priority Habitat and Species Database**: The database for the Washington State Department of Fish and Wildlife's (WDFW) Priority Habitat and Species (PHS) Program which provides the following three products:
- Lists of the WDFW's most important habitats and species;
- Management recommendations for each priority habitat and species; and
- Maps showing the geographic location of priority habitats and species.

**Public Building**: Any structure owned by a governmental entity that is designed for human occupancy pursuant to the Uniform Building Code.

**Public Works Director**: The Director of the Mason County Department of Public Works.

**Qualified Fish and Wildlife Professional**: A person with experience and training in fish and wildlife issues; who has experience analyzing fish and wildlife habitats and their functions and values, impacts to the habitats, and mitigation; and who derives his/her livelihood from employment as a wildlife biologist, habitat management consultant, or fisheries biologist, as appropriate to the type of critical area under review. Qualifications include:
- A. Bachelor of Science or Bachelor of Arts or equivalent degree in biology, environmental studies, fisheries, wildlife or related field, and two years of related work experience; or
- B. Five years of related work experience.

**Qualified Groundwater Professional**: A hydrologist, geologist, engineer, or other scientist whom meets all of the following criteria:
- A. Has received a baccalaureate degree or post graduate degree in the natural sciences or engineering; and
- B. Has sufficient training and experience in groundwater hydrology and related fields as may be demonstrated by state registration, professional certifications, or completion of accredited university programs that enable that individual to make sound professional judgements regarding groundwater vulnerability.

**Qualified Wetland Professional**: A person with experience and training in wetland issues, and with experience in performing delineations, analyzing wetland functions and values, analyzing wetland impacts, and recommending wetland mitigation and restoration. Qualifications include:
A. Bachelor of Science or Bachelor of Arts or equivalent degree in biology, botany, environmental studies, fisheries, soil science, wildlife or related field, and two years of related work experience, including a minimum of one year experience delineating wetlands using any Federal Manual for Identifying and Delineating Jurisdictional Wetlands and preparing wetland reports. The Washington State Wetland Identification and Delineation Manual (Ecology #96-94) will become the standard delineation methodology for wetlands beginning in 1997. Experience with this manual will be required when it is adopted. Additional education may substitute for one year of related work experience; or

B. Four years of related work experience and training, with a minimum or two years experience delineating wetlands using any Federal Manual for Identifying and Delineating Jurisdictional Wetlands and preparing wetland reports; or

C. A person certified by the Society of Wetland Scientists as a Professional Wetlands Scientist.


Reasonable Use: A legal concept that has been articulated by federal and State of Washington courts in regulatory taking cases.

Recreation: Activities such as hiking, canoeing, viewing, nature study, photography and fishing that do not require extensive preparation of facilities. Activities that include, but are not limited to, parks, playgrounds, athletic fields, campgrounds, and boat ramps, and may require land clearing, earth modification, construction of permanent structures and other facilities.

Relatively undisturbed vegetated area: A relatively undisturbed vegetated area is one with a native plant community appropriate for the ecoregion or with one that performs similar functions. If the area is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, then it is not relatively undisturbed. Any heavily used paved or gravel roads, residential areas, lawns, tilled fields, parking lots, or actively grazed pastures would disqualify the area from being “relatively undisturbed.” Bridges crossing streams or rivers within the buffer are considered as a “disturbance.” Infrequently used gravel or paved roads or vegetated dikes in a relatively undisturbed buffer, however, can be ignored as a “disturbance.” Open water that is not part of the wetland is considered part of the buffer. The open water can be considered undisturbed unless there is heavy boat traffic there. (Adapted from: Hruby, T. 2004. Washington State wetland rating system for western Washington – Revised. Washington State Department of Ecology Publication # 04-06-025.)

Release: Any spilling, leaking, emitting, discharging, escaping, leaching or disposing of a hazardous substance(s) from a facility or activity into or onto soil, air, water, groundwater, or other materials.

Release Detection: A method or methods of determining whether a release or discharge of a hazardous substance from a regulated facility into the environment has occurred.

Repair or Maintenance: An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter additional designated critical areas or have a significant adverse impact on the critical areas are not included in this definition.

