Mason County SMP Title 17.50

Draft

1/17/2013
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Chapter 17.50  Zoning – Shoreline Master Program Regulations

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

17.50.015 Adoption Authority
This Program is adopted under the authority granted by the Shoreline Management Act (Act) of 1971, Revised Code of Washington (RCW) Chapter 90.58, and Washington Administrative Code (WAC) Chapter 173-26 as amended.

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

17.50.030 Application of Regulations
A. These regulations shall apply to all the lands and waters that are designated to be under the jurisdiction of the Shoreline Management Act of 1971 (RCW 90.58.030). The waterbodies listed in the tables below constitute shorelines of the state within Mason County jurisdiction. These shorelines are also illustrated on the Official Shoreline Environment Designations Map.

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

C. All non-federal uses and developments undertaken on federal lands and on lands subject to non-federal ownership, lease, or easement, even though such lands may fall within the external boundaries of federally owned lands.

D. Federal agencies are subject to this Program and RCW 90.58, as provided by the Coastal Zone Management Act (Title 16 United States Code §1451 et seq.; and WAC 173-27-060).

E. The provisions of this Program shall not apply to lands held in trust by the United States for Indian Nations, tribes or individuals.

17.50.032-17.50.034: These sections are moved to 17.50.080 Permit Criteria and Exemptions

Mason County Shorelines of the State – Marine waters
<table>
<thead>
<tr>
<th>#</th>
<th>Marine Area</th>
<th>Length (Miles)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Hood Canal *</td>
<td>85.0</td>
</tr>
<tr>
<td>2</td>
<td>South Puget Sound, including Case Inlet, Pickering Passage, Oakland Bay, Totten Inlet and Skookum Inlet</td>
<td>132.4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>217.4</td>
</tr>
</tbody>
</table>

* Shoreline of Statewide Significance

Mason County Shorelines of the State – Streams

<table>
<thead>
<tr>
<th>#</th>
<th>WRIA</th>
<th>Stream Name</th>
<th>Length (Miles)</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>14a</td>
<td>Kennedy-Goldsborough</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Coulter Creek</td>
<td>0.9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cranberry Creek</td>
<td>5.2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Deer Creek</td>
<td>3.1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Goldsborough Creek</td>
<td>7.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Gosnall Creek (Mill Creek downstream of Isabell Lake)</td>
<td>16.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Johns Creek</td>
<td>4.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kennedy Creek</td>
<td>2.2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>North Fork Goldsborough Creek</td>
<td>3.4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sherwood Creek</td>
<td>9.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Schumacher Creek</td>
<td>6.2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Schneider Creek</td>
<td>0.1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Skookum Creek</td>
<td>5.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>South Fork Goldsborough Creek</td>
<td>1.9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Winter Creek</td>
<td>4.1</td>
</tr>
<tr>
<td></td>
<td>15</td>
<td>Tahuya Peninsula (Kitsap)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dewatto River</td>
<td>6.6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mission Creek</td>
<td>3.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rendsland Creek</td>
<td>2.1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tahuya River</td>
<td>17.5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Union River</td>
<td>4.8</td>
</tr>
<tr>
<td></td>
<td>16/14b</td>
<td>Skokomish-Dosewallips</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hamma Hamma River</td>
<td>6.5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jefferson Creek</td>
<td>1.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lilliwaup Creek</td>
<td>3.8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>McTaggart Creek</td>
<td>0.9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>North Fork Skokomish River</td>
<td>4.8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Skokomish River</td>
<td>7.9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>South Fork Skokomish River</td>
<td>12.0</td>
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<td></td>
<td></td>
<td>Vance Creek</td>
<td>5.5</td>
</tr>
<tr>
<td></td>
<td>22</td>
<td>Lower Chehalis</td>
<td></td>
</tr>
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<td></td>
<td></td>
<td>Baker Creek</td>
<td>1.7</td>
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<td></td>
<td></td>
<td>Bingham Creek</td>
<td>10.4</td>
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<td></td>
<td></td>
<td>Canyon River</td>
<td>1.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cloquallum Creek</td>
<td>10.8</td>
</tr>
<tr>
<td>#</td>
<td>WRIA</td>
<td>Stream Name</td>
<td>Length (Miles)</td>
</tr>
<tr>
<td>----</td>
<td>------</td>
<td>---------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>32</td>
<td>Decker Creek</td>
<td>11.3</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Dry Bed Creek</td>
<td>10.3</td>
<td></td>
</tr>
<tr>
<td>34</td>
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</tr>
<tr>
<td>35</td>
<td>Dry Run Creek</td>
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<td></td>
</tr>
<tr>
<td>36</td>
<td>East Fork Satsop River</td>
<td>17.6</td>
<td></td>
</tr>
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<td>37</td>
<td>Middle Fork Satsop River</td>
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<td></td>
</tr>
<tr>
<td>38</td>
<td>Outlet Creek</td>
<td>9.1</td>
<td></td>
</tr>
</tbody>
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Mason County Shorelines of the State – Lakes

<table>
<thead>
<tr>
<th>#</th>
<th>WRIA 14a - Kennedy-Goldsborough</th>
<th>Acres</th>
<th>Perimeter (miles)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Benson Lake</td>
<td>79.8</td>
<td>1.7</td>
</tr>
<tr>
<td>2</td>
<td>Catfish Lake</td>
<td>25.1</td>
<td>1.4</td>
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<tr>
<td>4</td>
<td>Cranberry Lake</td>
<td>397.5</td>
<td>8.7</td>
</tr>
<tr>
<td>6</td>
<td>Fawn Lake</td>
<td>56.7</td>
<td>2.3</td>
</tr>
<tr>
<td>7</td>
<td>Forbes Lake</td>
<td>37.6</td>
<td>1.0</td>
</tr>
<tr>
<td>8</td>
<td>Hanks Lake</td>
<td>21.5</td>
<td>1.2</td>
</tr>
<tr>
<td>9</td>
<td>Isabella Lake</td>
<td>338.0</td>
<td>5.1</td>
</tr>
<tr>
<td>10</td>
<td>Island Lake</td>
<td>104.8</td>
<td>2.0</td>
</tr>
<tr>
<td>11</td>
<td>Johns Lake*</td>
<td>16.4</td>
<td>1.0</td>
</tr>
<tr>
<td>12</td>
<td>Lake Anderson</td>
<td>45.3</td>
<td>2.2</td>
</tr>
<tr>
<td>13</td>
<td>Lake Limerick</td>
<td>132.0</td>
<td>4.4</td>
</tr>
<tr>
<td>14</td>
<td>Lost Lake</td>
<td>122.6</td>
<td>3.1</td>
</tr>
<tr>
<td>15</td>
<td>Mason Lake</td>
<td>977.2</td>
<td>11.1</td>
</tr>
<tr>
<td>16</td>
<td>Panhandle Lake</td>
<td>22.0</td>
<td>0.9</td>
</tr>
<tr>
<td>17</td>
<td>Phillips Lake</td>
<td>106.5</td>
<td>2.6</td>
</tr>
<tr>
<td>18</td>
<td>Trails End Lake (aka Prickett Lake)</td>
<td>73.0</td>
<td>2.2</td>
</tr>
<tr>
<td>19</td>
<td>Rex Lake</td>
<td>29.7</td>
<td>1.2</td>
</tr>
<tr>
<td>20</td>
<td>Spencer Lake</td>
<td>212.8</td>
<td>5.0</td>
</tr>
<tr>
<td>21</td>
<td>Timber Lake</td>
<td>123.1</td>
<td>4.4</td>
</tr>
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</table>

WRIA 15 - Tahuya Peninsula (Kitsap)

<table>
<thead>
<tr>
<th>#</th>
<th>Lake Name</th>
<th>Acres</th>
<th>Perimeter (miles)</th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>Blacksmith Lake</td>
<td>27.2</td>
<td>1.4</td>
</tr>
<tr>
<td>23</td>
<td>Erdman Lake</td>
<td>26.8</td>
<td>0.9</td>
</tr>
<tr>
<td>24</td>
<td>Goat Ranch Lake</td>
<td>32.0</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Haven Lake</td>
<td>69.5</td>
<td>2.2</td>
</tr>
<tr>
<td>26</td>
<td>Lake Bennettsen</td>
<td>26.9</td>
<td>1.1</td>
</tr>
<tr>
<td>27</td>
<td>Lake Wooten</td>
<td>68.0</td>
<td>1.6</td>
</tr>
<tr>
<td>28</td>
<td>Maggie Lake</td>
<td>22.5</td>
<td>1.1</td>
</tr>
<tr>
<td>29</td>
<td>Panther Lake</td>
<td>101.0</td>
<td>1.8</td>
</tr>
<tr>
<td>30</td>
<td>Section 1 Pond</td>
<td>38.7</td>
<td>1.7</td>
</tr>
<tr>
<td>31</td>
<td>Tee Lake</td>
<td>47.5</td>
<td>2.0</td>
</tr>
<tr>
<td>32</td>
<td>Tiger Lake</td>
<td>104.0</td>
<td>2.3</td>
</tr>
<tr>
<td>33</td>
<td>Twin Lakes</td>
<td>40.5</td>
<td>1.8</td>
</tr>
<tr>
<td>#</td>
<td>WRIA 14a - Kennedy-Goldsborough</td>
<td>Acres</td>
<td>Perimeter (miles)</td>
</tr>
<tr>
<td>----</td>
<td>----------------------------------------------------------</td>
<td>-------</td>
<td>-------------------</td>
</tr>
<tr>
<td>34</td>
<td>Unnamed Lake - Elfendahl Pass</td>
<td>38.7</td>
<td>1.7</td>
</tr>
<tr>
<td></td>
<td><strong>WRIA 16/14b - Skokomish-Dosewallips</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>Lake Cushman*</td>
<td>4014.8</td>
<td>25.8</td>
</tr>
<tr>
<td>36</td>
<td>Lake Komanee</td>
<td>105.3</td>
<td>5.6</td>
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<tr>
<td>37</td>
<td>Lilliwaup Swamp</td>
<td>451.2</td>
<td>9.4</td>
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<td>38</td>
<td>Melbourne Lake</td>
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<td>39</td>
<td>Price Lake</td>
<td>192.3</td>
<td>4.4</td>
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<td>40</td>
<td>West Lake</td>
<td>34.5</td>
<td>1.9</td>
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<td>41</td>
<td>Devereaux Lake</td>
<td>98.1</td>
<td>2.6</td>
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<td>42</td>
<td>Coon Lake</td>
<td>20.4</td>
<td>1.0</td>
</tr>
<tr>
<td></td>
<td><strong>WRIA 22 - Lower Chehalis</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>Star Lake (aka Lystair Lake)</td>
<td>40.8</td>
<td>2.1</td>
</tr>
<tr>
<td>44</td>
<td>Nahwatzel Lake</td>
<td>280.2</td>
<td>3.0</td>
</tr>
<tr>
<td>45</td>
<td>Lake Arrowhead (aka Simpson Lake)</td>
<td>33.5</td>
<td>2.9</td>
</tr>
<tr>
<td>46</td>
<td>Stump Lake</td>
<td>74.9</td>
<td>3.1</td>
</tr>
<tr>
<td></td>
<td><strong>Total Miles</strong></td>
<td></td>
<td><strong>145.9</strong></td>
</tr>
</tbody>
</table>

* Shoreline of Statewide Significance
17.50.040 Definitions

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

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

Accessory Dwelling Units (ADUs). Separate living quarters attached or detached from the primary residence which contain less habitable area than the primary residence. An ADU is not an appurtenance.

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

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

Agricultural Activity. Uses and practices including but not limited to producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation. Excluded from this definition are transportation of products, related commercial or industrial uses such as wholesale and retail sales or final processing.

Agricultural products. Includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products.

Agricultural equipment and agricultural facilities. Includes, but is not limited to:

(a) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;

(b) Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;

(c) Farm residences and associated equipment, lands, and facilities; and

(d) Roadside stands and on-farm markets for marketing fruit or vegetables.

Agricultural land. Those specific land areas on which agricultural activities are conducted as of the date of adoption of this local master program as evidenced by aerial photography or other documentation. After the effective date of this master program, land converted to agricultural use is subject to compliance with the requirements of this master program.
**Application.** A Substantial Development Permit application, Variance Permit application, Conditional Use Permit application, or Exemption application.

**Appurtenance.** An appurtenance which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. Normal appurtenances include a garage; deck; driveway; utilities; storage shed which is (one story and has less than a 600 square foot footprint); woodshed; pump house; landscape wall and grading which does not exceed 250 cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. It does not include bulkheads and other shoreline modifications or over-water structures.

**Aquaculture.** Aquaculture is the culture and farming of fish, shellfish or other aquatic animals and plants. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery. 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. Upland finfish facilities are regulated under agriculture.

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

**Archaeological area.** A geographic locality that contains physical evidence of an indigenous and subsequent culture including material remains of past human life, monuments, symbols, tools, facilities, graves, skeletal remains and technological byproducts.

**Archaeologist.** A person with qualifications meeting the federal secretary of the interior’s standards for a professional archaeologist; or a person who meets the requirements of RCW 27.53.030 (8).

**Associated Wetlands.** Those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Act.

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

**Beach access structure.** A structural pathway/walkway for purposes of providing pedestrian access to a beach or shoreline area, not for motorized vehicle access. It often includes a stairway, tram, stair tower, platform and/or elevated walkway anchored to the ground surface by structural means.

**Bioengineering.** 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. Bioengineering approaches may include use of large woody debris.

