PLANNING ADVISORY COMMISSION MEETING
AGENDA
MAY 18TH, 2015
Mason County Building 1, Shelton
Commissioners Chambers
6:00 PM

1. Call to Order

2. Roll Call

3. Regular Business
   a. Adoption of Agenda
   b. Approval of Minutes
   c. Confirm Future Meeting Dates

4. Shoreline Master Program Update - Workshop
   Continue to review PAC’s recommended changes to the Draft SMP and Comprehensive Plan prior to staff publishing a “PAC’s Recommendation to the Board: Revised Shoreline Master Program” that the public will comment on before and at a public hearing.

   Presenter: Rebecca Hersha, Department of Community Development

   Additional Supporting Documents:
   a. Dock Chapter:
      i. Dock Regulations - revised May 8, 2013. (draft SMP 17.50.075(D) in “17A”)
      iii. Diagram of Joint Use Docks on Lakes - drafted May 2015
      v. Diagrams of Joint Use Docks on Saltwater - drafted May 2015

   b. Archaeology Chapter – revised May 8, 201. (draft SMP 17.50.055(G) in “17A”)

5. New Business

6. Adjournment

¹ This public meeting is a workshop for discussion purposes in a public forum. Unlike public hearings, public participation is not a requirement; however opportunities for public comment may be provided.
D. DOCKS, UNATTACHED FLOATS, MOORING BUOYS, BOAT LIFTS, BOAT HOUSES, AND COVERED MOORAGE REGULATIONS

For the purposes of this subsection, 'overwater structures' pertains to docks (piers, ramps, and/or attached floats); unattached floats; mooring buoys; boat lifts and overwater davits; and covered moorage.

1. All Overwater Structures

a. (3)(A)(1) Boating facilities Overwater structures shall be allowed only for water dependent uses or for public access.

b. (3)(A)(2) Boating facilities Overwater structures shall be limited to the minimum size necessary to meet the needs of the proposed water-dependent use.

c. Overlapping Jurisdictions. New construction, replacement, and repair shall comply with all applicable state and federal policies and regulations, including but not limited to the Washington Department of Fish and Wildlife (Hydraulic Project Approval WAC 220-110), the Washington Department of Natural Resources (Habitat Conservation Plan), and the United States' Army Corps of Engineers. These include functional grating, size restrictions, and other standards.

d. Avoidance, Minimization, and Mitigation. (2)(A)(2) Boating facilities Overwater structures shall be designed and constructed to avoid or if that is not possible, to minimize and mitigate unavoidable impacts to ecological functions, critical area resources such as commercial and recreational shellfish areas, submerged aquatic vegetation such as eelgrass beds, kelp and marine macroalgae, forage fish spawning areas; salmon and other priority species and habitats; riparian vegetation; large woody debris; associated wetlands; and processes such as littoral drift.

i. (2)(B)(10) Applicants for new or expanded docks overwater structures on all marine shorelines and on lakes with priority habitats or with species listed under the State of federally Endangered Species Act as either proposed, threatened, or endangered shall submit a Habitat Management Plan that identifies measures to protect habitats and mitigate for unavoidable impacts. Residential docks proposed for such waters shall be of a pier, ramp and float design.

Comment [RDH4]: PAC Decision on 2/10/2014: Delete detailed grating and other state and federal design standards from this chapter, and instead add this language to apply to all overwater structures.

Comment [RDH5]: PAC Recommendation on 2/24/2016: Kelp is a form of algae. Return to macroalgae.

Comment [RDH6]: PAC Decision on 4/23/2014: Add "associated wetlands"

Comment [RDH7]: Staff recommends adding "priority habitats" because the Resource Ordinance FWPCA chapter clearly requires HMPs for activities in and near state (MDFW) priority habitats and species.

Comment [RDH8]: PAC Decision on 2/24/2014: Add 'state' because the Resource Ordinance and nonnet loss provisions pertain to state and federal listed species.

Comment [RDH9]: PAC Recommendation on 3/1/2014 and 8/4/2014: Delete requirement for dock to include all three components.
ii. **Work Windows.** (2)(A)(2)(c) In-water construction shall be limited to all relevant fish work windows (WAC 220-110-271) to avoid impacts to spawning, migration and rearing of salmonids and other critical species.

iii. **Alongshore Sediment Transport.** (3)(A)(3)(c) Boating facilities. *Overwater structures* shall be designed to avoid impediments to alongshore sediment transport. Where boating facilities *unavoidably adversely affect* net sediment transport or other coastal processes to the detriment of nearby beaches or habitats, the county may require periodic replenishment of substrate to offset adverse impacts.

iv. **Distance to Eelgrass, Kelp, and Forage Fish Habitat.** (3)(A)(3)(e) Wherever feasible, overwater structures shall be located a minimum of twenty-five feet (measured horizontally from the edge of the structure) in all directions from eelgrass and kelp beds and herring spawning areas. Projects with unavoidable impacts shall provide compensatory mitigation.

v. **Grating to Allow Light Penetration.** (2)(A)(3)(f) To minimize adverse effects on habitats and species caused by overwater structures, overwater boating facilities' structures shall incorporate as much functional grating as possible that meets all standards (such as percent functional grating, percent open area, and orientation of the grating) required by state and federal agencies with jurisdiction. Grating must not be covered, on the surface or underneath, with any stored items, such as floats, canoes, kayaks, planter boxes, shoes, carpet, boards or furniture. Grating must not be covered and kept free from algae and other debris that may inhibit light penetration, on the surface or underneath. Grating openings shall be oriented lengthwise in the east-west direction to the extent practicable and the structures themselves should be oriented to maximize natural light penetration.

