

III-4 RESOURCE LANDS

Long Term Commercial Forest Lands

- RE-100 The following criteria should be used to identify those tracts that are eligible for Long Term Commercial Forest Designation and are designated under RCW 36.70A.060 and RCW 36.70A.170 as conservation areas for forest resource lands of long term commercial significance:
- A. The Long Term Commercial Forest shall be a minimum of 5,000 acres (2,015 hectares) which shall consist of a minimum parcel size of 80 acres within said block.
 - B. The proposed Long Term Commercial Forest shall be enrolled , as of January 31, 1992 in the Open Space - Timber or Designated Forest or Commercial Forest property tax classification 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.
 - C. In any one block, no more than 5% is used for non-resource use.
 - D. The property shall be greater than two miles from a public sanitary sewer line (as of January 31, 1992).
 - E. Designated Long Term Commercial Forests shall be at least two miles from the city limits of Shelton or outside any designated Urban Growth Area in Mason County.
 - F. 50% or more of an ownership parcel shall have Douglas Fir Site Index of 118 (Land Grade 2) or better pursuant to WAC 458-40-530. Additionally, property owners having more than 4000 acres of property within Mason County that meet said 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.
 - G. Greater than 50% of the linear frontage of the perimeter of any parcel meeting classification criteria A - F above shall abut parcels that are greater than five (5) acres.
 - H. Or the parcel is at least 40 acres in size, or is a government Lot and is contiguous with property under the same ownership that meet classification criteria A - G above.
 - I. Or the property shall be composed of one or more parcels 40 acres or greater in size in one ownership that border United States Forest Service property on more than one side, irrespective of its consistency with classification criteria

A - H above.

RE-101 Minimum lot sizes for subdivisions within the Long Term Commercial Forest designation shall be 80 acres. Exceptions to this minimum lot size may occur for non-residential permitted or conditional uses and facilities; provided that the county finds that there will be no impact on surrounding resources 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.

RE-102 Long Term Commercial Forests may include parcels or tracts in single or multiple ownership.

RE-103 Long Term Commercial Forests may be used for wastewater treatment applications based on standards for protection of critical areas, and buffering of development in adjacent RACs, RCCs, or RAs.

RE-104 Long Term Commercial Forests shall have a Preferential Right to Forestry which includes the following provisions:

- A. No resource use or any of its components 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 and policies established for Long-Term Commercial Forest land.
- 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.

RE-106 Non-Resource Lands may be designated Long Term Commercial Forests provided that the following conditions are met:

- A. The property is enrolled in the open space or forest land taxation program pursuant to Chapters 84.33 or 84.34 RCW.

- B. The property is at least 640 acre in size or the property abuts and already Designated Long Term Commercial Forest Land on one side and is at least 40 acres in size, or is at least 5 acres in size and abuts Long Term Commercial Forest on at least two sides.

In-holding Lands

RE-200 Inholding lands are smaller areas within the Long-Term Commercial Forest Lands which do not meet the criteria for long-term commercial forest but which are regulated to mitigate potential incompatible land uses between the two lands use types. Inholding lands shall meet one or more of the following conditions:

- A. Lands that are fully contained within Mason County shall be surrounded on all sides by designated Long Term Commercial Forests. If a property is partly contained within Mason County, that portion that lies within Mason County shall be surrounded by designated Long Term Commercial Forest; and the maximum block size is less than 640 acres in size.
- B. The property does not meet the requirements of Long Term Commercial Forest.
- C. The property meets the criteria for Long Term Commercial Forest designation yet is within 400 feet of the Cloquallum/Lake Communities border as of August 3, 1993.

RE-201 The minimum lot size for any new subdivision, short sub-division or large lot segregation shall be a minimum of 5 acres. Exceptions to the minimum lot size may occur for non-residential Permit Required and Conditional Uses and facilities; provided no impact will occur on surrounding resource lands, and further that restrictive covenants are placed on the property which prohibit future residential use. Exceptions for residential lots are given below in policies RE-202 and RE-204.

RE-202 Average residential densities for any new subdivision or short subdivision of property within Inholding lands may be increased up to one (1) dwelling unit per two and one half (2.5) acres provided that the following conditions are met.