**Bluff backed beach.** Coastal bluffs fronted by narrow mixed sand and gravel beaches.

**Board.** The Board of County Commissioners of Mason County.
**Boat house.** Any walled and or roofed structure built overwater or upland and used exclusively for storage of watercraft or float planes with associated equipment and not used as a dwelling unit.

**Boat lift.** An in-water structure used to berth and launch a single vessel, suspended over the water’s surface. A boat lift is generally a manufactured unit without a canopy cover and may be placed in the water or attached to a dock. A boat lift may be designed either for boats or personal watercraft. A boat lift is to be differentiated from a hoist or crane used for the launching or haul-out of vessels. Boat lift with canopies are considered covered moorage.

**Boat Launch.** An inclined slab, concrete boat ramp, set of pads, planks, marine rails, or graded slope used for transferring marine vessels or equipment to or from land or water.

**Boating facilities.** Any facility for launching or wet storage of vessels or watercraft. This includes marinas, overwater or upland boat houses, boat launches, boat lifts, mooring buoys, piers, floats and docks or any other similar single-use or shared-use facility for public recreational use or private residential use. Commercial boat repair shops and upland (dry) boat storage structures are considered under Commercial use regulations.

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

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

**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.

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

**Channel Migration Zone (CMZ).** Areas along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

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

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

**Community Dock.** A dock providing moorage for watercraft and recreational activities for use in common by residents of a certain subdivision, community, or for use by patrons of a public park or quasi-public recreation area, including rental of water craft. Marinas are not considered community docks.

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

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

**Confinement areas.** Corrals or other concentrated animal keeping areas. Confinement areas are concentrated areas and do not include the entire fenced perimeter of a parcel.

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

**County.** Mason County.

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

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

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

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

**Dock.** A structure built over or floating upon the water that abuts the shore, used as a landing and moorage facility for watercraft. Docks do not include recreational decks, storage facilities or other appurtenances. Docks include any combination of pier, ramp and float attached to the shore.

**Dredging.** The removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies, ditches or wetlands; maintenance dredging and other support activities are included in this definition. The de minimis movement of sediment during shellfish harvest is not considered dredging. “Maintenance dredging” means dredging for the purpose of maintaining a prescribed minimum...
depth previously authorized by a federal, state, and/or local permit as part of any specific waterway project. Maintenance dredging also includes dredging that maintains the previously authorized width of a channel, boat basin or berthing area. “Non-maintenance dredging” means any dredging that is not maintenance dredging.

**Dredge Spoil.** The material removed by dredging.

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

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

**Ecological Functions or Shoreline Functions.** The work performed or role played by the physical, chemical and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem.

**Eelgrass.** Eelgrass refers to Zostera marina. NOTE: Japanese Eelgrass is invasive and is not protected under this program.

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

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

**Excavation.** The mechanical removal of earth, including soil, rocks, bedrock, and/or root material.

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

**Existing Lots.** Lots, tracts, parcels, sites or other fractional part of divided land that was legally established in accordance with local and state subdivision requirements prior to the effective date of this Program.

**Existing Uses.** Uses that were legally established prior to the effective date of this Program in accordance with the applicable regulations at the time established.

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

**Fair Market Value.** The fair market value of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.
**Feasible.** For purpose of this program, feasible means that an action, such as a development project, mitigation, or preservation requirement, meets the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
2. The action provides a reasonable likelihood of achieving its intended purpose; and
3. The action does not physically preclude achieving the project’s primary intended legal use.

In cases where this program requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action’s infeasibility, the reviewing agency may weigh the action’s relative public costs and public benefits, considered in the short- and long-term time frames.

**Fee In-lieu (In-Lieu Fee).** A fee paid to a sponsor to satisfy compensatory mitigation requirements when mitigation is precluded from being completed on-site due to site development of physical constraints.

**Feeder bluff.** A bluff experiencing periodic erosion from waves, sliding or slumping and/or whose eroding material is naturally transported by longshore drift and provides the building blocks and nourishment for spits, bars, hooks, and other accretion shore forms.

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

**Fetch.** The perpendicular distance across the channel or inlet.

**Fill.** The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. Depositing topsoil in a dry upland area for normal landscaping purposes is not considered a fill.

**Finfish.** Finfish means a vertebrate organism of the classes Osteichthyes, Agnatha, or Chondrichthyes (RCW 77.08.22). Examples include salmon, trout, ling cod, rock fish, halibut, sole, sablefish, perch, pollock, whiting, tilapia, carp, lamprey, sturgeon, sharks, skates, and rays.

**Finfish net pens.** Aquaculture systems for raising finfish in net pens that are typically anchored to the waterbody floor and suspended from the surface with a flotation structure.

**Float.** A float is a platform structure that provides landing for water dependent recreation or moorage for vessels or watercraft, and that does not include above water storage. Floats may be either attached or unattached. Unattached Floats are anchored in and floating upon a water body and not connected to the shore. Attached Floats are supported by pilings or anchored to a pier, ramp or other structure connected to the shore.

**Floating aquaculture.** Aquaculture systems that suspend the cultured species in the water column using buoys, rafts, docks, or other structure. Floating aquaculture is synonymous with hanging aquaculture. Finfish net pens are defined and regulated separately from other floating aquaculture systems.
**Floating house.** Any floating structure that is designed, or has been substantially and structurally remodeled or redesigned, to serve primarily as a residence. Floating houses include house boats, house barges, or any floating structures that serve primarily as a residence and do not qualify as a vessel. A floating structure that is used as a residence and is capable of navigation, but is not designed primarily for navigation, nor normally is capable of self propulsion and use as a means of transportation, is a floating house, not a vessel per WAC 332-30-106.

**Floodplain.** The area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. Floodplain is synonymous with one hundred-year floodplain as defined by the Federal Emergency Management Agency. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

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

**Forage fish.** Small, schooling fishes that are key prey items for larger predatory fish and wildlife in a marine food web. Puget Sound species include, but are not limited to, Pacific herring, surf smelt, Pacific sand lance and northern anchovy. Each species has specific habitat requirements for spawning, such as sediment grain size, tidal heights, or vegetation types. Known spawning and holding areas have been mapped by the Department of Fish and Wildlife.

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

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

**Grading.** Stripping, cutting, filling, or stockpiling earth to create new grade. Grading includes excavation of material and addition of fill.

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

**Hearings Board.** The State Shorelines Hearings Board established by the Act in RCW 90.58.170.
**Height.** Height is measured from average grade level to the highest point of a structure: provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or this master program specifically requires that such appurtenances be included: provided further, that temporary construction equipment is excluded in this calculation.

**Historic Preservation Professional.** A person who hold a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus at least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

**Historic Site.** Those sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places, or locally developed historic register.

**Home Occupation.** A business conducted within a dwelling which is the residence of the principal practitioner. A Home Occupation may be reviewed as a residential use provided it complies with all applicable County Ordinances and no alteration is made to the exterior of the residence or site which would alter the character of the site as residential property including parking and signs.

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

**In-stream structure.** A human-made structure placed within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment, or the diversion, obstruction, or modification of water flow. Instream structures may include those for hydroelectric generation, irrigation, water supply.

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

**Joint-Use Private Dock.** A dock for exclusive use by two or more adjacent waterfront lot owners, excluding community docks and marinas.

**Landscape Wall.** A non-living fence or wall. A hedge of shrubs or trees is not considered a landscape wall or fence.

**Legal, nonconforming lot.** An undeveloped lot, tract, parcel, site or division of land which was established in accordance with local and state subdivision requirements prior to the effective date of this Program and does not conform to the present County lot size standards.

**Littoral Drift (or transport).** The natural movement of sediment, particularly sand and gravel, along shorelines by wave action in response to prevailing winds or by stream currents. (See Drift Sector.)
**Lot.** A fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts, or parcels. Where the context so indicates, lots, tracts or parcels may refer to subdivided lands not conforming to, or in violation of, zoning or subdivision regulations.

**Lot Coverage.** The percent or square footage of a lot that will be covered by the modification.

**Low Impact Development (LID).** A stormwater management strategy that emphasizes conservation and use of existing natural site features integrated with distributed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial, and industrial settings. The term may also be used to describe any type of development which incorporates new or experimental best management practices to reduce environmental impacts.

**Macroalgae.** Refers to kelp and other algae species visible to the naked eye that provide food and habitat structure for marine organisms.

**Marina.** A commercial moorage with or without dry storage facility for over ten pleasure or commercial craft excluding canoes, kayaks and rowboats. Boat lifts, boat launches and covered moorage may also be included. Marinas may be open to the general public or restricted on the basis of property ownership or membership. Commercial services include but are not limited to overnight or live-aboard boating accommodations. Goods or services related to boating may be sold commercially. Uses associated with marinas shall conform to the regulations for these uses.

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

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

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

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

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

**Multi-family Dwelling.** A building designed or used for a residence by three or more household units, including but not limited to apartments, condominium complexes, and townhouses.
**Must.** A mandatory term that means an action is required.

**Native Vegetation.** Plant species that are indigenous to Mason County.

**No Net Loss** The maintenance of the aggregate total of the County’s shoreline ecological functions. The no net loss standard requires that the impacts of shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated such that there are no resulting adverse impacts on ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss requirement.

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

**Non-floating aquaculture.** Bottom aquaculture systems on tidelands or bedlands.

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

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

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

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

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

**Person.** An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.
**Pier.** An open pile structure generally built from the shore extending out over the water to provide water access or moorage for recreation, commercial or industrial watercraft and/or float planes.

**Port District:** Port Districts are governmental entities established under Title 53 RCW which are formed by a vote of the residents in an area to promote and support economic development within that area. Any geographical area could be designated as a port district whether it is on a waterfront or not. Ports can engage in almost any activity that provides jobs, supports local business, or facilitates economic stability in their districts. Most port districts in Mason County operate public marinas in addition to other economic development activities both on and off of the shoreline. Port district developments are regulated according to the proposed use of the shoreline. For example, if a port district proposed a marina, the boating facility regulations would apply. If a port district proposed a marine terminal, the industrial and marine terminal regulations would apply.

**Priority species.** Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

A. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011(1)), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the Washington Department of Fish and Wildlife (POL-M 6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

B. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

C. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

D. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

**Public Access.** The ability of the general public or, in some cases, a specific community, to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

**Ramp.** An access structure from a fixed pier or the land to a float. For this program, a concrete boat ramp is considered a Boat Launch.

**Recreational Development.** It includes facilities such as campgrounds, recreational vehicle parks, day use parks, etc. This applies to both publicly and privately owned shoreline facilities intended for use by the public or private club, individual group or association.

**Residential Development.** The development of single family, accessory dwelling units, duplex and multi-family dwellings and their appurtenances for residential occupancy.

**Restoration.** The reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of fill, removal of intrusive shoreline structures and removal or treatment
of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

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

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

**Road and Railway Development.** Includes also related bridges and culverts, fills, embankments, causeways, parking areas, truck terminals and rail switchyards, sidings and spurs

**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.

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

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

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

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

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

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

**Shoreline Stabilization (or “bank stabilization”).** Actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by processes such as current, flood, tides, wind, or wave action. These actions include a range of methods from "hard" structural methods such as bulkheads, and “softer” nonstructural methods such as bioengineering.

**Should.** The particular action is preferred unless there is a demonstrated, compelling reason, removal based on policy of the Act and this Program, against taking the action (WAC 173-26-020 (32).
**Significant vegetation removal.** The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant impacts to ecological functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

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

**Stream.** An area where surface waters produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the annual 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 includes drainage ditches or other artificial water courses where natural streams existed prior to human alteration, and/or the waterway is used by anadromous or resident salmonid or other fish populations.

**Structure.** A permanent or temporary building or edifice of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels. Retaining walls, decks, bulkheads, fences and similar improvements to real property are examples of structures.

**Subdivision.** The division or redivision of land for purposes of sale, lease or transfer of ownership into two or more.

**Substantial Development.** Any development of which the total cost or fair market value exceeds Six thousand four hundred sixteen (6,416) Dollars, or any development which materially interferes with normal public use of the water or shorelines of the state; except that those developments defined above as an “exemption” do not require a substantial development permit but may require a variance or conditional use permit. The dollar threshold must be adjusted for inflation every five years, as defined in WAC 173-27-040(2).

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

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

**Toe.** The lowest part of a slope or cliff; the downslope end of an alluvial fan, landslide, etc.

**Transportation Facilities.** Facilities consisting of the means and equipment necessary for the movement of passengers or goods.

**Upland finfish rearing facilities.** Those facilities not located within waters of the state where finfish are hatched, fed, nurtured, held, maintained, or reared to reach the size of release or for market sale. This includes fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated public or private facility.

**Urban Growth Area (UGA).** Those areas designated by Mason County pursuant to RCW 36.70A.110 for urban development.
Use. The end to which a land or water area is ultimately employed.

Utilities. Services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, or waste.

Variance. An adjustment in the application of this program's regulations to a particular site pursuant to Chapter 7.28, to grant relief from a specific bulk, dimensional or performance standards set forth in the applicable Master Program and not a means to vary the use of a shoreline.

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

Vegetation. All live plant material, including native and non-native, woody and herbaceous, deciduous and evergreen, trees and understory groundcover, aquatic and terrestrial.

Vegetative debris. All dead and downed plant material, naturally expired or portions of a plant removed intentionally, such as by trimming, resulting from native and non-native, woody and herbaceous, deciduous and evergreen, trees and understory groundcover, aquatic and terrestrial source. Examples include, but are not limited to, leaves, needles, branches, limbs, annual herbaceous growth, and grass clippings. A standing tree snag is not considered vegetative debris for the purposes of this Program.