(2)(B)(11)(b) (row 7 of table) The grating on piers, ramps, and floats must have at least 60 percent open area, unless different standards are required for compliance with the Americans with Disabilities Act. Grating must be oriented to maximize the amount of light passage to help minimize shading impacts. Grating must not be covered and must be kept free from algae and other debris that may inhibit light penetration.

vi. **Treated Wood and Toxic Materials.** (3)(A)(3)(g) Materials used for components that may come in contact with water shall be made of non-toxic materials where feasible. Tires and tire by-products shall not be used for construction where they would contact the water (e.g., flotation, fenders, and hinges). Where chemically-treated materials are the only
feasible option, materials shall use the least toxic alternative approved by applicable state agencies for use in water. Treated wood elements shall incorporate design features (e.g., fenders, bumpers, metal bands) to minimize abrasion by vessels, pilings, floats or other objects. Wood treated with creosote, chromated copper arsenate and pentachlorophenol is prohibited for use in boating facilities overwater structures.

(2)(A)(4) Public boating facilities shall provide restroom and sewage and solid waste disposal facilities in compliance with applicable health regulations.

(2)(A)(5) Public boating facilities shall be located and designed to prevent traffic hazards and minimize traffic impacts on nearby access streets.

ej. (3)(B)(1) Decks and piers overwater structures shall be located, designed and operated to not significantly impact or unnecessarily interfere with the rights of adjacent property owners, or adjacent water uses including navigation and boat operation.

f. (3)(B)(1) second sentence: Except for community or joint use, structures shall be located a minimum of five feet from side property lines. Community use or joint use facilities may be located on the property line where applicable.

(3)(B)(2) If the location of side property lines on a cove cannot be officially established without a survey, the Administrator may require a survey by a registered land surveyor before a permit is issued.

g. (3)(A)(3)(h) Artificial lighting on boating facilities overwater structures shall be the minimum necessary for the proposed use. Lighting shall be designed to minimize glare and shall incorporate cut-off shields.

h. (3)(A)(5) All boating facilities overwater structures shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe boating facilities structures shall be removed or repaired promptly by the owner. Where any such structure constitutes a hazard to the public, the County may, following notice to the owner, abate the structure if the owner fails to do so within a reasonable time, and may impose a lien on the related shoreline property in an amount equal to the cost of the abatement. If the structure is abandoned and an owner cannot be located, the county will publish public notice before taking action to remove the hazard.

i. (3)(F)(1) New covered moorage and over the water boat houses are prohibited except in marinas. Replacement structures shall be restricted to the original footprint and size dimensions, except for any variations required by health and safety regulations.

(3)(F)(2) Boat houses on land shall be subject to a maximum size of 600 square feet and shall meet all setback requirements.

(3)(F)(3) Proposals for covered moorage and overwater boat houses on marine shorelines and on lakes with species listed under the federal Endangered
Species Act as either proposed, threatened, or endangered shall include a Habitat Management Plan that identifies measures to protect habitats and mitigate for unavoidable impacts.

**Note:** For upland boat houses, see the structure setbacks and mitigation requirements per the applicable use chapter and the General Regulations (17.50.055).

**i. Repair and Replacement.**

- **As detailed in MCC 17.50.055(H), Existing Structures, the footprints of existing legally established structures are grand-fathered, therefore repairs and replacements of grandfathered docks, unattached floats, mooring buoys, boatlifts and covered moorage do not need to meet the County's dimensional standards but do need to use approved materials. Replacement structures shall be restricted to the original footprint and size dimensions, except for any variations required by health and safety regulations.**

  - **(3)(b)(14)(a)**- Repairs of existing piers and docks must conform with all applicable standards for new construction.
  - **(3)(b)(14)(b)**- Replacement of entire existing pier or dock, including more than fifty percent of the pier support piles and more than fifty percent of the decking or decknet substructure (e.g. stringers) must meet the decking and design standards for new piers. Existing skirting shall be removed and may not be replaced.

  **Note:** The Washington Department of Fish and Wildlife may not issue hydraulic project approvals for replaced docks or unattached floats that do not meet their current standards in WAC 220-110.

- **(3)(b)(14)(c)**- Proposals involving the addition to or enlargement of existing piers or docks **overwater structures** must comply with the requirements for new pier or deck construction. Enlargement beyond prescriptive standards would require a variance.