- A. The property to be divided is at least twenty acres in size.
- B. Each residential lot created is no more than one acre in size.
- C. All identified residential building sites are located outside any one hundred-year floodplains, geologically hazardous areas, or other critical areas.

- D. The subdivision or short subdivision minimizes impacts on surrounding resource uses.
 - 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 uses; or a natural resource management and/or conservation restriction is placed on the face of the plat accomplishing the same purpose as an easement.
 - G. No less than 50 percent of the property is to be set aside for natural resource management, land trust, and/or conservation easement.
- RE-203 Each parcel currently below 5 acres in size may be developed for an individual single-family residence.
- RE-204 Lots within In-Holding Lands that are between 5 acres and 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.
- RE-205 Long Term Commercial Forests may be reclassified to Inholding Lands provided that all the following conditions are met:
- A. The property meets the classification criteria for In Holding Lands.
 - B. The property owner removes the property from open space or forest land tax classification pursuant to RCW Chapters 84.33 or 84.34 within three years of the effective date of redesignation, and any taxes, interest and penalties are in full upon removal.
 - C. The applicant has demonstrated that reasonable use of the property as Designated Long-Term Commercial Forest Land is not possible and the inability to make a reasonable use of the property is not due to action or inaction of the applicant.
- D. The amount of property removed from Long-Term Commercial Forest Land is the minimal amount necessary that meet the conditions of “C” above.
- RE-206 Prior to redesignation out of the Long Term Commercial Forest classification, the property owner shall demonstrate that the property can no longer be feasibly used for Long Term Commercial Forest purposes for reasons not caused by the property owner.
- RE-207 The County shall review the following before any properties are permitted to

convert out of the Long Term Commercial Forest Designation:

- A. Availability of public services and facilities conducive to the conversion of forest land.
 - B. Proximity of designated land to urban and suburban areas and rural settlements.
 - C. Compatibility and intensity of adjacent and nearby land use and settlement patterns.
 - D. Local economic conditions which may affect the ability to manage forests lands for long-term commercial production.
 - E. Quality of growing conditions on the site.
 - F. The history of land development permits issued nearby.
- RE-208 Designation of In-Holding lands shall not interfere with the ability to manage the remainder of the block for long term commercial forestry.
- RE-209 In-Holding Lands will convert back to the Long Term Commercial Forest Designation provided that subdivision or other project approval for a use which shall be compatible with surrounding conforming uses not granted within three years of effective redesignation from Long Term Commercial Forest to In-Holding lands.

Non-Designated Forest Management Lands

- RE-300 Property that 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 will be classified Forest Management Lands.
- RE-301 Forest Management Lands and their component uses shall be protected against nuisance claims from changing development in or around said area provided that the Forest Management Lands has been in operation for more than five years and said operation was not a nuisance at the time that operations began.
- RE-302 Forest operations on Forest Management Lands shall be protected against public and private nuisance claims provided that the operation conforms to local, state, and federal law and best management practices.
- RE-303 Forest operations shall not incur time of day or days of the week restrictions, but must be conducted according to best management practices pursuant to

Washington State Forest Practices Rules and Regulations.

RE-304 Forest operations shall be free from excessive or arbitrary regulation.

Agriculture Lands

RE-400 Agricultural lands of long-term commercial significance shall be identified, designated and appropriately protected by the county in its development regulations. Other lands on which valuable agricultural operations exist should also receive some protection for their continued operation as non-designated agricultural land.

RE-401 Non-Designated Agriculture Lands shall have a Preferential Right to Farm which includes the following provisions:

- A. No resource use or any of its components 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 Chapter 17.01.050 of the Mason County Interim Resource Ordinance.
- 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.

RE-402 Agricultural operations on designated or non-designated agriculture lands shall be protected against public and private nuisance claims provided that the operation conforms to local, state, and federal law and best management practices.

RE-403 Agricultural operations shall not incur time of day or days of the week restrictions, but shall be conducted according to best management practices pursuant to Washington State Law.

RE-404 Agricultural operations shall be free from excessive or arbitrary regulation.