Vegetation removal. Physical extraction, including the whole plant plus its root structure, or trimming in excess of that which a plant can survive even though the root structure is left in place, or chemical expiration of plant material.

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

Water-enjoyment use. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

Water Oriented Use. A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

Water Related Use. A use that is not intrinsically dependent on a waterfront location but whose operation cannot occur economically and functionally without a shoreline location because (1) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or (2) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include but are not limited to warehousing of goods transported by water, seafood processing, oil refineries, paper and wood mills (if materials or products are water transported) and ships’ parts and equipment fabrication.
**Weir.** A small dam-like structure, usually engineered logs placed in streams, which changes the stream gradient.

**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.

### 17.50.050 Environment designations

#### 1. Purpose and Criteria

Shoreline environment designations are classifications of shoreline areas that reflect local shoreline conditions, including ecological functions and shoreline development.

**A. “Natural” Shoreline Environmental Designation**

1. Purpose

The purpose of the Natural designation is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded ecological functions that would become irreversibly impaired as a result of human development and activity. These systems require that only very low intensity uses be allowed in order to maintain ecological functions and ecosystem-wide processes.

2. Designation Criteria

Shorelines that are relatively unaltered and provide high shoreline ecological functions and have one or more of the following qualities:

- a. Areas that are ecologically intact and perform irreplaceable ecological functions or ecosystem-wide processes;
- b. High value wetland complexes with important ecological functions that have generally intact buffers;
- c. High quality estuaries;
- d. High quality accretional spits;
- e. High quality bluff-backed beaches, barrier beach, barrier estuary, deltas;
- f. Feeder bluffs that have minimal or no existing development above or below the slope;
- g. Cold water inputs and springs that have been identified to be critical for salmonid habitats;
- h. Areas that are critical for the support of priority wildlife species (waterfowl concentrations, bald eagle habitat);
i. Areas with which Federal or State endangered and threatened of wildlife have a primary association;

j. Forested riparian areas predominantly composed of native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies;

k. Areas of particular scientific and educational interest; or

l. Puget Sound Nearshore Estuary Restoration Program score of “least degraded.”

B. “Conservancy” Shoreline Environmental Designation

1. Purpose

The purpose of the Conservancy designation is to protect and restore ecological functions and conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use and recreational opportunities

2. Designation Criteria

Shorelines with one or more of the following qualities:

a. Partially developed or relatively intact areas that include landslide or erosion hazard areas, feeder bluffs, wetlands, high quality riparian areas, or other critical areas;

b. Areas that are currently supporting resource-based uses, such as forestry or aquaculture;

c. Partially developed or relatively intact areas that include channel migration zones or extensive floodplains; or

d. Areas designated as forestry lands per Comprehensive Plan designations that do not qualify as Natural shoreline environments.

e. Currently supporting or can support low-intensity recreational activities (e.g., small campgrounds, unpaved trails);

f. Currently supporting or can support low-intensity water-dependent uses;

g. High recreational value or with unique historic or cultural resources; or

h. Puget Sound Nearshore Estuary Restoration Program score of “less degraded.”

C. “Rural” Shoreline Environmental Designation

1. Purpose

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

2. Designation Criteria

Shorelines located outside UGAs, RACs, and Hamlets that are developed or partially developed; characterized by large lot sizes; designated Rural Residential 10, Rural Residential
20, Rural Multi-family, In-holding Lands, or Agricultural Resource Lands; and have one or more of the following qualities:
   a. A mix of uses including agriculture, large lot residential, tree farms, and/or moderately intensive recreation (RV or tent campgrounds, paved trails, day-use parks);
   b. Developed or partially developed areas that include channel migration zones or floodplains; or
   c. Areas designated as agricultural lands per Comprehensive Plan designations.

D. “Residential” Shoreline Environmental Designation

1. Purpose

The purpose of the Residential designation is to accommodate residential development in areas already developed with or planned primarily for residential uses. Intensive recreational uses and public access are appropriate provided impacts to ecological functions are mitigated or avoided.

2. Designation Criteria

Shorelines that are developed; characterized by small lot sizes; designated as Rural Residential 2.5, Rural Residential 5, Allyn UGA residential zones, or Belfair UGA residential zones; and have one or more of the following:
   a. Areas that are predominantly developed with single-family or multifamily residential development;
   b. Areas planned and platted for residential development, but are not predominantly characterized by critical areas, floodplains and/or channel migration zones;
   c. Areas with a proliferation of docks/piers and structural armoring;
   d. Areas developed with or planned for highly intensive recreational uses (e.g., marinas, boat launches); or
   e. Puget Sound Nearshore Estuary Restoration Program nearshore degradation score of moderate to most degraded.

E. “Urban Commercial” Shoreline Environmental Designation

1. Purpose

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

2. Designation Criteria

Shorelines inside UGAs, RACs, or Hamlets that have the following qualities:
   a. Existing or planned high intensity commercial land uses in already developed areas; or
   b. Areas developed with water-dependent commercial uses requiring frontage on navigable waters.
F. "Aquatic" Shoreline Environmental Designation

1. Purpose

The purpose of the "aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.

2. Criteria

The Aquatic environment designation applies to all shoreline areas waterward of the ordinary high water mark on both freshwater and saltwater.

2. ENVIRONMENT DESIGNATIONS MAP

The Mason County Official Shoreline Environmental Designations Map (herein referred to as "map") is hereby made a part of this Title. The map illustrates shoreline environment designations that apply to each segment of the Shoreline jurisdiction, clearly indicating, by color code, the particular environment designation for all shoreline planning areas.

A. Mapping Boundaries

Where the exact location of a jurisdiction or environment designation boundary line is uncertain, the official environment designation map will be used to determine the location of such line. When resorting to the environment designation map does not resolve the conflict, the following rules will apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other roadways shall be construed to follow such center lines;

2. Boundaries indicated as approximately following lot, fractional section or other subdivision lines shall be construed as following such subdivision lines;

3. Boundaries indicated as approximately following any lines of corporate limits or other local government jurisdictional lines shall be construed as following such lines;

4. Boundaries indicated as following railroad lines shall be construed as following the center line of the railroad right-of-way;

5. Boundaries indicated as parallel to or extensions of features identified in subsections 1 through 4 above shall be so construed;

6. Boundaries between parallel environment designations shall be construed as the top of the bluff or vegetation line that distinguishes existing development from the critical area abutting the shoreline;

7. When not specifically indicated on the environment designation map, distances shall be determined by the scale of the map;

8. Where existing physical or cultural features are at variance with those shown on the environment designation map and cannot be determined with certainty by applying subsections 1 through 6 above, the County shall determine the location or existence of such
feature utilizing the provisions of WAC 173-27-211, the policies of RCW 90.58.020, and the corresponding Master Program provisions herein; and

9. Where a developed road intersects the shoreline jurisdiction such that the intersect is between two distinct parcels, or where a parcel is separated from the water by an additional parcel, the parcel on the landward side may not be required to meet certain Mason County Shoreline Master Program development regulations for that designation (such as public access, water-oriented use, or vegetation conservation standards), provided all other applicable provisions of this Program are met, including no net loss of shoreline ecological functions.

B. Mapping Errors

Some mapping errors may be adjusted prior to a Master Program amendment to assign the appropriate designation to that area by the following methods:

1. The common boundary descriptions and the criteria in RCW 90.58.030(2) and Chapter 173-22 WAC supersede the map when there are mapping error conflicts, other than those with a solution provided in this section.

2. In the event that a jurisdictional area, including associated wetlands, is not mapped, it will automatically be assigned a "Conservancy" designation. Such designation will apply until a Master Program amendment is approved that assigns the appropriate designation to the subject area.

3. In the event that a parcel was inadvertently assigned more than one designation (perpendicular to the shore), the more restrictive designation shall apply.

4. In the event that a parcel on the boundary between two designations appears to be a mapping error based on the criteria in this section, the County shall apply the most appropriate of the two designations, until such time as the map can be formally corrected consistent with WAC 173-26-100).

5. In the event of an environment designation mapping error where the Master Program update or amendment record, including the public hearing process, is clear in term of the correct environment designation to apply to a property, the County shall apply the environment designation approved through the Master Program Update or Amendment process and correct the map.

6. If the environment designation criteria were misapplied, but the map does not show an unintentional error, a Master Program amendment may be obtained consistent with WAC 173-26-100. This process is intended to allow for reasonable flexibility in the Shoreline Environment Designation process. Such process shall include early consultation with the Department of Ecology and appropriate public process prior to local approval.

3. Project Classifications

1. Development proposals that propose to locate along the shoreline are categorized within each shoreline designation as "permitted", "conditional uses", or "prohibited". This priority system determines the proposal's administrative requirements and encourages activities that are compatible with each shoreline designation.
2. During application review, the basic element or intent of a proposed development will guide in the determination of the proposal’s particular use activity. When a proposal contains two or more use activities, including accessory uses, the most restrictive category will be applied to the entire proposal.

3. Definitions:

   a. Permitted. Those allowed uses that are preferable and meet the policies of the particular shoreline designation. See definition of Substantial Development Permit and 17.50.080 of the Shoreline Master Program.

   b. Conditional Use. A Conditional Use Permit is intended to allow for flexibility and the exercise of judgment in the application of regulations in a manner consistent with the policies of the Shoreline Management Act and the Master Program. While not prohibited, these uses are an exception to the general rule. Criteria used for judging conditional uses are outlined in 17.50.080 of the Shoreline Management Program.

   c. Prohibited. Some developments and uses are viewed as inconsistent with the definition, policies or intent of the shoreline environmental designation. For the purposes of this program, these uses are not considered appropriate and are not allowed, including by Conditional Use or Variance.
Table 17.50.050-1 Project classification table

<table>
<thead>
<tr>
<th>SHORELINE USES AND MODIFICATIONS</th>
<th>SHORELINE ENVIRONMENT DESIGNATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Urban</td>
</tr>
<tr>
<td>Agriculture</td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>P</td>
</tr>
<tr>
<td>Commercial Feedlots</td>
<td>X</td>
</tr>
<tr>
<td>Upland finfish rearing facilities</td>
<td>X</td>
</tr>
<tr>
<td>Aquaculture</td>
<td></td>
</tr>
<tr>
<td>Non-floating</td>
<td>P</td>
</tr>
<tr>
<td>Floating</td>
<td>P</td>
</tr>
<tr>
<td>Finfish net pens</td>
<td>C</td>
</tr>
<tr>
<td>New gravel enhancement projects&gt;1,000 cubic yards</td>
<td>n/a</td>
</tr>
<tr>
<td>Commercial geoduck</td>
<td>C</td>
</tr>
</tbody>
</table>

Boating Uses

<table>
<thead>
<tr>
<th>Boating Uses</th>
<th>Hood Canal</th>
<th>South Puget Sound</th>
<th>Lakes</th>
<th>Rivers</th>
<th>Unattached Floats</th>
<th>Motorized boat launches</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>C</td>
<td>C/P</td>
<td>P</td>
<td>X</td>
<td>n/a</td>
<td>P</td>
</tr>
<tr>
<td>C</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>n/a</td>
<td>X</td>
</tr>
<tr>
<td>C</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>n/a</td>
<td>X</td>
</tr>
<tr>
<td>C</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>n/a</td>
<td>X</td>
</tr>
<tr>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>n/a</td>
<td>X</td>
</tr>
<tr>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>n/a</td>
<td>X</td>
</tr>
</tbody>
</table>

* Indicates no significant environmental impact.
<table>
<thead>
<tr>
<th>SHORELINE USES AND MODIFICATIONS</th>
<th>Urban Commercial</th>
<th>Residential</th>
<th>Rural</th>
<th>Conservancy</th>
<th>Natural</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td>(marine rails, boat ramps, etc.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-motorized boat launches</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>*</td>
</tr>
<tr>
<td>Mooring buoys</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>P</td>
</tr>
<tr>
<td>Boat house on land</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Boat house over water/Covered moorage</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>X</td>
</tr>
<tr>
<td>Boat lifts</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>X</td>
<td>*</td>
</tr>
<tr>
<td>Marinas</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>*</td>
</tr>
</tbody>
</table>

**Commercial Development**

| Water-oriented uses               | P               | C           | C     | C           | X       | X       |
| Non-water dependent with waterfront | C           | C           | X     | X           | X       | X       |
| Non-water dependent without waterfront | P           | P           | C     | C           | X       | n/a     |

**Forestry**

| Forestry                          | X               | P           | P     | P           | C       | X       |

**In-stream Structures**

| Utility-related                   | C               | C           | C     | C           | X       | *       |
| Habitat enhancement               | P               | P           | P     | P           | P       | *       |
| Other                             | C               | C           | C     | C           | X       | *       |

**Mining**

| Mining                            | C               | C           | C     | C           | X       | C/X     |
# Shoreline Uses and Modifications