Residential Density: The permissible number of dwelling units that may be developed on a specific amount of land area measured in number of dwelling units per acre.

Residential Development. The development of land, or the construction or placement of dwelling units for residential occupancy or appurtenant structures and for accessory uses. This definition shall not be construed to authorize any use under the variance criteria.

Resource Lands: Resource lands shall include agricultural lands, forest lands, and mineral resource lands as defined by this Chapter.
Scrub-Shrub Wetland: A regulated wetland with at least thirty percent (30%) of its surface area covered by woody vegetation less than twenty (20) feet in height as the uppermost strata.

Seismic Hazard Areas: Areas particularly susceptible to damage from seismic activity that are designated by this Chapter for protection. Types of Seismic Hazards include:

1. *Differential Settlement:* The downward movement of soil caused by a shift in underlying sediments which result in a depression in the soil surface.
2. *Earthquake:* Ground failures that could affect an area and include landslides, lateral spreading, liquefaction, lurch cracking, stream and canal bank failures, rockfalls, and differential settlement of the ground surface not directly attributable to one of the foregoing. Earthquakes can cause landslides due to the shaking of unstable rock and soil resulting in a sliding of the surface even on gentle slopes.
3. *Ground Shaking:* A complex surface wave motion produced by its passage of seismic waves through the earth’s outer crust.
4. *Lateral Spreading:* The lateral movement of soil on top of liquefied granular or sandy soils induced by strong seismic shaking.
5. *Liquefaction:* This can change certain granular soils into a kind of quicksand when caused by strong seismic shaking.
7. *Regional Uplift/Settlement:* A result of tectonic movements of the earth’s crust during large scale earthquake activity. Regional uplift on the order of 8 to 12 feet occurred along the lower arm of Hood Canal, North Bay of Case Inlet some 800 to 1,000 years ago during a great earthquake in the Puget Sound south of Seattle. Evidence is seen in old elevated beach terraces in this area.
8. *Rockfalls:* This can occur when nearly vertical rock slopes fail during strong seismic shaking.
10. *Surface Faulting:* The fracturing of soil or rock on the earth’s surface. Surface faulting could occur on mapped faults shown on geologic maps of the Mason County area.
11. *Tsunami:* Catastrophic sea waves generated in large bodies of water by strong earthquakes, underwater landslides or volcanic explosion. Tsunami waves travel at speeds of up to 400 mph across the open ocean and can form waves reported up to 200 feet in height when encountering land with a long shallow ocean fronting shelf. Tsunamis, averaging at least 20 feet in height, have been generated in Puget Sound as evidenced in recent geologic studies.

Sensitive Species: Any wildlife species listed by the federal government or the State of Washington as sensitive because it is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or removal of threats.

Serviceable: Presently useable.

SEPA: The State Environmental Policy Act, 43.21c RCW, and implementing State and County administrative rules.

Setback: The distance from a lot, parcel, tract, critical area or resource land boundary, beyond which the footprint or foundation of a structure shall not extend.

Site: Any lot, tract, parcel, large lot holding, either owned or leased, intended for development.

Slope: An inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance.

Small Quantity Generators: means those businesses that generate less than 220 pounds of dangerous waste per month. They are limited to the accumulation of less than 2,200 pounds of waste at any time. They are limited to that accumulation of less than 2.2 pounds of acutely
hazardous waste or toxic extremely hazardous waste. (see WAC 173-303-070(8))

**Solid waste:** all putrescible and non-putrescible solid or semi-solid wastes including, but not limited to, garbage, rubbish, ashes, industrial waste, swill, demolition and construction waste, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid, and semi-solid, materials that are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes, but is not limited to, sludge from waste water treatment plants and seepage, septic tanks, wood waste, dangerous waste, and problem wastes (source: Chapter 173-304-100 WAC).

**Start of Construction:** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Streams:** Those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds and defined channel swales. The channel or bed need not contain water year round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses, unless they are used by salmon or used to convey streams naturally occurring prior to construction.