Mineral Resource Lands

- RE-500 Mineral deposits which are greater than 25 acres in size, have the potential to meet the immediate and future needs of the regional community, and are readily accessible to water traffic on the Puget Sound shall be classified as Class 1a Mineral Resource Lands.
- RE-501 Mineral deposits which are greater than 25 acres in size, have the potential to meet the long term future and immediate needs of the regional community, and are accessible to rail or truck haul routes shall be classified Class 1b Mineral Resource Lands.
- RE-502 Mineral deposits within existing permitted surface mining operations that operate under the authority of Chapter 78.44 RCW shall be classified Class 2 .
- RE-503 Mineral Lands that meets the requirements for Class 1a and 1b Mineral Resource Lands shall be designated under RCW 36.70A.060 and RCW 36.70A.170 as conservation areas for mineral lands of long term commercial significance.
- RE-504 Mineral Lands of Long Term Commercial Significance shall adhere to normal environmental review process of County and State agencies as applicable.
- RE-505 Areas currently not identified as Class 1a or 1b Mineral Resource Lands may be so designated provided that a qualified geologist or mining engineer demonstrate the probability for occurrence of mineral deposits meeting the requirements for either classification.
- RE-506 Subdivisions, short subdivisions or large lots segregations shall be prohibited in Class 1a and Class 1b Mineral Resource Lands prior to their full utilization. Exceptions to this may be made through a resource redesignation or through a variance procedure.
- RE-507 Conditional uses for Class 1a or Class 1b any include the following:
- 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.
 - C. Class IV - General Forest Practices” under authority of the “1992 Washington State Forest Practices Act Rules and Regulations”, WAC 222-12-030, or as thereafter amended; which involve conservation to a Conditional Use in designated Mineral Resource Lands.

- D. Any industrial or commercial development.
- RE-508 Development standards shall apply to all mining operations. Variances for development standards and non conforming may be appropriate when an operation is located in isolated areas or contains unusual topographical conditions.
- RE-509 The following setbacks and screening requirements shall apply to all Mineral Resource Lands:
- A. Mineral Resource lands shall have a 50 foot setback from all property lines, other than for access purposes onto public rights of way. Setbacks shall be maintained for areas of direct cut or fill connected with resource extraction operations. Setbacks for mining operations may be increased when necessary to protect lateral support of abutting properties or public rights of ways.
 - B. All Mineral Resource Lands shall be screened by a twenty five foot on all property lines. Screens shall consist of materials approved of by Mason County, such as obscuring vegetation.
 - C. All direct extraction operation areas shall maintain a fifty foot setback form all public utility lines.
- RE-510 Prior to the commencement of surface mining, a fence which encloses the area authorized by the surface mining permit shall be constructed and maintained. Fences shall be a minimum of six feet in height, and shall be constructed of woven wire. Gates shall be installed at all or vehicular or pedestrian entry or exit points, and shall be the same height as the fence. All gates shall be locked when facilities are not in regular use.
- RE-511 Access on any public right of way to surface mining operations shall be surfaces according to the County Engineering Divisions or State Department of Highways development standards as appropriate.
- RE-512 In order to assure maintenance and development of adequate County roadways, owners of the 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.
- RE-513 The County Engineer may require installation of traffic control and warning signs at intersections of private access roads to Mineral Resource Lands and publicly maintained roads.
- RE-514 No development or activity within mineral Resource Lands shall exceed the

maximum Environmental Noise Levels established by WAC 173-60, and Mason County Title 9, Chapter 9.36.

RE-515 Bright lights which are necessary to facilitate emergency repairs shall be allowed outside of normal operating hours for short-term mining operations.

RE-516 Surface mining operation within a Critical Aquifer Recharge Area shall meet the following requirements:

- A. Fuel tanks and oil drums shall be double containment construction and shall be protected by bermed areas having adequate capacity to accommodate, contain, and allow the removal of chemical spills. Fuel nozzles shall 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 areas.
- D. Surface mines within critical aquifer recharge areas shall not use any noxious, toxic, flammable, compatible, 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 discharge may substitute for these requirements.
- E. On-site truck and equipment wash run-off shall be routed to retention facilities equipped with an oil-water separator prior to its release into the settling pond.
- 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 standards set forth in WAC 90.48 and WAC 173.303.

RE-517 Surface mine owners shall ensure that on-site operations shall not be hazardous to neighboring uses. Blasting activities shall be conducted in a manner such that ground vibrations and fly-rock to off mine site uses are monitored and minimized.

RE-518 Mineral Lands and their component uses shall be protected against nuisance

claims from changing development in or around said area provided that the site has been in operation for more than five years and said operation was not a nuisance at the time that operations began.