## Shoreline Environment Designations

<table>
<thead>
<tr>
<th>SHORELINE USES AND MODIFICATIONS</th>
<th>SHORELINE ENVIRONMENT DESIGNATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Urban Commercial</td>
</tr>
<tr>
<td>Outdoor Advertising, Signs and Billboards</td>
<td>Outdoor advertising</td>
</tr>
<tr>
<td>Industrial and Marine Terminal Development</td>
<td>Water-dependent, water-related and water-related</td>
</tr>
<tr>
<td></td>
<td>Non-water oriented</td>
</tr>
<tr>
<td>Recreational Development</td>
<td>Campgrounds</td>
</tr>
<tr>
<td></td>
<td>Parks</td>
</tr>
<tr>
<td></td>
<td>Duplex</td>
</tr>
<tr>
<td></td>
<td>Multi-family</td>
</tr>
<tr>
<td></td>
<td>Accessory Dwelling Uses</td>
</tr>
<tr>
<td></td>
<td>Floating Homes</td>
</tr>
<tr>
<td>Restoration and Enhancement Projects</td>
<td>Restoration and Enhancement Projects</td>
</tr>
</tbody>
</table>
## SHORELINE USES AND MODIFICATIONS

<table>
<thead>
<tr>
<th>SHORELINE USES AND MODIFICATIONS</th>
<th>SHORELINE ENVIRONMENT DESIGNATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Urban Commercial</td>
</tr>
<tr>
<td>Transportation Facilities</td>
<td></td>
</tr>
<tr>
<td>Transportation (Rocks and Railways)</td>
<td>P</td>
</tr>
<tr>
<td>Parking – accessory to permitted use</td>
<td>P</td>
</tr>
<tr>
<td>Parking – Primary Use</td>
<td>X</td>
</tr>
<tr>
<td>Utilities</td>
<td></td>
</tr>
<tr>
<td>Production and processing</td>
<td>C</td>
</tr>
<tr>
<td>Transmission facilities</td>
<td>P</td>
</tr>
</tbody>
</table>

### SHORELINE MODIFICATIONS

#### Beach Access Structures

| Beach access structures | P | P | P | P | C | * |

#### Breakwaters, jetties, groins

| Breakwaters, jetties, groins | C | C | C | C | X | C |

#### Dredging and dredge material disposal

| Maintenance dredging | n/a | n/a | n/a | n/a | n/a | P/C |
### SHORELINE USES AND MODIFICATIONS

<table>
<thead>
<tr>
<th>SHORELINE USES AND MODIFICATIONS</th>
<th>Urban Commercial</th>
<th>Residential</th>
<th>Rural</th>
<th>Conservancy</th>
<th>Natural</th>
<th>Aquatic</th>
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</thead>
<tbody>
<tr>
<td>Non-maintenance dredging</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
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<td>Dredge material disposal</td>
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<td>C</td>
<td>C/X</td>
<td>X</td>
<td>X</td>
<td>C</td>
</tr>
<tr>
<td>Restoration dredging and disposal</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C/P</td>
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</table>

### Flood Protection

<table>
<thead>
<tr>
<th>SHORELINE USES AND MODIFICATIONS</th>
<th>Urban Commercial</th>
<th>Residential</th>
<th>Rural</th>
<th>Conservancy</th>
<th>Natural</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dams for the sole purpose of flood protection</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>All other flood protection structures, including</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>dikes and levees</td>
<td></td>
<td></td>
<td></td>
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</table>

### Grading, fill and excavation

<table>
<thead>
<tr>
<th>SHORELINE USES AND MODIFICATIONS</th>
<th>Urban Commercial</th>
<th>Residential</th>
<th>Rural</th>
<th>Conservancy</th>
<th>Natural</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water-dependent</td>
<td>P</td>
<td>P/C</td>
<td>P/C</td>
<td>C/X</td>
<td>X</td>
<td>C</td>
</tr>
<tr>
<td>Non-water dependent</td>
<td>C</td>
<td>C/X</td>
<td>C/X</td>
<td>C/X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Sanitary landfill</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<td>X</td>
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</tr>
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</table>

### Shoreline Stabilization

<table>
<thead>
<tr>
<th>SHORELINE USES AND MODIFICATIONS</th>
<th>Urban Commercial</th>
<th>Residential</th>
<th>Rural</th>
<th>Conservancy</th>
<th>Natural</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shoreline stabilization</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>*</td>
</tr>
</tbody>
</table>

**KEY:**
- **P** = Permitted
- **C** = Conditional Use
- **X** = Prohibited
- **n/a** = Not Applicable
- * = See upland designation
17.50.055 General Regulations

This section describes general regulations which apply to all shorelines of the state that are located in Mason County. The General Regulations section is used in conjunction with more specific use regulations.

A. NO NET LOSS AND MITIGATION

1. All shoreline use and development, including preferred uses and uses that are exempt from permit requirements, shall be located, designed, constructed, conducted, and maintained in a manner that maintains shoreline ecological functions.

2. Proponents of new shoreline use and development shall employ measures to mitigate unavoidable adverse environmental impacts to ensure no net loss of ecological functions necessary to sustain shoreline resources.

3. Mitigation measures shall be applied in the following sequence of steps listed in order of priority:
   a. Avoiding the adverse 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. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
   d. Reducing or eliminating the impact over time by preservation and maintenance operations;
   e. Compensating for the adverse impact by replacing, enhancing, or providing substitute resources or environments;
   f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

4. In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

5. Required mitigation shall not exceed a level necessary to assure that proposed uses or development will result in no net loss of shoreline ecological functions.

6. Mitigation actions shall not have a significant adverse impact on other shoreline uses fostered by the policies of the Shoreline Management Act.

7. Compensatory mitigation measures shall occur in the vicinity of the impact or at an alternative location within the same watershed or marine shoreline reach that provides greater and more sustainable ecological benefits. When determining whether offsite mitigation provides greater and more sustainable benefits, the County shall consider limiting factors, critical habitat needs, and other factors identified by a locally adopted shoreline restoration plan, or an approved watershed or comprehensive resource management plan. The County may also approve use of alternative mitigation practices such as in-lieu fee programs, mitigation banks, and other similar approaches provided they have been approved and sanctioned by the Department of Ecology and other applicable state and federal agencies.
8. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions. Mitigation activities shall be monitored and maintained by the applicant to ensure they achieve intended functions. The County may require an applicant to post a bond or provide other financial surety equal to the estimated cost of the mitigation in order to ensure the mitigation is carried out successfully. The bond/surety shall be refunded to the applicant/proponent upon completion of the mitigation activity and any required monitoring.

9. Land that is constrained by critical areas and buffers shall not be subdivided to create parcels that are only buildable through a shoreline variance or would be considered non-conforming.

B. CRITICAL AREAS

Note: The proposed SMP relies in great part on the existing Mason County Resource Ordinance. The county is aware of duplicate numbering sequence in county code (MCC 17.01 was inadvertently used twice). The references to the Resource Ordinance are to the latest adopted version (June 2009). The final SMP will reference the correct final citation to the Resource Ordinance.

1. Applicability

1. Subject to exceptions listed below, the critical area provisions of the Mason County Resource Ordinance (MCC 17.01) adopted on August 3rd 1993 as Ordinance Number 77-93 and last amended on June 16th 2009 as Ordinance Number 54-09 are adopted by reference and shall apply within shoreline jurisdiction.

2. Critical area provisions do not extend shoreline jurisdiction beyond the limits specified in this SMP. For regulations addressing critical area buffers that are outside Shoreline Jurisdiction, see Resource Ordinance, Chapter 17.01 MCC.

3. In the event provisions of MCC 17.01 are found inconsistent with standards and requirements in this Program, this Program shall govern. MCC 17.01.050D, which states that in the case of overlapping regulations, the more applicable regulation shall prevail, does not apply in shoreline jurisdiction.

4. MCC 17.01 does not create any exceptions to requirements for a shoreline substantial development permit, shoreline variance, or shoreline conditional use permit unless the activity is exempt from permit requirements under the Shoreline Management Act, RCW 90.58.030(3)(e).

5. The following procedural provisions of MCC 17.01 do not apply in shoreline jurisdiction:

   a. Development applications that are processed according to the Reasonable Use Exception provisions of MCC 17.01.120(K) or Variance provisions of MCC 17.01.150 shall be processed as a shoreline variance.

   b. MCC 17.01.140 regarding Nonconforming use and development shall be subject to MCC 17.50.055K within shoreline jurisdiction.

   c. MCC 17.01.180 regarding Appeals does not apply within shoreline jurisdiction.
d. MCC 17.01.190 regarding Judicial Review does not apply within shoreline jurisdiction.

2. Buffers and setbacks

1. Buffers and setbacks in shoreline jurisdiction are consistent with requirements of MCC 17.01, except as specified below and in Table 055-1.

2. Unless otherwise specified, buffers shall be maintained in predominantly natural, undisturbed, undeveloped and vegetated condition. Buffers shall not extend across lawfully established paved roads or hardened surfaces to include areas which are functionally isolated from the critical area.

3. New shoreline development shall be located landward of the minimum shoreline buffer plus building setback, except as specified in this Program or with the approval of a shoreline variance.

4. If buffers for any critical areas are contiguous or overlapping, the buffers and setbacks that are most protective of shoreline ecological resources shall apply.

5. In accordance with RCW 90.58.065, this Program shall not restrict existing or ongoing agricultural activities occurring on agricultural lands.

3. Wetlands

1. MCC 17.01.070.B and C regarding Wetland Designations and Procedures are not applicable to wetlands in Shoreline Jurisdiction. Instead, identification of wetlands and delineation of their boundaries pursuant to this SMP shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the County’s Shoreline Jurisdiction meeting wetland designation criteria are subject to the provisions of this program.

2. MCC 17.01.070.E.3.d regarding selective commercial timber cutting is not applicable to wetlands in shoreline jurisdiction.

4. Landslide hazard areas

1. Buffers for new development on designated landslide hazard areas are consistent with Mason County Resource Ordinance, MCC 17.01.100.D(6), except:

   a. In Conservancy and Natural environments, reduction of the landslide hazard area buffer through submittal and approval of a Geotechnical Report or Geological Assessment is not allowed except through a variance process.

   b. In Urban Commercial, Residential and Rural environments, reduction of the landslide hazard area buffer through submittal and approval of a Geotechnical Report or Geological Assessment is allowed when the report/assessment concludes that doing so would not result in an increased risk to people or property or impacts to shoreline ecological processes.

   c. Erosion rates measured over the long term (i.e., using at least a 75 year period) shall be evaluated in any Geotechnical Report or Geological Assessment
recommending a buffer width less than the applicable minimum. Under no circumstance may the buffer width for a marine bluff be less than a distance equal to the sum of the bluff erosion rate over at least 75 years plus 20 feet. Beach access structures are not subject to this provision.

d. In addition to other classification criteria established in MCC 17.01.100.A, the County shall consider mapped areas of bluff-backed beach, as determined by Puget Sound Nearshore Estuary Program shoreform mapping, in determining the extent of the landslide hazard area.

5. Fish and wildlife habitat conservation areas

1. As specified in MCC 17.01.110.D(1)(a), fish and wildlife habitat conservation area buffers are measured from the edge of the Ordinary High Water Mark, or a delineated Channel Migration Zone, whichever is greater.

2. Standard buffer widths are modified from MCC 17.01.110.D(2) within shoreline jurisdiction for saltwater shorelines designated Urban Commercial, Conservancy, and Natural as specified in Table 055-1.

3. As authorized by MCC 17.01.110.D(2)(a) special buffers may be authorized for single-family residences on existing lots in certain circumstances without a shoreline variance, provided the buffer shall not be less than 50 feet from the OHWM.

4. As authorized by MCC 17.01.110.D(2)(b), special exception for water-dependent uses may be authorized without a shoreline variance, if the development provides the standard buffer along as much of the shoreline as possible while making the minimum necessary adjustments to the buffer. Within shoreline jurisdiction the following water-oriented developments may also be permitted within a shoreline buffer without a shoreline variance, provided they meet all requirements of this Program, and the amount and extent of buffer modification is the minimum needed to accommodate the allowed development:

   a. Freshwater boating facilities accessory to a single-family residential development including pier, dock, float, boat ramp, boat lift, stairways, stair towers;

   b. Beach access structures;

   c. Public access structures, including but not limited to docks, piers, floats or pedestrian beach access structures accessory to water-dependent commercial, industrial, port or other allowed uses/developments; and

   d. Utilities and essential public facilities as authorized under Utility regulations.

5. When new uses or development is proposed on sites where fish and wildlife conservation area buffer areas do not have native vegetation throughout, the buffer shall be enhanced with native woody trees and shrubs that contribute to habitat quality and ecological functions, proportionate to the impacts of the proposed development.

6. A building setback of 15 feet is required from the landward edge of shoreline buffers. The exception to this setback requirement in MCC 17.01.110.D(1)(c) for saltwater shorelines and lakes excluding Conservancy shorelines does not apply.
6. Frequently Flooded Areas

1. Shoreline uses and developments shall be consistent with MCC Chapter 14.22 Flood Damage Prevention, or as amended.

2. New development shall not reduce the effective flood storage volume of the regulatory floodplain. A development proposal shall provide compensatory storage if grading or other activity eliminates effective flood storage volume. Compensatory storage shall not be required in coastal or lacustrine floodplains. Compensatory storage may not be required in specific instances where flooding results from emergent groundwater, or where flooding occurs behind levees or in backwater areas without salmonid access and where effects to habitat and flood storage functions are negligible. The County shall require documentation completed by a qualified professional providing evidence that a proposal for floodplain fill would have no effect on effective flood storage.

Compensatory storage shall:

a. Provide equivalent volume at equivalent elevations to that being displaced. For this purpose, “equivalent elevation” means having similar relationship to ordinary high water and to the best available 10-year, 50-year and 100-year water surface profiles;

b. Be hydraulically connected to the source of flooding;

c. Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins (September 30); and

d. Be designed to prevent fish stranding. In areas where salmonid access and presence is reasonably expected during 100-year flood events, newly created storage area shall be graded and vegetated to allow fish access during flood events without creating fish stranding sites.