**2. Docks and Unattached Floats**


  **When a Conditional Use Permit is required:**

  - **(3)(b)(15)(a)**- Where a Conditional-Use-Permit is required, Mason County shall evaluate the cumulative effects on ecological functions, navigation and aesthetics and other water-dependent uses when determining if a residential pier, dock or attached float is allowed. After consideration of potential cumulative effects and precedent effects, the county shall deny a new permit application where there is convincing evidence that impacts would risk harm to shoreline ecological functions, loss of community use, adjacent water dependent uses or a significant benefit to the public.
degradation of views and aesthetic values. A balancing of the interests of project proponents, adjacent shoreline property owners, and those of the public is necessary.

ii. (3)(b)(15)(b)-The applicant shall prepare a cumulative impact analysis report that addresses the following within a defined area such as a drift cell or other appropriate shoreline reach:

(a) i.-The current build-out of the proposed dock area. The report shall determine whether or not the proposed dock would alter an undeveloped shoreline reach or high quality habitat area, or compromise development of recreation opportunities.

(b) ii.-The potential for future build-out of the proposed dock area. The report shall assess if a shoreline reach area already has a substantial number of docks, and therefore the potential for future build-out of the area is more limited and the risk of significant environmental impacts from additional in-filling of docks will likely be low. This is particularly true if the proposed dock will be sited between existing docks on adjacent properties. However, even if the area has limited build-out potential, should the specific location, characteristics, and natural functions of the shoreline and the health of the water body be especially susceptible to new dock development, then the report should identify the potential for significant environmental impacts.

(c) iii.-Aesthetics and visual compatibility. The report shall evaluate the context of the existing visual characteristics of the upland, shoreline, and overwater development and analyze compatibility with the surrounding area. Although any dock will have a physical presence and alter the view of a particular shoreline, it is the extent that the man-made alteration constituting a visual presence on the environment that will be considered by the County as important to the compatibility analysis.

b. (3)(b)(7)-If allowed under this Program, no more than one (1) dock or one (1) unattached float, and one (1) boat lift or one (1) private boat launch, and one (1) mooring buoy may be permitted on a single waterfront lot owned for residential use or private recreational use.

c. (3)(b)(8)-Prior to final project approval of a residential subdivision or short plat, a usable area shall be set aside for one (1) community pier or dock, when feasible, unless no suitable area exists or a public moorage facility is available to residents within a 1 mile perimeter of the development. A proposed community dock or pier shall include no more than one mooring slip per
d. (3)(A)(8) Vessels shall be restricted from extended mooring on waters of the ‘State Owned Aquatic Lands’ except as allowed by state regulations and provided that a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

Comment [RDH21]: PAC Decision on 2/24/2014: Change ‘waters of the state’ to ‘State Owned Aquatic Lands’.

e. (3)(B)(7) & (3)(B)(12)(c) row 1, second sentence) No dock, pier, or unattached float may be constructed to the lesser of fifteen percent (15%) fetch or to within two hundred (200) feet of OHWM on the opposite shoreline of any semi-enclosed body of water such as a bay, cove, or natural stream channel.

f. Residential Docks and Unattached Floats (Single Family, Joint Use, and Community)

i. (3)(B)(4) (first sentence) Joint-use residential docks, piers, and floats are preferred over single-use docks, piers, and floats.

   (a) (3)(B)(4) (second sentence) Prior to development of a new residential, single use dock, pier or float for a single residential lot, the applicant shall demonstrate that they have contacted adjacent property owners and none have indicated a willingness to share an existing dock or develop a shared moorage in conjunction with the applicant.

   (b) (3)(B)(5) For joint use facilities, a covenant executed between all property owners sharing the joint moorage use docks shall be submitted to the county. The covenant shall cover the agreement for the joint use of common lot lines (if applicable), shall run with the land, and be filed with the County Auditor as a covenant with the land.

   ii. (3)(B)(3) No pier, dock, or unattached float or similar device shall have a residential structure constructed upon it, and (3)(B)(11/12) skirting is not allowed.

   iii. The portion of a dock that is landward of the OHWM, shall only be as long as that necessary to adequately anchor the dock.

Comment [RDH23]: PAC Decision on 3/10/2014: Add clarification on dimensions for any landing upland of OHWM, omit any dimensional requirement.
iv. Maximum Overall Length.

(a) **Freshwater Dock.** (3)(b)(11)(b)(row 1 of table) The overall length of piers or docks for a single waterfront lot shall be only so long as to obtain a depth of seven (7) feet of water as measured at ordinary low water, unless other limits are established by DNR use authorization or WDFW Hydraulic Project Approval standards. The length shall not exceed 50-60 feet from OHWM for single waterfront lots (single use). Overall length for two or more waterfront lots shall be only so long as to obtain a depth of seven (7) feet of water as measured from ordinary low water, unless other limits are established by DNR use authorization or Hydraulic Project Approval standards. The length shall not exceed 65 feet from OHWM. The lengths permitted for joint or community use facilities are shown in Table 17.50.075(8). In addition, see (2)(e) for length restrictions that protect navigability. When sufficient depth to serve a vessel is not found at the standard maximum lengths, an unattached float, with one boat slip, may be located at a depth sufficient to serve the vessel, but not less than minus eight (8) feet as measured from ordinary low water.