For regulatory purposes under this Chapter once streams are identified, the streams are typed following the Washington State Department of Natural Resources Stream Typing System:

A. "Type S Streams" are those surface waters which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030(1) as now or hereafter amended, as a Type S Water and are inventoried as "Shorelines of the State" under the Shoreline Management Master Program for Kitsap County, pursuant to RCW Chapter 90.58. Type S waters contain salmonid fish habitat.

B. "Type F Streams" are those surface waters, which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030(2) as now or hereafter amended, as Type F Water. Type F streams contain habitat for salmonid fish, game fish and other anadromous fish.

C. "Type Np Streams" are those surface waters, which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030(3) as now or hereafter amended, as Type Np Water. Type Np waters do not contain fish habitat.

D. "Type Ns Streams" are those surface waters, which meet the criteria of the Washington Department of Natural Resources, WAC 222-16-030(4) as now or hereafter amended, as a Type Ns Water. These streams are areas of perennial or intermittent seepage, ponds, and drainage ways having short periods of spring or storm runoff. Type Ns waters do not contain fish. "Type Ns Water" means all segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. Ns Waters must be physically connected by an above-ground channel system to Type S, F, or Np Waters. (5) For purposes of this section: (d) "Natural waters” only excludes water conveyance systems which are artificially constructed and actively maintained for irrigation.”

“Type SP Streams” In addition to the DNR stream typing system, the county has proposed to identify specific streams of high value for anadromous fish for a higher level of habitat protection when they have limiting factors that are dependent on buffer width.
Surface Mining Operations: the mining of rock, stone, gravel, sand, earth and minerals, as regulated by the Washington Department of Natural Resources pursuant to Chapter 78.44, RCW.

Structure: A walled or roofed building including a gas or liquid storage tank that is principally above ground. (Note: This definition only applies to Section 17.01.090).

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(1) Before the improvement or repair is started, or
(2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when first alteration of any wall, ceiling, floor, or other structural part of the building commences whether or not that alteration affects the external dimension of the structure.

The term does not, however, include either:

(1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
(2) Any alteration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places.

Terrestrial Management Areas: Areas where the presence of animal species exists that have been designated by this Chapter for protection.

Threatened or Endangered Species: All species of wildlife listed as “threatened” or “endangered” by the Washington State Department of Wildlife.

Trail: A trail is a limited use path or beaten track, with minimum improvements.

Underground storage tanks (UST): or “Below ground storage tanks” are underground storage tanks and connecting underground piping as defined in the rules adopted under Chapter 90.76 RCW; or any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, the volume of which (including the volume of underground pipes connected thereto) is ten percent or more beneath the surface of the ground. This term does not include any exempt UST systems specified in WAC 173-360-110(2).

(b) Exemptions. The following UST systems, including any piping connected thereto, are exempt from the definition:

(i) Any UST system holding hazardous waste subject to Subtitle c of the Federal Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances.
(ii) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act,
(iii) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks, and electrical equipment tanks.
(iv) Any UST system whose capacity is one hundred gallons or less.
(v) Any UST system that contains a de minimus concentration of regulated substances.
(vi) Any emergency spill or overflow containment UST system that is expeditiously emptied after use.
(vii) Farm or residential UST systems of one thousand one hundred (1,100) gallons or less capacity used for storing motor fuel for noncommercial purposes (i.e. not for resale).
(viii) UST systems used for storage of heating oil for consumptive use on the premises where stored; except that such systems which store in excess of one thousand one hundred (1,100) gallons are subject to release reporting requirements of WAC 173-360-372.
(ix) Septic tanks.
(x) Any pipeline facility (including gathering lines) regulated under:
(A) The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.); or
(C) Which is an intrastate pipeline facility regulated under state laws comparable to the provision of the law referred to in (x)(A) or (B) of this subsection.

(x) Surface impoundments, pits, ponds, and lagoons.
(xi) Storm water or wastewater collection systems.
(xii) Flow-through processing tanks.
(xiii) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations.
(xv) Storage tanks situated in an underground area (such as a basement, cellar, vault, mineworking drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

Variance: A grant of relief from the specific requirements of this ordinance which permits use of property in a manner that would otherwise be prohibited by this ordinance.