3. Development within a channel migration zone or floodway that can be reasonably expected to require structural flood protection during the useful life of the structure is prohibited.

4. Development and shoreline modifications that would result in interference with the process of channel migration that may cause significant adverse impacts to property or public improvements and/or result in a net loss of shoreline ecological functions within the rivers and streams shall be prohibited.

5. The County shall require an assessment delineating the outer boundaries of a channel migration zone under the following circumstances:

a. Development is proposed within a channel migration zone study area according to the 2011 Ecology CMZ Characterization or the 2009 Geomorphic Analysis of the Skokomish River report; and

b. Development has the potential to interfere with the process of channel migration that may cause significant adverse impacts to property or public improvements or result in a net loss of shoreline ecological functions within the rivers and streams.

6. The assessment shall be prepared by an engineering geologist, a geotechnical engineer, or a civil engineer licensed in the State of Washington shall include review of
historic and current aerial photos and maps and field analysis of specific channel and valley bottom characteristics. This regulation shall not be construed as necessarily requiring an extensive reach level channel migration zone study for each development; however, assessments should be based on the guidance provided by Ecology on Channel Migration Assessments.

7. Based on the results of the assessment, the Shoreline Administrator may limit development in the channel migration zone and require a buffer of undisturbed natural vegetation from the edge of the channel migration zone consistent with Table 055-1.

C. DIMENSIONAL STANDARDS FOR SHORELINE DEVELOPMENT

1. Table 055-1 establishes buffer and dimensional standards for shoreline development.

2. A standard height limit of thirty-five feet (35’) shall apply within shoreline jurisdiction, unless Mason County zoning code requires a lesser height. Height is measured according to MCC 17.50.040, Definitions. Power poles and transmission towers associated with allowed uses and developments are not subject to height limits but shall not be higher than needed to achieve the intended purpose. Consistent with MCC 17.01.061D, agricultural buildings, cell towers, antennas and water tanks are also not subject to height limits.

3. In Conservancy and Natural shoreline environments maximum impervious coverage shall be limited to ten percent (10%) or 2,550 square feet, whichever is greater. The impervious lot coverage is calculated by dividing the total area of impervious surface (e.g., driveways, buildings, patios, parking lots) located in shoreline jurisdiction by the total lot area that is within shoreline jurisdiction (landward of the OHWM) and then multiplied by one-hundred (100) to convert to percentage points.

4. Minimum lot width shall comply with the dimensions in Table 055-1.
Table 17.50.055-1 Buffer and dimensional standards for shoreline development

<table>
<thead>
<tr>
<th></th>
<th>Urban Commercial</th>
<th>Residential</th>
<th>Rural</th>
<th>Conservancy</th>
<th>Natural</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Minimum Fish &amp; Wildlife Habitat Conservation Area buffer (in feet)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Streams</td>
<td>150'</td>
<td>150'</td>
<td>150'</td>
<td>150'</td>
<td>150'</td>
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<tr>
<td>Saltwater</td>
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<td>100'</td>
<td>100'</td>
<td>150'</td>
<td>150'</td>
<td>NA</td>
</tr>
<tr>
<td>Lakes</td>
<td>100'</td>
<td>100'</td>
<td>100'</td>
<td>100'</td>
<td>100'</td>
<td>NA</td>
</tr>
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<td><strong>2. Minimum Landslide hazard buffer (in feet)</strong></td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
<td>NA</td>
</tr>
<tr>
<td><strong>3. Minimum building setback from landward edge of shoreline buffer (in feet)</strong></td>
<td>15'</td>
<td>15'</td>
<td>15'</td>
<td>15'</td>
<td>15'</td>
<td>NA</td>
</tr>
<tr>
<td><strong>4. Maximum Height limit (in feet)</strong></td>
<td>35'</td>
<td>35'</td>
<td>35'</td>
<td>35'</td>
<td>35'</td>
<td>NA</td>
</tr>
<tr>
<td><strong>5. Maximum impervious surface coverage (percent of lot or square feet)</strong></td>
<td>See Current Adopted Stormwater Manual for standards</td>
<td>10%</td>
<td>10%</td>
<td>NA</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>6. Minimum lot width (in feet)</strong></td>
<td>50'</td>
<td>50'</td>
<td>100'</td>
<td>200'</td>
<td>200'</td>
<td>NA</td>
</tr>
</tbody>
</table>

1. Consistent with Mason County Resource Ordinance, MCC 17.01.100.
2. Varies from Mason County Resource Ordinance, MCC 17.01.110.D, Table 3
3. Consistent with Mason County Resource Ordinance, MCC 17.01.100.D
4. Unless a lesser height is required by Zoning

**E. VEGETATION CONSERVATION**

1. Unless otherwise specified, all shoreline uses and development shall comply with the buffer provisions of this program to protect and maintain shoreline vegetation.

2. Vegetation clearing in shoreline jurisdiction shall be limited to the minimum necessary to accommodate approved shoreline development. Outside shoreline buffers, vegetation removal shall comply with applicable requirements for clearing and grading, forest practices, and protection standards for fish and wildlife habitat. Clearing non-native vegetation is allowed.

3. Removal of dangerous trees, establishment of view corridors, trimming, pruning, maintenance of existing landscaped areas, and noxious weed removal in buffers shall
be conducted in accordance with the regulations in the Mason County Resource Ordinance, MCC 17.01.070D.2.i, MCC 17.01.100.D(2)(c), and MCC 17.01.110.F.

F. VIEWS AND AESTHETICS

1. The following standards shall apply to developments and uses within the jurisdiction of this Program:
   a. Where commercial, industrial, multifamily and/or multi-lot developments are proposed in locations that would interrupt existing shoreline views, primary structures shall provide for reasonable view corridors.
   b. Buildings shall incorporate architectural features that reduce scale such as setbacks, pitched roofs, offsets, angled facets, and recesses.
   c. Building surfaces on or adjacent to the water shall employ materials that minimize reflected light.
   d. Building mechanical equipment shall be incorporated into building architectural features, such as pitched roofs, to the maximum extent possible. Where mechanical equipment cannot be incorporated into architectural features, a visual screen shall be provided consistent with building exterior materials that obstructs views of such equipment.
   e. Any other design standards included in community plans or regulations adopted by Mason County.

2. To preserve aesthetic characteristics and minimize environmental impacts:
   a. For new residential construction, no fence or landscape wall shall be erected, placed or altered closer to the water than the landward edge of the required setback line;
   b. If an existing primary dwelling encroaches into the required buffer, fences or landscape walls may be allowed in the required buffer consistent with MCC 17.01.110.F(2), provided they do not exceed twenty four (24) inches in height;
   c. Fences or landscape walls that exceed twenty four (24) inches in height must be sited at or behind the building setback line;
   d. Fences and landscape walls shall not be allowed waterward of the ordinary high water mark.

G. WATER QUALITY AND QUANTITY

1. Shoreline use and development shall incorporate measures to protect and maintain surface and ground water quantity and quality in accordance with all applicable laws.

2. All shoreline uses and activities shall use effective erosion control methods during both project construction and operation. At a minimum, effective erosion control methods shall require compliance with the provisions of MCC Chapter 14.48 Stormwater Management.
3. Where permitted, on-site sewage systems shall be located and designed to meet all applicable water quality, utility, and health standards. The owner must be in compliance with the current edition of Mason County Public Health On-site Standards and Mason County Board of Health On-site Sewage Regulations.

4. Materials used for components that may come in contact with water shall be made of materials approved by applicable state agencies for use in water. Wood treated with creosote, copper chromium, arsenic, pentachlorophenol or other similarly toxic materials is prohibited for use in the Aquatic environment. Tires and tire by-products shall not be used for construction where they would contact the water. 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 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.

H. PUBLIC ACCESS

1. Public access shall be required to the extent allowed by law in the review of shoreline substantial development or conditional use permits in the following circumstances:
   a. The use or development is a public project; or
   b. The project is a water-enjoyment or non-water-oriented use or development; or
   c. The project is a residential development of more than 4 dwelling units; or
   d. The project is a subdivision of land into more than four parcels; or
   e. The project is a private water-dependent or water-related use or development and one of the following conditions exists:
      f. The project increases or creates demand for public access;
      g. The project impacts or interferes with existing access by blocking access or discouraging use of existing access;
      h. The project impacts or interferes with public use of waters subject to the Public Trust Doctrine.

2. The County bears the burden of demonstrating that a proposed use or development meets any of the preceding conditions.

3. Public access to the shoreline shall not be required of the following:
   a. Activities qualifying for a shoreline permit exemption; or
   b. New single family residential development of four (4) or fewer units.

4. The County may approve alternatives to on-site, physical access to the shoreline if the applicant can demonstrate with substantial and credible evidence that one or more of the following conditions exist:
a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any reasonable means;

b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;

c. The cost of providing the access, easement, or an alternative amenity, is unreasonably disproportionate to the total long term cost of the proposed development;

d. Environmental impacts that cannot be mitigated, such as damage to spawning areas or nesting areas, would result from the public access; and

e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.

5. To be exempt from the public access requirements above, the project proponent must demonstrate that all feasible alternatives have been considered, including, but not necessarily limited to:

a. Regulating access through means such as maintaining a gate and/or limiting hours of use; and

b. Separating uses and activities (e.g., fences, terracing, use of one-way glazing, hedges, landscaping, etc.).

6. When physical public access is deemed to be infeasible, the proponent shall provide visual access to the shore where site conditions make visual access possible.

7. Public access shall be located and designed to be compatible with the natural shoreline character, to avoid adverse impacts to shoreline ecological functions, and to ensure public safety.

8. When otherwise consistent with this Program, public access structures shall be allowed to encroach into the shoreline buffer when necessary to provide physical and or visual access to the water’s edge.

9. Public shoreline access provided by public road ends, public road rights-of-way, public utilities and rights-of-way shall not be diminished by the County, neighboring property owners, or other citizens, unless the property is zoned for industrial uses in accordance with RCW Chapter 36.87.130.

10. Public access sites shall be connected to the nearest public street and shall include improvements that conform to the requirements of the Americans with Disabilities Act (ADA) when feasible or required by law.

11. Opportunities for boat-in public access and access to remote shorelines not accessible by automobile shall be provided where feasible and appropriate.

12. When required for public land, commercial, port or industrial use/development, public access sites shall be fully developed and available for public use prior to final occupancy of such use or development.
13. Public access easements and permit conditions shall be recorded on the deed of title and/or the face of a short or long plat. Recordation shall occur at the time of final plat approval or prior to final occupancy.

14. The location of new public access sites shall be clearly identified. Signs shall be installed and maintained by the project proponent in conspicuous locations. The signs shall indicate the public’s right of access, hours of access, and other information as needed to control or limit access according to conditions of approval.

15. Existing, formal public access shall not be eliminated unless the applicant shows there is no feasible alternative and replaces the public access with access of comparable functions and value at another location.

16. Requirements or conditions for public access shall be consistent with all relevant constitutional and other legal limitations on regulation of private property.

17. The public access requirement is met where a single-family residential development of greater than four (4) parcels but less than ten (10) parcels provides community access to the shoreline or to a common waterfront lot/tract for non-commercial recreational use of the property owners and guests within the proposed subdivision. The proponent shall provide visual access to the shoreline via view corridors within the subdivision as illustrated on the final plan and as determined by Mason County. Existing lawfully established public access shall be maintained.

I. ARCHAEOLOGICAL AREAS AND HISTORIC SITES

1. 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.

2. When the County receives a complete development application 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 the applicant to provide a cultural resource site assessment to determine the presence of historic or significant archaeological resources in the area of the proposal. This requirement 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.

3. 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 registry;

   ii. Adaptive re-use of buildings or structures according to the U.S. Secretary of the Interior’s Standards for Rehabilitation;

   Preservation in place;

   iii. Reinterment in the case of grave sites;

   iv. Covering an archaeological site with a nonstructural surface to discourage pilferage (e.g., maintained grass or pavement);

   v. Excavation and recovery of archaeological resources;

   vi. Inventoring prior to covering of archaeological resources with structures or development; and

   vii. 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.
8. 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:

   a. Notify the County Department of Community Development, Washington State Department of Archaeology and Historic Preservation, affected tribes;  
   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  
   e. Prepare a CRMP pursuant to this section if the County treatment measures are necessary.

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

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 project may be exempted from the requirement to obtain a 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.

11. If a private or publicly owned building or structure of historic significance is identified, public access shall be encouraged as appropriate for purposes of public education; provided that:

   a. the type and/or level of public access is consistent with the property rights of any private owner and with the long term protection of both historic resource values and shoreline ecological functions; and  
   b. an access management plan is developed in accordance with site- and resource-specific conditions in consultation with the Washington State Department of Archaeology and Historic Preservation, and affected Tribes, to address:  
   c. The type and/or level of public access that is consistent with the long-term protection of both historic resource values and shoreline ecological functions, and with the property rights of any private owner;  
   d. Types and location of interpretative signs, displays and other educational materials; and
e. Site- and resource-specific conditions, including hours of operation, interpretive or directional signage, lighting, pedestrian access, and traffic and parking.

**J. EXISTING RESIDENTIAL STRUCTURES**

1. Legally established residential structures and appurtenances that are landward of the ordinary high water mark as of the date of adoption of this SMP shall be considered legal conforming structures even if they do not meet regulatory standards for setbacks, buffers, or yards; area; bulk; height; or density.