(b) **Saltwater Dock.** (3)(b)(12)(e)(row 1 of table) The overall length of a marine dock for a single waterfront lot (use dock) shall be only so long as to obtain a depth of seven (7) feet of water as measured at mean lower low water, unless otherwise required by DNR use authorization or Hydraulic Project Approval. The length shall not exceed the lesser of fifteen percent (15%) of the fetch or 120 feet from the ordinary high water mark (OHWM) for single waterfront lots (single use). Overall length for two or more waterfront lots shall be only so long as to obtain a depth of seven (7) feet of water as measured at mean lower low water, unless otherwise required by DNR use authorization or Hydraulic Project Approval. The length shall not exceed 115 feet from OHWM. The lengths permitted for joint or community use facilities are shown in Table 17.50.075(8). In addition, see (2)(e) above for length restrictions that protect navigability. When sufficient depth to serve a vessel is not found at the standard maximum lengths, an unattached float, with one boat slip, may be located at a depth sufficient to serve the vessel, but not exceeding eight (8) feet as measured from mean lower low water.

For single use and joint use docks, the Administrator may approve a different dock or pier length when needed, to avoid known eelgrass

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Comment [RDH24]: Changed to refer to table, since creating different maximum lengths for joint use docks.

Comment [RDH25]: PAC Decision 2/10/14 or 2/2/14: Delete sentence. An attached float is already allowed, and without depth requirements.

Comment [RDH26]: Changed to refer to table, since creating different maximum lengths for joint use docks.

Comment [RDH27]: PAC Decision 2/10/14 or 2/2/14: Delete sentence. An attached float is already allowed, and without depth requirements.
beds, forage fish habitats, or other near shore resources up to a maximum of 150 feet (as measured from OHWM), beyond which would require a Variance.

(3)(9)(11) Residential piers, docks and floats on lakes: (a) All new and replacement residential docks must be of a pier, ramp and float design, if they are in areas with salmon, steelhead and bull trout.

(3)(9)(12) Residential piers, docks and floats on marine shorelines: (a) New and replacement residential docks must be of a pier, ramp and float design. (b) A new single use dock or pier may not be permitted if it is a public marina or public boat launch located within 1 mile of any property line.

v. Attachments.

Attachments to the mainstem may be incorporated into the design of docks as follows:

(a) Freshwater Dock. The length (measured parallel with the shore) of the attachment (excluding the main-stem of the dock) for a single waterfront lot shall not exceed twenty (20) feet, or forty (40) feet for a joint-use or a community facility. [See #(f)(vi) - (viii) for width requirements for the individual components of piers, ramps, and floats.] (3)(9)(11)(b)(row 4 of table) - A dock or pier may end with an attached float or fixed section that forms an "L" or "T". Unless other limitations are set by DNR, use authorization or WDFW Hydraulic Project Approval standards, the following dimensional limits apply: The width of floats shall not exceed eight (8) feet. The length of a float for a single waterfront lot shall not exceed twenty (20) feet, or forty (40) feet for a joint-use facility.
The maximum area allowed for the dock attachment depends on the number of owners.

<table>
<thead>
<tr>
<th># of Owners</th>
<th>Max. Area (sq ft) of Dock Attachment (excluding mainstem)</th>
<th>Max. Length (ft) of Dock Attachment Parallel to Shore (excluding mainstem)</th>
<th>Max. Length (ft) of Total Dock Perpendicular to Shore</th>
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<tbody>
<tr>
<td>1</td>
<td>250</td>
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<td>60</td>
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<tr>
<td>2</td>
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<td>65</td>
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<td>3 to 4</td>
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<td>5 to 6</td>
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<td>9 to 10</td>
<td>840</td>
<td>40</td>
<td>110</td>
</tr>
</tbody>
</table>

A. For community docks, the # of owners is the # of residential lots in shoreline jurisdiction to a maximum of 10.

B. Measured from the Ordinary High Water Mark.

C. Dock length shall also be the lesser of fifteen percent (15%) fetch or to within two hundred (200) feet of OHWM on the opposite shoreline of any semi-enclosed body of water such as a bay, cove, or natural stream channel.

(b) Saltwater Dock. The length measured parallel to the shore of the attachment (excluding the main-stem of the dock) for a single waterfront lot shall not exceed twenty (20) feet, or forty (40) feet for a joint use or a community facility. [See # (f)(vi) - (viii) for width requirements for the individual components of piers, ramps, and floats.]

The maximum area allowed for the dock attachment depends on the number of owners.
<table>
<thead>
<tr>
<th># of Owners&lt;sup&gt;A&lt;/sup&gt;</th>
<th>Max. Area (sq ft) of Dock Attachment (excluding mainstem)</th>
<th>Max. Length (ft) of Dock Attachment Parallel to Shore (excluding mainstem)</th>
<th>Max. Length (ft) of Total Dock Perpendicular to Shore&lt;sup&gt;C&lt;/sup&gt;</th>
<th>Max. Depth (ft) at Mean Lower Low Water</th>
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<tr>
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<td>150</td>
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<tr>
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</tbody>
</table>

<sup>A</sup> For community docks, the # of owners is the # of residential lots in shoreline jurisdiction to a maximum of 10.

<sup>B</sup> Measured from the Ordinary High Water Mark.

<sup>C</sup> Dock length shall also be the lesser of fifteen percent (15%) fetch or to within two hundred (200) feet of OHWM on the opposite shoreline of any semi-enclosed body of water such as a bay, cove, or natural stream channel.