Vegetation Area: An area of land used or designated for the purpose of insulating or separating a structure or land use from a critical area or resource land in such a manner as to reduce or mitigate any adverse impacts of the developed area. Permitted development and activities within vegetation areas depend on the type of critical area or resource land the vegetation area is protecting.

WAC: Washington Administrative Code

Water-dependent: Requiring the use of surface water that would be essential to fulfill the purpose of the proposed project; examples of uses would include aquaculture, marina, boat ramp, pier, and floating dock, commercial loading, and ship building and repair.

Waters of the State: A classification system established in WAC 222-16-030, or as hereafter amended.

Well head protection area: The area delineated by the well head protection plan for a Class A public water system and approved by the Washington State Department of Health after June 1994, in accordance to Chapter 246-290 WAC.

Wetland Management Area: Wetland areas and their associated uplands that are designated by the Chapter for protection.

Wetland Edge: The boundary of a wetland as delineated based on the regulations contained in this Chapter.

Wetland, Estuarine: Wetlands where salt tolerant plant species are dominant and the water regime is influenced by tidal action. The wetlands are usually partially enclosed by land with open, or partially obstructed access to open saline water. In areas where freshwater wetlands grade into estuarine areas, the boundary of the latter extends to an area where the salinity is less than 5 ppt (parts per thousand) during the period of average annual low flow.

Wetland, Forested: A wetland class in the Cowardin classification where woody plants taller than 20 feet form the dominant cover. Shrubs often form a second layer beneath the forest canopy, with a layer of herbaceous plants growing beneath the shrubs.

Wetland Hydrology: Permanent or periodic inundation, or soil saturation to the surface during the growing season which typically creates anaerobic conditions in the soil that affects the types of plants that can grow and the types of soils that can develop. The presence of wetland hydrology shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual (Ecology #96-94),
Wetland, Natural Heritage: As defined by the Natural Heritage Program of the Washington State Department of Natural Resources, these are wetlands that are either high quality undisturbed wetlands or wetlands that support threatened, endangered, or sensitive plant species.

Wetland Protection/Maintenance (Preservation) of: Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences, or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.

Wetland Restoration or Restoration of Wetlands: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:

- Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.

- Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

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 or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street or highway. However, wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands, if permitted by the county or city.

Wetlands, Creation or Establishment of: The manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.

Wetlands, Cowardin classification: The first commonly used classification system for wetlands developed in 1979 by the U.S. Fish and Wildlife Service. The Cowardin system classifies wetlands based on water flow, substrate types, vegetation types, and dominant plant species.

Wetlands Enhancement or the Enhancement of Wetlands: The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.

Wetlands, Isolated: Isolated wetlands are generally defined as those wetlands that have no surface water connections to other aquatic resources. For the purposes of this ordinance,
wetlands are not regulated as "isolated wetlands" if they are part of a mosaic wetlands. (See "Wetlands, Mosaic" for additional information.)

**Wetlands, Mosaic:** “Wetlands, mosaic” or “mosaic wetlands” means groups of wetlands that should be rated and regulated as an aggregate. Although each patch the wetlands that make up the mosaic is separated from nearby wetlands by some upland area these wetlands are not regulated as “isolated wetlands” as the term is used in this ordinance. That is, in determining whether a wetland falls into the category of non-regulated wetlands (See Table 17.01.070) the area of the wetland is the area of the mosaic wetland and not the area of an individual wetland component of the mosaic. Guidance for determining when nearby wetlands compose a mosaic wetland is provided in the Washington State wetland rating system for western Washington – Revised, Washington State Department of Ecology Publication # 04-06-025. The patches of wetlands compose a mosaic when 1) the patches are less than one acre in size, 2) the patches are separated from each other by 100 feet or less on average, and 3) the area of the wetlands in the potential mosaic are greater than 50 percent of the total combined area of wetland and upland. An illustration of this analysis of whether the potential mosaic should be considered as a aggregate rather than as individual isolated wetlands is shown below. (The illustration is from the DOE Publication referenced above.)

(Source: DOE Guidance Document Volumes 1 and 2)