2. Expansion of legally established residential structures located overwater or in hazardous areas, such as floodways, floodplains or geologically hazardous areas is prohibited. Redevelopment or replacement of such structures may be considered as a conditional use and subject to limitations that ensures public health and safety.

3. Requests for expansion of a residential structure shall utilize the mitigation sequence and mitigation strategies set forth in this SMP to satisfy no net loss requirements.

4. If expansion of a nonconforming structure will result in better management of shoreline resources, expansion shall be approved.

5. Expansion to the main structure or the addition of a normal appurtenance shall only be accomplished by addition of space above the building footprint of the main structure; and/or by addition of space onto or behind that side of the main structure which is farthest away from the ordinary high-water mark and/or critical area.

   a. Applications for expansions upward shall demonstrate that impacts to existing views are minimized to the greatest extent practical.

   b. Applications for expansions outside the existing footprint in a buffer shall submit a Habitat Management Plan that identifies measures to protect habitat and mitigates for unavoidable impacts.

6. For the replacement of manufactured homes, a greater building footprint than existed prior to replacement may be allowed in order to accommodate the conversion of single-wide manufactured homes to double-wide manufactured homes. Applications for such replacements shall submit a Habitat Management Plan that identifies measures to protect habitat and mitigates for unavoidable impacts. Any increase greater than 50% of the existing home shall require a Variance.

7. Nothing in this regulation affects application of other federal or state requirements related to residential structures.

8. Floating homes legally established prior to January 1, 2011, are conforming preferred uses under this Program and may be remodelled, rebuilt (home torn down to the float and rebuilt in place), or replaced (existing home and float removed and a new home and float towed in) in situ, provided there is no increase in the surface water area covered by the floating homes and accessory structures including cantilevered portions that extend beyond the float.

**K. NONCONFORMING USES AND STRUCTURES**

This section on nonconforming structures is from MCC 15.09.055(B) and Ecology WAC 173-27-080.
1. Nonconforming structures and nonconforming uses are those that were lawfully constructed or established prior to the effective date of this Master Program but which do not conform to present regulations or standards of the Program. See special considerations under MCC 17.50.055 (J) “Existing Residential Structures.”

2. Structures that were legally established prior to this Program and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards, area, bulk, height or density may be maintained and repaired. Such structures may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses. Expansion or enlargement of such structures into areas prohibited by current bulk, dimensional or performance standards shall require a variance.

3. A use which was legally established but is nonconforming with regard to the use regulations of this program may continue as a legal nonconforming use. Such uses shall not be enlarged or expanded.

4. A use which is classified as a conditional use but which existed prior to adoption of this Program or any amendment thereto, and for which a conditional use permit has not been obtained, shall be considered a nonconforming use.

5. A structure for which a variance has been issued shall be considered a legal nonconforming structure, and the requirements of this section shall apply as they apply to preexisting nonconformities.

6. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use upon the approval of a shoreline conditional use permit, provided that:
   a. The proposed use will be as consistent with the policies and provisions of this Program and as compatible with uses in the area as the preexisting use; and
   b. Conditions may be attached to the permit that the County deems necessary to assure compliance with the requirements of this Program and to assure that the use will not become a nuisance or hazard.

7. A nonconforming structure which is moved any distance must be brought into conformance with the Program to the maximum extent practicable.

8. This program shall not restrict the reconstruction of a nonconforming structure which is damaged or destroyed by fire, accident or the elements, provided that nonconformance with the standards and regulations of this program shall not be increased by such reconstruction and provided applications for permits are submitted within two (2) years of the date of change.

9. If a nonconforming use is discontinued for twelve (12) consecutive months or twelve (12) months during any two (2) year period, the nonconforming rights shall expire and any subsequent use shall be conforming.

L. DEVELOPMENT ON LEGAL LOTS OF RECORD

Any legal lot of record, regardless of size has the potential to be developed provided that it can meet all requirements of the Program, Mason County, State and Federal Regulations or obtain a variance.
17.50.060 Use Regulations

1. AGRICULTURE

1. In accordance with RCW 90.58.065, this Program shall not restrict existing or ongoing agricultural activities occurring on agricultural lands. The regulations in this master program apply to:

   a. new agricultural activities on land not meeting the definition of agricultural land,
   
   b. conversion of agricultural lands to other uses, and
   
   c. other development on agricultural land that does not meet the definition of agricultural activities.

2. New agricultural uses and developments shall conform to the requirements of this Program, consistent with General Use Regulations.

3. The use of tanks and troughs for animal watering is encouraged; allowing animals direct, unrestricted access to surface water is not permitted. If stream crossings are necessary, bridges, culverts, or ramps shall be used to enable animal crossing without damaging the streambed or banks.

4. Surface water drainage and runoff shall be diverted away from animal confinement and waste storage sites.

5. Animal confinement areas shall be graded to slope away from surface water.

6. Gutters and downspouts shall be installed on roofs to prevent excess water from entering animal confinement areas. The roof water shall be managed consistent with Mason County’s current stormwater standards.

7. Wetlands shall not be used as animal containment sites.

8. Confinement areas shall be located away from perennial and intermittently flowing streams and other waterbodies in shoreline jurisdiction. A fenced buffer of permanent native vegetation consistent with MCC 17.50.060, General Use Regulations and at least 100 feet in width shall be maintained between confinement areas and water bodies.

9. Waste storage sites with the exception of manure lagoons shall be covered and contained with impermeable material. Waste storage sites shall be located outside of the floodway and should be located outside the 100-year floodplain, where feasible. Manure lagoons shall be set back 200 feet from all surface water and diked to withstand the 100-year base flood with three feet of overboard.

10. Tillage patterns which allow runoff directly into adjacent waters shall not be allowed. A buffer of permanent vegetation consistent with MCC 17.50.060, General Use Regulations shall be maintained between tilled areas and water bodies to retard surface runoff.
11. Commercial Feedlots are prohibited in Urban, Residential, Conservancy, Natural and Aquatic environments. They may be considered as a Conditional Use in Rural shoreline environments, provided they are set back a minimum of 200 feet from the ordinary high water mark and are not located within a channel migration zone.

12. Upland finfish rearing facilities are prohibited in Urban, Residential, Natural and Aquatic environments. They may be considered as a Conditional Use in Rural and Conservancy shoreline environments provided that non-water dependent components of the facility are set back from the ordinary high water mark consistent with General Use regulations.

13. Erosion control measures should conform to guidelines and standards established by the Natural Resource Conservation Service or other approved best management practices.

14. Pesticides shall be used, handled, and disposed of in accordance with provisions of the Washington State Pesticides Application Act (RCW 17.21) and the Washington State Pesticide Act (RCW 15.578) to prevent contamination and sanitation problems.

15. New agricultural uses and development in support of agricultural uses should be located and designed to avoid, minimize, and mitigate impacts to existing public access to or enjoyment of adjacent shoreline areas.

16. Soil Amendments derived from biosolids are discouraged in shoreline jurisdiction.

2. AQUACULTURE

A. General aquaculture regulations

1. Shoreline developments adjacent to areas suitable for aquaculture shall practice strict pollution control procedures. As required by MCC 17.01.110.G, design and siting of all new construction and major new development shall not adversely impact water quality.

2. Proposed residential subdivisions and other land uses and developments which may impact aquaculture operations shall provide facilities to prevent any adverse water quality impacts to such operations. As required by MCC 17.01.110.G, all projects should meet or exceed any storm water design requirements to avoid any risk of decertification of shellfish beds.

3. Site preparation and construction in the vicinity of aquaculture operations shall not result in off-site erosion, siltation, or other reductions in water quality. Land uses on erosion hazard areas shall meet the requirements of MCC 17.01.104.

4. Ongoing maintenance, harvest, replanting, restocking or changing the culture technique or species cultivated in any existing or permitted aquaculture operation shall not require a new permit, unless or until:

   a. the operation changes the scope and intent of the original permit as defined in MCC 15.09.055.H; or

   b. The facility proposes to cultivate species not previously cultivated in the state of Washington.
5. Floating aquacultural structures placed in such a manner, and be suitably sized and so as to minimize interference with navigation.

6. Consistent with mitigation sequencing, aquacultural uses and developments shall not materially interfere with surface water use. Mitigation may be required where necessary to offset material adverse impacts to normal public use of surface waters.

7. Aquaculture development shall not cause extensive erosion or accretion along adjacent shorelines.

8. Aquaculture structures and activities that are not shoreline dependent or do not have a functional relationship to the water shall be located landward of shoreline buffers required by this Program to minimize the detrimental impact to the shoreline. Overwater work shelters and overwater sleeping quarters accessory to non-water dependent aquaculture uses are prohibited.

9. Proposed aquaculture processing plants shall provide adequate buffers to screen potential impacts of operations (e.g., visual, odor, and noise impacts) from adjacent residential uses.

10. Aquaculture activities shall, to the greatest extent feasible with regard to the economic viability of the operation and protection of the environment be located, designed and operated so that native plant and animal populations, their respective habitats and the local ecological balance are maintained

   a. Aquaculture shall be located, designed and maintained to assure no net loss of ecological functions.

   b. As required by MCC 17.01.110.G, all activities in saltwater shall avoid impacts to eelgrass and kelp beds to the maximum extent practicable. Aquaculture use and development shall minimize shading and other adverse impacts to macroalgae and eelgrass beds. If eelgrass or macroalgae is known or suspected, an aquatic vegetation survey is required. Unavoidable impacts shall be addressed in a Habitat Management Plan that presents an acceptable mitigation plan. NOTE: regulatory protections do not apply to eelgrass or macroalgae that colonize a shellfish farm.

   c. Floating aquaculture uses and developments that require attaching structures to the bed or bottomlands shall use anchors, such as helical anchors, that minimize disturbance to substrate.

   d. Disease and pest control may be authorized, provided methods are allowed by federal and state regulations and follow best management practices. Aquaculture use and development shall employ the least harmful best management practices to control birds and mammals.

11. Floating aquaculture structures shall not substantially detract from the aesthetic qualities of the surrounding area, provided methods are allowed by federal and state regulations and follow best management practices. Aquaculture use and development shall employ the least harmful best management practices to control birds and mammals to the maximum extent practicable.

12. Aquacultural structures shall be placed in such a manner, and be suitably marked, so as to minimize interference with navigation.
13. Aquaculture development shall be designed and constructed with best management practices to minimize visual impacts and shall be maintained in a neat and orderly manner. Aquaculture facilities, except navigation aids, shall use colors and materials that blend into the surrounding environment where practicable.

14. Proposed aquacultural developments shall make adequate provisions to control nuisance factors such as excessive noise and odor and excessive lighting.

15. Aquacultural discards shall be disposed of in a manner that will not degrade associated uplands, wetlands, shorelines, or aquatic environments. Discards shall not be disposed of in a manner which results in offensive odors or increases the vector population. All waste-materials and discards shall be disposed of in strict compliance with all applicable governmental waste disposal standards, including but not limited to the Federal Clean Water Act, Section 401, and the Washington State Water Pollution Control Act (RCW 90.48).

16. Equipment, structures and materials shall not be abandoned in the shoreline or wetland area.

17. Precautionary measures shall be taken to minimize the risk of oil or other toxic materials from entering the water or shoreline area.

18. Gravel enhancement projects necessary to maintain existing shellfish beds are allowed. New projects that are not maintenance of existing beds and involve greater than one-thousand (1,000) cubic yards of material may be considered as a Conditional Use.

19. To minimize redundancy between federal, state and local aquaculture requirements, the county should use permit applications that mirror federal or state permit applications, and accept documentation that has been submitted to other permitting agencies wherever possible.

20. A written statement of exemption is required for aquaculture activities that do not constitute substantial development or otherwise require a Shoreline Permit. A written statement of exemption constitutes a valid authorization to conduct new or expanding aquaculture activities. A written statement of exemption shall provide a summary of the consistency of the aquaculture activities with this SMP and the Shoreline Management Act.

B. Finfish net pen regulations

1. Because of persistent low dissolved oxygen conditions, finfish net pen facilities shall not be located in the waters of Hood Canal, except for limited conservation needs targeting the cultivation of wild salmon stocks during a limited portion of their lifecycle to enhance restoration of native stocks when such activities involve minimal supplemental feeding and no use of chemicals or antibiotics.

2. Finfish net pens may be considered as a conditional use in waters outside Hood Canal, and shall meet the following criteria in addition to other applicable regulations:

   a. All in-water finfish aquaculture proposals shall include a site characterization survey, baseline surveys, and monitoring as described in the Department of Ecology Recommended Interim Guidelines for the Management of Salmon Net-pen Culture in Puget Sound (1986), or subsequent documents approved by the State.
b. Finfish net pens shall meet, at a minimum, State approved administrative guidelines for the management of finfish net pen cultures. In the event there is a conflict in requirements, the more restrictive requirement shall prevail.

c. Finfish net pens shall not occupy more than 2 surface acres of water area, excluding booming and anchoring requirements. Anchors that minimize disturbance to substrate, such as helical anchors, shall be employed. Such operations shall not use chemicals or antibiotics.

d. Finfish aquaculture proposals that include net pens or rafts shall not be located closer than 1 nautical mile to any other aquaculture facility that includes net pens or rafts; provided that, a lesser distance may be authorized if the applicant can demonstrate that the proposal will be consistent with the environmental and aesthetic policies and objectives of this Program. If a lesser distance is requested, the burden of proof shall be on the applicant to demonstrate that the cumulative impacts of existing and proposed operations would not be contrary to the policies and regulations of this Program.

e. In the event of a significant fish kill at the site of a net pen facility, the finfish aquaculture operator shall submit a timely report to the Mason County Department of Community Development stating the cause of death and shall detail remedial action(s) to be implemented to prevent reoccurrence.