<sup>D</sup> The Administrator may approve a different dock or pier length when needed, to avoid known eelgrass beds, forage fish habitats, or other near shore resources up to a maximum of 150 feet (as measured from OHWM), beyond which would require a Variance.

vi. Piers. (3)(B)(11)(b)(row 2 of table) Unless otherwise approved by the US Army Corps of Engineers, the width of piers for a single waterfront, not including the plinings, lot shall not exceed four (4) feet, or six (6) feet for a joint use facility. Piers must be grated consistent with WDFW Hydraulic Project Approval standards. The underside of piers must be at least one and one-half feet above the ordinary high water mark elevation. (3)(B)(12)(e)(row 2 of table) Unless otherwise approved by the US Army Corps of Engineers, the width of a new pier or the modified portion of an existing pier must not exceed four (4) feet for a single waterfront lot, or six (6) feet for a joint use pier. Functional grating must be installed on at least thirty percent (30%) of the surface area of new or replacement piers, unless it extends into State-owned aquatic lands then functional grating must be at fifty percent (50%). All sections of the pier that span upper or tidal vegetation shall be fully grated. Pier configuration: The pier must be a straight line.
Note: The amount of functional grating required by state jurisdictions may increase for piers that are greater than 4 feet wide.

vii. Ramps. (3)(b)(11)(b)(row 3 of table). The width of ramps shall not exceed four (4) feet. The width of ramps may be 6 feet if wheelchair access is needed and authorization has been obtained from WDFW. Ramps shall be fully grated.

Note: State jurisdictions require ramps to be fully grated.

(3)(b)(12)(c)(row 2 of table). The width of the ramp connecting the pier and the float must not exceed 4 feet. New and replacement ramps shall be fully grated.

viii. Floats.

(a) (3)(b)(14)(b)(row 4 of table). The width of floats shall not exceed eight (8) feet.

Note: The amount of functional grating required by state jurisdictions may increase for floats that are greater than 6 feet wide.

(b) (3)(A)(3)(b). All floating structures shall include float stops to keep structures off the tidelands or lake bottom or be located at sufficient depth to avoid grounding during all tidal or lake elevations. (3)(B)(13)(e)(row 5 of table). In saltwater, floats need to be suspended a minimum of 1.5 feet above the tidal substrate, unless otherwise required by DNR use authorization (when applicable) or by WDFW Hydraulic Project Approval. The preferred and least impacting option is to suspend the float above the substrate by installing float stops on pilings anchoring new floats. The stops must be able to fully support the entire float during all tidal elevations.

(c) (3)(B)(6-first-sentence). Flotation shall be fully enclosed and contained in a shell that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by ultraviolet radiation or abrasion caused by rubbing against piling or waterborne debris.

(d) (3)(B)(6-second-sentence). Flotation components shall not be installed under the grating.

(e) (3)(B)(6). The surface of floating structures shall be a minimum of ten inches above the surface of the water, unless other limitations...
are set by DNR use authorization or WDFW Hydraulic Project Approval standards.

(f)  (3)(b)(11)(b)(row 5 of table, second sentence)–There shall be no more than one unattached float per residence or privately owned recreational property, and the area of an unattached float is limited to:

(i) Freshwater. (3)(b)(11)(b)(row 5 of table, first sentence)–An unattached float shall not exceed 160 square feet for single use and 320 square feet for joint or community use facilities, unless other limitations are set by DNR use authorization (when applicable) or WDFW Hydraulic Project Approval standards.

(ii) Saltwater. (3)(b)(12)(e)(row 4 of table, first five sentences) For a single-use structure, the float width must not exceed 8 feet and the float length must not exceed 30 feet. Functional grating must be installed on at least 50% of the surface area of the float. For a joint-use structure, the float width must not exceed 8 feet and the float length must not exceed 60 feet. To the maximum extent practicable, floats must be installed with the length in the north-south direction. An unattached float shall not exceed 240 square feet for single use and 480 square feet for joint or community use facilities, unless other limitations are set by DNR Use Authorization or Hydraulic Approval Standards.

Note: The amount of functional grating required by state jurisdictions may increase for floats that are greater than 6 feet wide.

(g)  (3)(b)(12)(e)(row 4 of table, last sentence)–Unattached floats shall be anchored using mid-line floats, helical anchors, or other designs that have minimal adverse effects on aquatic ecosystems. (Kitsap County)

ix. Pilings.

(a)  (3)(b)(11)(b)(row 8 of table, first sentence) and (2)(b)(12)(e)(row 7 of table, first sentence)–Pilings subject to abrasion and subsequent deposition of material into the water shall incorporate design features to minimize contact between all of the different components of overwater structures during all lake water elevations.
(b) Use the minimum number of piling necessary to build a safe structure. Pile spacing shall be consistent with requirements of DNR use authorization and WDFW Hydraulic Project Approval.

(c) Dolphins are not permitted.

(d) A maximum of two moorage piles may be installed to accommodate the mooring of boats exceeding the length of the floats.

Additional standards for residential piers, docks and unattached floats:

i. Piers, docks and unattached floats associated with commercial, industrial, port or public recreational developments should be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses, and that the proposal meets the applicable use regulations in MCC 17.50.060.

ii. Water-related and water-enjoyment uses may be allowed as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.

iii. There is no maximum length, width or height for commercial or industrial piers and docks.