RE-519 Mineral Resource Lands shall have a Preferential Right to Mine which includes the following provisions:

- A. No resource use or any of its components 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 Chapter 17.01.050 of the Mason County Interim Resource Ordinance.
- 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.

RE-520 Mining operations shall not incur time of day or days of the week restrictions, but shall be conducted according to best management practices pursuant to Washington State Law.

RE-521 Mining operations shall be free from excessive or arbitrary regulation.

RE-522 Any properties that are redesignated to Mineral Resource Lands classification shall be recorded with the County Auditor within two weeks of redesignation. Notification shall be in the form of written notice of the designation. Said notice shall be in a form authorized by the Director and shall include:

- A. Legal description of the property subject to redesignation.
- B. The sixteenth (1/16) section or sections in which the designated properties lie, as well as those for any properties that lie within 300 feet of the boundary if the designated property.
- C. Notification to property owners within 300 feet of proposed Mineral Resource Lands.

***Non Resource Uses within Long Term Commercial Forests,
Inholding Lands and Mineral Resource Lands***

Roadway Standards

- RE-600 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.
 - B. Strict adherence to the standards of the Uniform Fire Code as determined by the Mason County Fire Marshall.
 - C. Maximum roadway grade serving two or more non-resource properties shall not exceed fourteen percent (14%). The gradient for a fire apparatus access road shall not exceed 14% for one (1) through nine (9) dwelling units and 12% for ten (10) or more dwelling units.
 - 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.
- RE-601 The County Engineer may impose additional roadway standards if he/she determines they are necessary to the above standards.

Water Supply Standards

- RE-700 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.
- RE-701 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 of adjacent property without written consent or easement of the adjacent property owner.
- RE-702 Domestic water supplies shall be in compliance with State and County health codes.

Harstine Island Sub-Area Plan

B-4 Agriculture Land Use

B-4-a: Identify and encourage the existing agricultural lands in the subarea.

B-4-b: Assist property owners, who wish to implement new agriculture to the Island, to use Best Management Practices (BMP).

B-4-b • 1: Encourage land use that meets the criteria as agricultural lands; to remain in long-term farming or agricultural use; (as detailed in the Mason County Resource Conservation and Critical Areas Protection Ordinance.)

Implementation: BMPs should be used and include the following standards, when appropriate:

A Vegetation buffer for perennial and seasonal streams and wetlands, based on the class of the critical area.

B Gutters and down spouts on building in all animal holding areas to direct runoff with pipes or ditches to non-contaminated areas.

C Proper manure storage to prevent surface and groundwater contamination.
D Limited densities of animals and pasture rotation to avoid overgrazing and associated runoff problems.

E Livestock excluded from stream banks and disturbance of anadromous fish.

F Fertilizers, pesticides, and herbicides kept from entering streams.

B-4-b • 2: Commercial farms which are currently implementing existing farm plans (and BMPs) and updating them on a regular basis, and which continue to preserve water quality, should be eligible for open space or farm credit on the tax rolls.

B-5 Aquacultural Land Use

B-5-a: Preserve existing aquacultural lands for recreational and commercial uses and protect these lands from conditions that may cause decertification.

B-5-a • 1: Land uses and proposed development along the shoreline or on adjacent uplands should minimize any increases in storm water runoff and nonpoint pollution which degrade water quality for aquacultural uses.

B-5-b: Enhancement of aquacultural lands, providing improved habitat while maintaining the rural character.

B-5-b • 1: Activities which enhance habitat or increase fish, shellfish and other aquatic resources should be encouraged as an important part of the

economy and lifestyle of the area.

- B-5-c • 2: Aquaculture activities should be carried out in a manner to minimize adverse impacts to the water quality and best management practices for all types of aquaculture should be established by Washington State.

North Mason Sub-Area Plan

Surface and Storm Water Management

- 4. Resource industries (forestry, agriculture, aquaculture, mining) should use management practices that minimize the hydrological impacts of erosion and sedimentation. Those management practices should also minimize the occurrence of natural or man made pollutants from entering ground or surface waters.

Agricultural Practices

- 1. Agricultural activities should be encouraged to utilize appropriate agricultural management techniques.
- 2. Best Management Practices should be encouraged.
- 3. Good communications between water quality officials and the agricultural community should be maintained.