C. Commercial geoduck aquaculture

1. In addition to the siting considerations in General Aquaculture Regulations, commercial geoduck aquaculture should only be allowed where sediments, topography, land and water access support geoduck aquaculture operations without significant clearing or grading.

2. As determined by Attorney General Opinion 2007 No. 1, the planting, growing, and harvesting of farm-raised geoduck clams requires a substantial development permit if a specific project or practice causes substantial interference with normal public use of the surface waters, but not otherwise.

3. Conditional use permits are required for new commercial geoduck aquaculture. Conversions from non-geoduck to geoduck within existing farm boundaries do not require a conditional use permit.

4. All subsequent cycles of planting and harvest shall not require a new conditional use permit.

5. Conditional use permits must take into account that commercial geoduck operators have a right to harvest geoduck once planted.

6. A single conditional use permit may be submitted for multiple sites within an inlet, bay or other defined feature, provided the sites are all under control of the same applicant and within county shoreline jurisdiction.

7. Unless already addressed in other applications, such as shoreline permit applications or habitat management plans, applications for new commercial geoduck aquaculture shall contain:
(a) A narrative description and timeline for all anticipated geoduck planting and harvesting activities if not already contained in the federal or state permit application or comparable information mentioned above.

(b) A baseline ecological survey of the proposed site to allow consideration of the ecological effects if not already contained in the federal or state permit application or comparable information mentioned above.

(c) Measures to achieve no net loss of ecological functions consistent with the mitigation sequence described in General Use Regulations, MCC 17.01.055.

(d) Management practices that address impacts from mooring, parking, noise, lights, litter, and other activities associated with geoduck planting and harvesting operations.

8. As required by Title 15 procedural regulations, Mason County will provide public notice to all property owners within three hundred feet of the proposed project boundary. The county will also provide notice to tribes with Usual and Accustomed fishing rights to the area. The rights of treaty tribes to aquatic resources within their Usual and Accustomed areas shall be addressed through direct coordination between the applicant and the affected tribe(s).

9. Conditional use permits shall include allowance for work during low tides at night or on weekends but may require limits and conditions to reduce impacts, such as noise and lighting, to adjacent existing uses.

10. Conditional use permits should include monitoring and reporting requirements necessary to verify that geoduck aquaculture operations are in compliance with permit limits and conditions. The County should consider the reporting and monitoring conditions of other permitting agencies before adding additional conditions to a permit.

11. Conditional use permits should be reviewed using the best scientific and technical information available. This requirement may be met through review and approval of habitat management plans by a qualified fish and wildlife professional, or through use of information provided under federal agency biological reviews conducted through the US Army Corps of Engineers permitting process.

12. Applicants shall apply best management practices to accomplish the intent of permit limits and conditions.

13. To avoid or limit impacts from geoduck aquaculture siting and operations and achieve no net loss of ecological functions, permits should consider the following and place conditions where applicable and not redundant with other permit agency conditions:

   (a) The practice of placing nursery tanks or holding pools or other impervious materials directly on the intertidal sediments.

   (b) Use of motorized vehicles, such as trucks, tractors and forklifts below the ordinary high water mark.

   (c) Specific periods when limits on activities are necessary to protect priority habitats and associated species. The need for such measures should be identified in the baseline ecological survey conducted for the site.

   (d) Alterations to the natural condition of the site, including significant removal of vegetation or rocks and regrading of the natural slope and sediments.
(e) Installation of property corner markers that are visible at low tide during planting and harvesting.

(f) Mitigation measures such as buffers between commercial geoduck aquaculture and other fish and wildlife habitat conservation areas as necessary to ensure no net loss of ecological functions.

(g) Use of predator exclusion devices with minimal adverse ecological effects and requiring that they be removed as soon as they are no longer needed for predator exclusion.

(h) Use of the best available methods to minimize turbid runoff from the water jets used to harvest geoducks.

(i) Number of barges or vessels that can be moored or beached at the site as well as duration limits.

(j) Public rights to navigation over the surface of the water.

(k) Good housekeeping practices at geoduck aquaculture sites, including worker training and regular removal of equipment, tools, extra materials, and all wastes.

(l) Where the site contains existing public access to publicly owned lands, consider recommendations from the Washington Department of Natural Resources or other landowning agencies regarding protection of the existing public access.

3. **Boating Facilities**

Structures regulated by this section include piers and docks, floats, mooring buoys, boat launches, boat lifts, and marinas.

**A. General requirements for all boating facilities**

1. Boating facilities shall be allowed only for water dependent uses or for public access.

2. Boating facilities shall be limited to the minimum size necessary to meet the needs of the proposed water-dependent use.

3. Boating facilities 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 algae, forage fish spawning areas; salmon and other priority species and habitats; riparian vegetation; large woody debris; and processes such as littoral drift.

   a. In-water construction shall be limited to all relevant fish work windows to avoid impacts to spawning, migration and rearing of salmonids and other critical species.

   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.
c. Boating facilities 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.

d. Construction activities and installation of pilings, anchors, ramps, railings and other structures shall avoid and minimize to the greatest extent possible impacts to documented spawning habitat for forage fish, aquatic habitat, and associated wetlands.

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.

f. To minimize adverse effects on habitats and species caused by overwater structures that reduce ambient light levels, overwater boating facilities shall incorporate as much functional grating as possible. Grating must not be covered, on the surface or underneath, with any stored items, such as floats, canoes, kayaks, planter boxes, sheds, 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.

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.

h. Artificial lighting on boating facilities shall be the minimum necessary for the proposed use. Lighting shall be designed to minimize glare and shall incorporate cut-off shields.

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

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

6. All boating facilities shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe boating facilities 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.

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.

8. Vessels shall be restricted from extended mooring on waters of the state 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.

9. Use restrictions and permit requirements for environment designations are found in the Project Classification table.

B. Piers and docks

1. Docks and piers shall be located, designed and operated to not significantly impact or unnecessarily interfere with the rights of adjacent property owners, or adjacent water uses including navigation and boat operation. 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.

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.

3. No pier, dock, or float or similar device shall have a residential structure constructed upon it.

4. Joint-use residential docks, piers, and floats are preferred over single-use docks, piers and floats. Prior to development of a new 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.

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

6. 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, 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 dwelling unit, up to a maximum of ten (10) slips. Individual docks or piers shall not be allowed. All conditions of approval related to required access easements and dedications shall be identified on the face of the plat, along with a statement of prohibition of individual docks and piers. The community dock easement shall be recorded with the County Auditor.
7. No dock, pier or float may be constructed 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.

8. 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. Flotation components shall not be installed under the grating.

9. 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.

10. Applicants for new or expanded docks on all marine shorelines and on lakes with species listed under the federal 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.

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, steehead and bull trout.
   b. On lakes, new docks for residential uses shall meet the following dimensional and design standards:

<p>| Maximum Length including float | Measured from the waterward edge of the structure Overall length of piers for a single waterfront lot shall be only so long so 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 feet from OHWM. Overall length for two or more waterfront lots shall be only so long so as to obtain a depth of seven (7) feet of water as measured from ordinary lower 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. 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. |
| Piers | Unless otherwise approved by the US Army Corps of Engineers, The width of piers for a single waterfront 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. |
| Ramps | The width of ramps shall not exceed four feet. Ramps shall be fully grated. |
| Attached Floats, “T”s, and Ells | A dock or pier may end with an attached float or fixed section that forms an ell (“L”) or “T”. Unless other limitations are set by |</p>
<table>
<thead>
<tr>
<th>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.</th>
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<tbody>
<tr>
<td><strong>Unattached Floats</strong></td>
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<td><strong>Grating standards</strong></td>
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<td><strong>Pilings and Moorage Piles</strong></td>
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**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 there is a public marina or public boat launch located within 1 mile of any property line.

c. On marine shorelines, new docks for residential uses shall meet the following dimensional and design standards.

| Maximum Length including float | Overall length for a single waterfront lot 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 100 feet from the ordinary high water mark (OHWM). 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. 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. |

Chapter 17.50 Draft Mason County Shoreline Master Program Regulations (1/17/2013)
<table>
<thead>
<tr>
<th>Section</th>
<th>Details</th>
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<tbody>
<tr>
<td>Piers</td>
<td>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 intertidal vegetation shall be fully grated. Pier configuration: The pier must be a straight line.</td>
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<tr>
<td>Ramp</td>
<td>The width of the ramp connecting the pier and the float must not exceed 4 feet. New and replacement ramps shall be fully grated.</td>
</tr>
<tr>
<td>Floats</td>
<td>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. Functional grating must be installed on at least 50% of the surface area of the float. To the maximum extent practicable, floats must be installed with the length in the north-south direction. If a float is positioned perpendicular to the ramp, a small float may be installed to accommodate the movement of the ramp due to tidal fluctuations. The dimensions of the small float cannot exceed 6 feet in width and 10 feet in length. Unattached floats shall be anchored using mid-line floats, helical anchors, or other designs that have minimal adverse effects on aquatic ecosystems. (Kitsap County)</td>
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<tr>
<td>Float stops</td>
<td>Floats need to be suspended a minimum of 1.5 feet above the tidal substrate, unless otherwise required by DNR use authorization or Hydraulic Project Approval. The preferred and least impacting option is to suspend the float above the substrate by installing float stops on piling anchoring new floats. The stops must be able to fully support the entire float during all tidal elevations.</td>
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<tr>
<td>Grating standards</td>
<td>The grating on piers, ramps, and floats must have at least sixty percent (60%) open area, unless different standards are required to meet 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. Functional grating is defined as that area which is not covered or blocked underneath by any objects, including components such as stringers, of overwater structures.</td>
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<tr>
<td>Pilings and Moorage Piles</td>
<td>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 tidal elevations. New piling associated with a new pier must be spaced at least 20 feet apart lengthwise along the structure, unless the length of structure itself is less than 20 feet. If the structure itself is less than 20 feet in length, piling can only be placed at the ends of the structure. Piles in forage fish spawning areas shall be spaced at least 40 feet apart.</td>
</tr>
</tbody>
</table>
If the project includes the replacement of existing piling, the old piling should be either partially cut with a new piling secured directly on top, fully extracted, or cut 2 feet below the mudline. If treated piling are fully extracted or cut, the holes or piles must be capped with clean, appropriate material. A maximum of two moorage piles may be installed to accommodate the moorage of boats exceeding the length of the floats. Dolphins are not permitted.

### Skirting

| Skirting | Skirting is not allowed. |

13. **Additional standards for non-residential piers, docks and floats:**
   a. Piers, docks and 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.
   b. 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 or 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.
   c. 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.
   d. There is no maximum length, width or height for commercial or industrial piers and docks and shall be no higher than eleven (11) feet above mean higher high water. The proponent must show the size of the proposal is the minimum necessary to allow the intended use.
   e. Recreational piers shall not exceed 200 feet in length.
   f. See Mining section for associated piers and docks.

14. **Repair, replacement and enlargement of piers, docks and floats**
   a. Repairs of existing piers and docks must conform with all applicable standards for new construction.
   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 decking substructure (e.g. stringers) must meet the decking and design standards for new piers. Existing skirting shall be removed and may not be replaced.
   c. Proposals involving the addition to or enlargement of existing piers or docks must comply with the requirements for new pier or dock construction. Enlargement beyond prescriptive standards would require a variance.

15. **Evaluation of cumulative impacts of piers, docks and attached floats.**
   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 precedential 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 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.

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:
   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.
   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 infilling 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.
   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.

C. Boatlifts.

1. Boat lifts shall be placed as far waterward of the OHWM as feasible and safe. 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.
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. 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.

D. Mooring Buoys

1. The installation and use of mooring buoys in marine waters shall be consistent with all applicable federal and state laws, including WAC 246-282, the current National Shellfish Sanitation Program standards (NSSP), and other state Departments of Fish & Wildlife, Health, and/or Natural Resources standards.
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;
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.
4. New buoys that would result in a closure of local shellfish beds for future harvest shall be prohibited.

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.

E. Boat Launches

1. Proposals for boat launches 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.

2. A private boat launch shall be allowed only when public boat launches are unavailable within one (1) mile of any property line.

3. No more than one (1) private boat launch facility or structure shall be permitted on a single residential parcel or lot.

4. There is no maximum length or width for commercial industrial or community use boat launches, however, the proponent must demonstrate that the size proposed is the minimum necessary to allow the use proposed.

5. Non-motorized residential boat launches shall use gravel or other permeable material. Removal of existing vegetation for launch access should be limited to eight (8) feet in width.

6. Marine railways are preferred over concrete boat ramps for private, residential use.

7. Design standards for boat ramps and marine railways are as follows, unless otherwise required by WDFW Hydraulic Project Approval or DNR use authorization:
   a. Ramps shall be placed at beach grade, and not elevated on fill.
   b. Ramps and railways shall not exceed 12 feet in width.
   c. Ramps and railways shall not exceed 50 feet in length, as measured from the line of ordinary high water. Marine railways shall not extend beyond MLLW (0.0).
   d. Ramps and railways shall not exceed 18 inches in height at the line of ordinary high water, or the toe of the bulkhead.

8. Additional standards for public boat launches are as follows:
   a. Public boat launches shall include adequate restroom and sewage and solid waste disposal facilities in compliance with applicable health regulations.
   b. When overwater development is proposed in association with a public boat launch facility, it may be permitted only where such use requires direct water access, and/or where such facilities will substantially increase public opportunities for water access.
   c. Public boat launches shall be located and designed to prevent traffic hazards and minimize traffic impacts on nearby access streets.
   d. Public boat launch sites shall include parking spaces for boat trailers commensurate with projected demand.
F. Covered moorage and boat houses

1. 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.