If a port district or other public or commercial entity involving water-dependent uses has performed a needs analysis or comprehensive master plan projecting the future needs for pier and dock space, and if the plan or analysis is approved by the County and
consistent with these guidelines, it may serve as the necessary justification for pier design, size, and construction. The intent of this provision is to allow ports and other entities the flexibility necessary to provide for existing and future water-dependent uses.

*4. (C)(13)ii—Recreational docks shall be no higher than eleven (11) feet above mean higher high water. (E)(13)ii—Recreational piers and shall not exceed 200 feet in length. (E) second sentence—The proponent must show the size of the proposal is the minimum necessary to allow the intended use.*

*5. (D)(12)ii—See Mining section for associated piers and docks (this chapter does not apply).*

3. **Mooring Buoys**

   *a. (3)(D)(1)—The installation and use of mooring buoys in marine waters shall be consistent with all applicable federal and state laws, including the WAC 246-282, the current National Shellfish Sanitation Program standards (NSSP), and other state Departments of Fish & Wildlife, Health, and/or Natural Resources standards.*

   *b. (3)(D)(2)—Buoys shall be located and managed in a manner that avoids and minimizes impacts from the buoy and the boat on eelgrass and other aquatic vegetation.*

   *c. (3)(D)(3)—Mooring buoys shall be located at sufficient depth to prevent vessel grounding, and shall design the buoy system so that anchor lines don’t drag. Where practicable, use embedment style mooring anchors instead of surface style mooring anchors.*

   *d. (3)(D)(4)—New buoys that would result in a closure of local shellfish beds for future harvest, per the National Shellfish Sanitation standards (WAC 246-282), shall be prohibited.*

   *e. (3)(D)(5)—No more than one (1) mooring buoy for each waterfront lot shall be permitted unless greater need is demonstrated by the proponent and documented by the County. In cases such as those of a community park with recreational users or a residential development with lot owners both on and away from the shoreline needing moorage, community moorage facilities shall be used instead of mooring buoys.*
4. **Boat Lifts**

   a. (3)(C)(1, first sentence) Boat lifts shall be placed as far waterward of the OHWM as feasible and safe.

   b. (3)(C)(1, second sentence) Design the grid/lift so that the bottom of the grid/lift rests at least 1 foot above the substrate and does not rest on the substrate at any time.

   (3)(C)(2) No more than one (1) free-standing or deck-mounted boatlift per waterfront lot; or one (1) personal watercraft lift or one (1) fully grated platform lift may be permitted on a single waterfront lot owned for residential use or private recreational use.

   (3)(C)(3) Proposals for boat lifts on marine shorelines and on lakes with species listed under the federal Endangered Species Act as either proposed, threatened, or endangered shall include a Habitat Management Plan that identifies measures to protect habitats and mitigate for unavoidable impacts.

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**Comment [RD846]:** PAC Recommendation on 8/4/2014: Delete limitation on # of lifts.

Mason County
ALLOWED FRESHWATER DOCK DESIGNS
FOR SINGLE FAMILY RESIDENTIAL USE

Key:
- **Float**: Max 8 ft. width
- **Pier**: Max. 6 feet width
- **Ramp**: Max. 4 feet width

### Freshwater Docks on Lakes:

<table>
<thead>
<tr>
<th># of Owners</th>
<th>Maximum Area (sq ft)</th>
<th>Max. Length (ft) Parallel to Shore</th>
<th>Max. Length (ft) Perpendicular to Shore</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>250</td>
<td>20</td>
<td>60</td>
</tr>
</tbody>
</table>

See separate page for joint use docks.

These drawings are examples of what would be allowed per Mason County's SMP. Other designs are permitted, as long as they meet the maximum attachment areas, lengths parallel to shore, and lengths perpendicular to shore.

The landing landward of OHWM shall be the minimum necessary.

**Note:** Before designing a dock, determine grating and sizing requirements required by WDFW and DNR.
Mason County
ALLOWED FRESHWATER DOCK DESIGNS
FOR RESIDENTIAL JOINT USE

Key:

- Float
- Max 8 ft. width
- Pier
- Max 6 feet width
- Ramp
- Max 4 feet width

Note: Before designing a dock, determine grating and sizing requirements required by WDFW, DNR, and the US Army Corps of Engineers.

The drawings below are examples of what would be allowed per Mason County's SMP. Other designs are permitted, as long as they meet the maximum attachment areas, lengths parallel to shore, and lengths perpendicular to shore.

Residential Docks on Lakes:

<table>
<thead>
<tr>
<th># of Owners</th>
<th>Maximum Area (sq ft)</th>
<th>Max. Length (ft) Parallel to Shore</th>
<th>Max. Length (ft) Perpendicular to Shore</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>250</td>
<td>20</td>
<td>60</td>
</tr>
<tr>
<td>2</td>
<td>350</td>
<td>40</td>
<td>65</td>
</tr>
<tr>
<td>3-4</td>
<td>480</td>
<td>40</td>
<td>70</td>
</tr>
<tr>
<td>5-6</td>
<td>600</td>
<td>40</td>
<td>80</td>
</tr>
<tr>
<td>7-8</td>
<td>720</td>
<td>40</td>
<td>95</td>
</tr>
<tr>
<td>9-10</td>
<td>840</td>
<td>40</td>
<td>110</td>
</tr>
</tbody>
</table>

* For community docks, the # of owners is the # of residential lots in shoreline jurisdiction to a maximum of 10.
* Measured from the Ordinary High Water Mark.