Forest Practices

- 1. Prime forest lands should be conserved and enhanced for long term economic use.
- 2. Minimize the impact of forest practices upon water quality by effectively enforcing regulations.
- 3. Encourage and support the goals and objectives of the Forest Practices Act and the Timber/Fish/Wildlife management process.
- 4. Support regulations to minimize the drift of pesticides, fertilizers, sludge, and chemicals and to prevent these substances from entering water bodies.
- 5. Minimize nutrient and sediment loading to Mason County water bodies from forest practices.

Aquaculture

1. Give preference to those efforts undertaken to enhance habitat or increase fish, shellfish and other aquatic resources for the good of the general public (i.e. Department of Fisheries efforts for salmon enhancement).
2. Pollution discharges into waters where shellfish are commercially harvested, and where there is significant recreational shellfish harvesting, should be prohibited and violations corrected.
3. Aquacultural activities should be carried out in such a manner as to minimize adverse impacts to water quality.

Southeast Mason County Sub-Area Plan

A. AGRICULTURAL LAND USE

- A1: Owners of those lands which qualify are encouraged to enroll in the Open Space - Agriculture property tax classification program, pursuant to RCW Chapter 84.33.
- A2: Lands that meet the designation criteria for agricultural lands, as detailed in the Mason County Interim Resource Ordinance, as adopted, will be provided protection against nuisance claims as detailed in the Ordinance.
- B1. Property owners of these agricultural land uses are encouraged to work with the Mason County Conservation District to get the technical assistance suitable for their property, including locally accepted Best Management Practices.
- B2. Site specific farm management plans should be developed in cooperation with the Mason County Conservation District and should include the use of Best Management Practices applicable to the farm operation.

B. AQUACULTURAL LAND USE

- A1: Land uses and proposed development along the shoreline or on adjacent uplands of the watershed should minimize any increases in stormwater runoff and nonpoint pollution which degrade water quality for aquacultural uses.
- A2: Provide protection against nuisance claims for aquacultural uses in case new development changes the character of the areas surrounding those aquacultural uses.

- B1: Activities which enhance habitat or increase fish, shellfish, and aquatic resources should be encouraged as an important part of the economy and lifestyle of the area.
- C1: Pollution discharges into waters where shellfish are cultured or harvested, or into streams which flow into these shellfish areas should be prohibited or brought into compliance.
- C2: Aquaculture activities should be accomplished with minimum adverse impacts to area water quality and with the best available aquacultural management practices.
- C3: Forestry, open space, and low-density residential development should be the preferred land uses adjacent to productive aquacultural areas.
- C4: Establishment of a watershed/shellfish protection district should be considered in order to focus all efforts on improving water quality and lessening impacts which degrade aquacultural areas; protection district funding should come out of assessments that have been raised within the watershed.

C. FOREST LAND USE

- A1: Incentives should be made available by Mason County to encourage continued forest land ownership.
- A2: If land conversions from forest to other land uses occur, continued access for forest management activities should remain as an important consideration in the planning of transportation routes in the subarea.
- A3: Provide protection against nuisance claims for forestry uses if new development changes the character of the areas surrounding those forestry uses.
- A4: Landowners adjacent to forest land uses should be made aware that forest lands will be managed to the property lines of the forest lands.
- A5: Promote citizen awareness and the understanding of forest practices in the watershed through public education efforts.
- B1: Forest management activities should remain in compliance with state forest practices to minimize the physical and water quality impacts to adjacent properties in the watershed.
- B2: Recommendations from the Timber/Fish/Wildlife cooperative research should be integrated in future forest management activities

through the Washington State Forest Practice Act.

G. NATURAL SYSTEMS

- B1: The general public should be educated about the location of forest, aquacultural, agricultural, and mineral resource lands and the intrinsic nature of these land uses.
- B2: Residential and non-resource commercial and industrial uses in the areas of resource lands should be closely regulated and should follow development standards which do not create conflicting land uses.
- B3: Forest, aquacultural, agricultural, and mineral resource lands and uses should be protected from nuisance claims brought about by changing land use patterns.
- B4: In reviewing proposed land divisions and land use conversions, all efforts should be made to discourage the fragmentation of resource lands into units which do not allow for economically viable resource uses.