Note: The dock designs shown below are entirely fixed docks (pier design), but any configuration of pier, ramp, and float is acceptable, as long as the maximum dimensional standards are met. For example, the drawing to the left would be allowed for a joint use for two owners.

The landing landward of OHWM shall be the minimum necessary to anchor and provide access to the dock.
Mason County
ALLOWED SALTMWATER DOCK DESIGNS
FOR SINGLE FAMILY RESIDENTIAL USE

Key:
- **Float**
  - Max 8 ft. width
- **Pier**
  - Max. 6 feet width
- **Ramp**
  - Max. 4 feet width

Residential Docks on Saltwater:

<table>
<thead>
<tr>
<th># of Owners</th>
<th>Maximum Area (sq ft)</th>
<th>Max. Length (ft) Parallel to Shore</th>
<th>Max. Length (ft) Perpendicular to Shore</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>350</td>
<td>30(^A)</td>
<td>120(^BC)</td>
</tr>
</tbody>
</table>

A Dimension does not include mainstem of dock. E.g. if the mainstem is 6 feet, the total width parallel to shore may be up to 31 feet.

B Measured from the Ordinary High Water Mark.

C The Administrator may approve a different dock or pier length when needed, to avoid known eelgrass beds, forage fish habitats, or other near shore resources up to a maximum of 150 feet (as measured from OHWM), beyond which would require a Variance.

Note: Before designing a dock, determine grating and sizing requirements required by WDFW, DNR, and the US Army Corps of Engineers.

The drawings below are examples of what would be allowed per Mason County's SMP. Other designs are permitted, as long as they meet the maximum attachment areas, lengths parallel to shore, and lengths perpendicular to shore.

Ordinary High Water Mark

The landing landward of OHWM shall be the minimum necessary.
Note: Before designing a dock, please review the requirements for residential docks and the US Army Corps of Engineers.

Key:
- Max. 6 feet width
- Max. 4 feet width
- 150°
- 125°
- 90°
- 60°
- 30°
- 15°
- 4.5°
- 9°
- 4.5°
- 1.5°
- 6°
- 6°
- 12°
- 12°
- 6°

Residential Dock Designs

<table>
<thead>
<tr>
<th># of Owners</th>
<th>Max. Length (ft)</th>
<th>Max. Length (ft) Perpendicular to Shore</th>
<th>Area (sq ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>500</td>
<td>150°</td>
<td>90</td>
</tr>
<tr>
<td>2</td>
<td>700</td>
<td>125°</td>
<td>60</td>
</tr>
<tr>
<td>3</td>
<td>700</td>
<td>90°</td>
<td>60</td>
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<td>4</td>
<td>700</td>
<td>60°</td>
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<td>500</td>
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<td>6</td>
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<td>125°</td>
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<td>90°</td>
<td>150</td>
</tr>
<tr>
<td>8</td>
<td>500</td>
<td>60°</td>
<td>150</td>
</tr>
</tbody>
</table>

The diagrams below are examples of what would be allowed per Mason County's SMR. Other designs are permitted as long as they meet the maximum footprint area.

May 2015
1. Mapped/Documented Archaeological Areas and Historic Structures

a. Any project within the shoreline jurisdiction has a ground breaking component shall be sent to the Department of Archaeology and Historic Preservation and the Tribes within County jurisdiction for archaeological review, as soon as Mason County has been notified of the project proponent's intent in writing. The notified Tribes will have 14 days from the date of notice from Mason County to reply to the County. If Mason County has not heard from the notified Tribes within 14 calendar days of notification, it will be assumed that the Tribes have no concern with the project. If said project triggers SEPA compliance, then notification will be accomplished in the SEPA Process.

b. When the County receives a complete application permit or exemption with a ground breaking or ground covering component for a project within shoreline jurisdiction on a property within 500 feet of a known, documented archaeological area or historic site, the County shall require or within 100 feet of a known, documented historic structure, the applicant shall provide a cultural resource site assessment to determine the presence of historic or significant archaeological or historic resources in the area of the proposal. This requirement for a site assessment may be waived with the Department of Archaeology and Historic Preservation and Tribal consent, if the applicant can demonstrate the proposed development clearly will not disturb the ground or impact a known site or resource.

c. If the cultural resource site assessment identifies the presence of archaeological, historic, or cultural resources, appropriate recommendations shall be included as part of the assessment.

d. Site assessments prepared for archaeological areas shall be prepared by a professional archaeologist, as defined under RCW 27.53.030(11). Site assessments prepared for historic structures shall be prepared by a historic preservation professional. Site assessments shall meet the survey and inventory standards in the "Washington State Standards for Cultural Resources Reporting" dated January 2013, or as amended thereafter. The landowner or project proponent shall be responsible for any professional service fees.

d. The County shall forward the site assessment to DAHP and the applicable Tribe, who will have 14 days to provide comment. If they have found that the site assessment submitted by the applicant is not complete (per (c) above),
the permit will be placed on hold by the County until 14 days after the County forwards
the revised assessment to DAHP and the applicable Tribe.

e. The County may condition the permit so that the applicant obtains any
necessary DAHP permits under RCW 27.53, or implements any avoidance,
minimizing, or mitigating factors recommended by the author of the report,
DAHP, and/or the applicable Tribe. The County may also condition the permit
so that the applicant obtain DAHP permits and/or notify Tribes prior to
proceeding with development.

In order to provide the Tribes and DAHP the opportunity to determine if a
proposed project is near a known cultural resource, whether or not it is
depicted on the map that the County utilizes, Mason County will provide on
their website a link that will generate a table of permit and exemption
application case numbers, dates received or entered into the database,
project locations, and project descriptions. The Tribes and DAHP will have 14
days from the date the application information is available on the website to
recommend that the County require the applicant to submit a cultural
resource site assessment. However, if the project requires SEPA review, and if
the County is the lead agency, the comment period is extended to include the
SEPA comment period.

If a cultural resource site assessment identifies the presence of significant
archaeological or historic resources, the applicant shall provide a Cultural Resource
Management Plan (CRMP). The plan shall include:

a. The purpose of the project and relevant site-plan information including depth
   and location of ground disturbing activities;

b. An explanation of why the proposed activity requires a location on, or access
   across and/or through, a significant archaeological or historic resource;

c. A description of the archaeological or historic resources affected by the
   proposal;

d. An assessment of the archaeological or historic resource and an analysis of the
   potential adverse impacts as a result of the activity;

e. Recommended measures to avoid adverse impacts;

f. A recommendation of appropriate mitigation measures for unavoidable
   impacts, which may include but are not limited to the following:

   i. Recording the site with the State Department of Archaeology and Historic
      Preservation, or listing the site in the National Register of Historic Places,
      Washington Heritage Register, as applicable, or locally developed historic
      registers;

   ii. Adaptive reuse of buildings or structures according to the U.S. Secretary
       of the Interior's Standards for Rehabilitation;

   iii. Preservation in-place;

   iv. Reinterment in the case of grave sites;
v. Covering an archaeological site with a nonstructural surface to discourage pillage (e.g., maintained grass or pavement);
vi. Excavation and recovery of archaeological resources;
vi. Inventorying prior to covering of archaeological resources with structures or development; and
viii. Monitoring of construction excavation.

4. Site assessments and CRMPs required by this section shall be prepared by a professional archaeologist or historic preservation professional, as applicable. The landowner or project proponent shall be responsible for any professional service fees.

5. The county shall notify and request recommendations from the Washington State Department of Archaeology and Historic Preservation and affected tribes prior to approval of the CRMP. The notification request shall include a description of the proposed project action including timing, location, scope, and resources affected. The notification shall include a statement of the limits of the comment period, the right of each agency to comment on the application within a 15-day time period, receive notice of and participate in any hearings, request a copy of the decision once made, and to appeal a decision when allowed by law.

6. The recommendations and conclusions of the CRMP shall be used to inform the county’s final administrative decisions concerning the presence and extent of historic/archaeological resources and appropriate mitigating measures.

7. The county may reject or request revision of the conclusions reached in a CRMP when the county can demonstrate that the assessment is inaccurate or does not fully address the historic/archaeological resource management concerns involved.

2. Inadvertent Discovery.

a. If items of possible historic, archaeological or cultural interest are inadvertently discovered during any new shoreline use or development, the proponent shall immediately stop work and notify the County Department of Community Development, Washington State Department of Archaeology and Historic Preservation, and the affected tribes. The stop work order shall remain in effect until DAHP has authorized that the proposed development may proceed.

b. Prepare a site assessment pursuant to this section to determine the significance of the discovery and the extent of damage to the resource;

c. Distribute the site assessment to the Washington State Department of Archaeology and Historic Preservation and affected tribes for a 30-day review to determine appropriate treatment measures for the discovery;

d. Maintain the work stoppage until the County consults about the site with the above-listed agencies or governments, or if the above-listed agencies or governments have failed to respond within the 30-day review period following certified mailing or other transmittal of the site assessment; and

Comment [RD16]: PAC Decision on 6/16/2013: Charges of d.

Comment [RD15]: Stated in a and b above.
e. Prepare a CRMP pursuant to this section if the County treatment measures are necessary.

b. If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity shall cease that may cause further disturbance to those remains. The area of the find shall be secured and protected from further disturbance. The finding of human skeletal remains shall be first reported to local law enforcement and the county medical examiner/coroner in the most expeditious manner possible. The remains shall not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they shall report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains.

9. Upon inadvertent discovery of human remains, the County Sheriff, Coroner, and state Department of Archaeology and Historic Preservation (DAHP) must be immediately notified.

3. 10. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve archaeological or historical resources, the construction necessary to protect the project property may be exempted from the requirement to obtain a Shoreline Substantial Development Permit. The County shall notify the State Department of Ecology, the State Attorney General's Office, potentially affected tribes, and the State Department of Archaeology and Historic Preservation of such a waiver within 30 days of such action.