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

3. Proposals for covered moorage and 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.

G. Marinas

1. Marinas that provide overnight or long-term moorage shall not be located in areas with commercial aquacultural harvest.

2. Marinas shall be compatible with the general aesthetic quality of the shoreline area where they are located.

3. Marinas and their accessory facilities shall be located, designed, constructed and operated to avoid, minimize, and mitigate for unavoidable adverse effects on fish, shellfish, wildlife and other biological resources, water quality, and existing geohydraulic shoreline processes. Proposals for marinas shall include a Habitat Management Plan that identifies measures to protect habitats and mitigate for unavoidable impacts.

4. Marinas shall be located, designed, constructed and operated so as to not substantially or unnecessarily interfere with the rights of adjacent property owners, nor interfere with adjacent water uses.

5. Parking and loading areas shall be located well away from the immediate waters’ edge and beaches, unless there is no other practical location for parking. Perimeters of parking areas shall be landscaped to minimize visual impacts to the shorelines, roadways and adjacent properties subject to approval by Public Works and/or Department of Transportation. Permit application shall identify the size, general type and location of landscaping. Design of parking and loading areas shall ensure that surface runoff does not pollute adjacent waters or cause soil or beach erosion. Design shall provide for storm water retention, shall comply with the Mason County Parking Ordinance, and shall be reviewed by Mason County Department of Public Works for compliance with all applicable County Ordinances. Creation of parking areas by filling beyond Ordinary High Water Mark (OHWM) mark or in biological wetlands is prohibited.

6. Provisions shall be made to facilitate the orderly circulation of vehicles and pedestrians in the vicinity of the marina.

7. Provisions shall be made to facilitate the orderly launching, retrieval and storage of boats.

8. New marinas, or expansion of existing saltwater marinas which provide moorage for more than ten boats, shall be required to be equipped with easily accessible vessel pump-out and shall provide on-shore sewage and waste disposal facilities. Each marina shall predominately display signs stating that sanitary discharge of wastes is prohibited. Deviation from pump-out requirements on saltwater shall require a Variance.

9. In sensitive areas, such as near certified shellfish growing areas and forage fish spawning areas, the applicant shall be required to demonstrate that the maximum protection of shore features, water quality and existing uses will be provided.
10. Adequate illumination shall be required. Illumination shall be designed and constructed to minimize off-site light and glare.

11. Physical and/or visual public access opportunities shall be provided pursuant to the Program’s public access standards.

12. Rest room facilities shall be provided for public use.

13. Associated uses shall be limited to those found necessary to marina operation or which provide visual or physical access to the shoreline to substantial numbers of the public. Associated uses shall conform to the regulations for those uses.

14. Marina facilities shall project waterward the minimum distance necessary to provide service to vessels, without creating a hazard to navigation.

15. Marina and launching facilities shall be located to minimize the need for initial and maintenance dredging, filling, beach feeding and other channel maintenance activities.

16. Expansion of existing marinas shall be required to meet the standards set forth for new development.

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

18. Boaters living on vessels are restricted to established marinas with facilities to address waste handling and other sanitary services. Live-aboard vessels may occupy up to ten (10) percent of the slips at a marina.

19. Proposals for new or expanded marina facilities shall include appropriate technical studies and plans that are not already required via another regulatory review process and shall document potential impacts and mitigating measures. Examples of studies and plans that may be required include, but are not limited to:
   a. A Maintenance Plan for maintaining pump-out and waste/sewage disposal facilities and services.
   b. A Spill Response Plan for oil and other spilled products. Compliance with federal or state law may fulfill this requirement.
   c. An Operational Plan that, at a minimum, describes procedures for fuel handling and storage; measures, including signage, for informing marina users of applicable regulations; measures for collecting garbage and recyclables; measures and equipment for ensuring public safety.
   d. A visual assessment of views from surrounding residential properties, public viewpoints, and the view of the shoreline from the water surface.
   e. An assessment of existing water-dependent uses in the vicinity including but not limited to navigation, fishing, and aquaculture operations.

4. COMMERCIAL DEVELOPMENT

1. The County shall utilize the following information in its review of commercial development proposals:
   a. nature of the activity;
   b. need for shore frontage;
c. special considerations for enhancing the relationship of the activity to the shoreline;
d. provisions for public visual or physical access to the shoreline;
e. provisions to ensure that the development will not cause severe adverse environmental impacts;
f. provisions to mitigate any significant noise impacts;
g. provisions to mitigate light or glare impacts.
h. A description of mitigation measures proposed to ensure that the development will protect existing shoreline ecological functions and mitigate unavoidable impacts.

2. Commercial development may be permitted on the shoreline in the following descending order of priority: water dependent, water related and water oriented. In areas designated for commercial use, non-water oriented commercial development may be allowed if the site is physically separated from the shoreline by another property or public right-of-way.

3. Parking and loading areas shall be located outside the shoreline jurisdiction, if practicable. Perimeters of parking areas shall be landscaped to minimize visual impacts to the shorelines, roadways and adjacent properties subject to approval by Public Works and/or Department of Transportation. Permit application shall identify the size, general type and location of landscaping. Design of parking and loading areas shall ensure that surface runoff does not pollute adjacent waters or cause soil or beach erosion. Design shall provide for storm water retention. Parking plans shall be reviewed by Mason County Department of Public Works for compliance with all applicable County Ordinances.

4. Those portions of a commercial development which are not water dependent are prohibited over the water, except in existing structures or in the limited instances where there are auxiliary to and necessary in support of water-dependent uses.

5. Water supply and waste facilities shall comply with the strictest established guidelines, standards and regulations.

6. New commercial developments shall be located adjacent to existing commercial developments whenever possible.

7. New or expanded structures shall not extend more than 35 feet in height above average grade level.

8. Commercial developments adjacent to aquaculture operations shall practice strict pollution control procedures.

9. Commercial developments shall be located and designed to minimize noise impacts on adjacent properties.

5. FOREST MANAGEMENT PRACTICES

1. Cutting practices on shorelines of statewide significance shall be governed by the Act (RCW 90.58.150). Only selective commercial timber cutting may be allowed, so that no more than thirty percent of the merchantable trees may be harvested in any ten year period of time; provided that other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental provided...
further, that clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this chapter may be permitted. Exceptions to this standard shall be by conditional use permit.

2. Herbicides, insecticides, or other forest chemical applications are to be used in accordance with the Washington Pesticide Application Act (RCW 17.21) and the Washington Pesticide Act (RCW 15.47) and are not regulated by this program.

3. Forest Management practices are prohibited in an Urban Commercial and Aquatic Environments.

4. Timber harvesting and forest practices shall be conducted in accordance with the Washington State Forest Practices Act (RCW 76.09 as amended), and any implementing regulations (WAC 222 as amended) and are not regulated by this Program except as expressly provided herein.

5. Conversion of forest land to non-forestry uses (Class IV General Forest Practices Permit) shall be reviewed in accordance with the provisions for the proposed non-forestry use and general use regulations and shall be subject to any permit requirements associated with the non-forestry use.

6. INDUSTRIAL AND MARINE TERMINAL DEVELOPMENT

1. New water-dependent and water related industrial and marine terminal developments are prohibited in Natural environments. New low-intensity water-dependent and water related industrial and marine terminal development are permitted in Urban Commercial environments and may be considered as a Conditional Use in Rural, Conservancy, and Aquatic environments, provided they are allowed in the underlying zone.

2. New non-water-oriented industrial developments are generally prohibited in all environments but may be considered as a Conditional Use, provided the development is authorized in the underlying zone and:
   a. The site is physically separated from the shoreline by another property or public right of way; or
   b. The use is part of a mixed-use project that includes an associated water-dependent use; or
   c. Navigability is severely limited at the proposed site.

3. Industrial and marine terminal development shall be located, designed, constructed and operated to avoid impacts to ecological functions and compensate for unavoidable impacts, consistent with General Use regulations. Water-dependent structures may be allowed within required buffers to the minimum extent necessary to support the water dependent use, provided adequate compensatory mitigation is provided.

4. Industrial facilities and marine terminals shall be located, designed, constructed, and operated so as to avoid interference with the rights of adjacent property owners, and to minimize interference with normal public use of the adjacent shoreline.

5. Objectionable noise which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Emergency warning sirens or alarms and related apparatus used solely for public purposes are exempt from this requirement.

6. Industrial facilities shall minimize direct or reflected glare visible from adjacent properties, streets, or water areas.

7. Industrial facilities and marine terminals shall provide public access to shoreline areas where feasible, consistent with General Use regulations.
7. IN-STREAM STRUCTURES

1. Dams and associated power generating facilities shall not be permitted except in the rare instance where there is clear evidence that the benefits to County residents outweigh any potential adverse ecological impacts. The criteria for approving such facilities will depend on the specific location including its particular physical, cultural, and ecological conditions. Prior to approving or denying such facilities, the County shall consult citizens and appropriate agencies to evaluate in-stream structure proposals.

2. In-stream structures whose primary purpose is flood control shall also be subject to Flood Protection regulations.

3. When permitted, in-stream structures and their support facilities shall be:
   a. Constructed and maintained in a manner that does not degrade the quality of affected waters or the habitat value associated with the in stream and riparian area; and
   b. Located and designed based on reach analysis to avoid the need for structural shoreline armoring.

4. All in-water diversion structures shall be designed to permit the natural transport of bedload materials. All debris, overburden and other waste materials from construction shall be disposed of in such a manner that prevents their entry into a water body.

5. When installing instream structures, natural in-stream and in-water features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are a threat to public safety.

6. In-stream structures shall not prevent upstream or downstream migration of anadromous fish.

7. Small-scale power generating microturbines may be placed in streams provided they do not create impoundments and there are no adverse effects on shoreline functions and processes, including but not limited to, stream flow, habitat structure, temperature, and/or water quality.

8. The County shall require any proposed in-stream structure to be professionally engineered and designed prior to final approval.

9. No in-stream structure shall be installed without the developer having obtained all applicable federal, state, and local permits and approvals, including but not limited to a Hydraulic Project Approval (HPA) from the State Department of Fish and Wildlife.

10. The County shall require the proponent of an in-stream structure proposal to provide the following information prior to final approval unless the County determines that the issues are adequately addressed via another regulatory review process:
   a. A site suitability analysis that provides the rationale and justification for the proposed structure. The analysis shall include a description and analysis of alternative sites, and a thorough discussion of the environmental impacts of each.
b. A hydraulic analysis prepared by a licensed professional engineer that describes anticipated effects of the project on stream hydraulics, including potential increases in base flood elevation, changes in stream velocity, and the potential for redirection of the normal flow of the affected stream.

c. A Habitat Management Plan prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources; provisions for protecting in-stream resources during construction and operation, and measures to compensate for impacts that resources that cannot be avoided.

d. A description of sites proposed for the depositing of debris, overburden, and other waste materials generated during construction.

e. For hydropower facilities, the proposed location and design of powerhouses, penstocks, accessory structures and access and service roads.

f. Proposed provisions for accommodating public access to and along the affected shoreline, as well as any proposed on-site recreational features.

8. MINING

1. Accessory Facilities. Accessory facilities essential to water-dependent mining operations may be permitted provided that they adhere to all applicable Master Program policies and use activity regulations. Piers, floats, docks and dolphins may be permitted accessories to mining uses according to the following conditions.
   a. Length. Pier, float, or dock accessories to mining uses should not exceed 200 feet in total length as measured from the ordinary high water mark to the furthest waterward extension of the pier. Loading or accessory facilities or structures, including but not limited to walkways, gangways, slips, troughs, anchor buoys and conveyors may extend beyond this length.
   b. Width. The width of the pier, float, or dock should not exceed a maximum of 30 feet.
   c. Height
      i. The surface of the pier, float or dock should not exceed a maximum of 30 feet.
      ii. Loading or accessory facilities or structures located on the dock should be no higher than 50 feet above mean higher high tide.

d. Grating Requirements. See Boating Facilities general requirements

2. Mining shall not be allowed except where demonstrated to be water-dependent. Mining activities shall not be allowed when they will permanently impede, or retard the flow or the direction of flow of any stream or river. Surface runoff from the site carrying excessive sedimentation and siltation shall not be allowed to enter any shoreline waters.

3. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species.
4. Restoration of the site after completion of the mining activity shall be provided. Plans shall detail reclamation of all disturbed areas to a biologically productive and sustainable condition, and shall ensure compatibility between the project site and adjacent existing land, shoreline and water uses. The proposed subsequent use of mined property must be consistent with the provisions of the shoreline designation in which the property is located. Reclamation of disturbed shoreline areas shall provide appropriate ecological functions consistent with the surrounding ecological processes.

5. Setbacks and Buffers. Mining operations (including accessory facilities) in shoreline areas shall utilize screening and buffering to minimize visual and auditory impacts to the shoreline environment. The screening and buffering shall be of sufficient height and width to be effective and shall be in place before the mining activity begins. Operations shall incorporate critical area buffers as documented in a Habitat Management Plan and shall follow mineral resource lands standards contained in MCC 17.01.066.

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

7. Rivers and Streams. Mining river bars may be considered as a Conditional Use provided that no operations shall be allowed which permanently impede or retard the flow of any river or stream or adversely affect the natural processes of gravel transportation for the river system as a whole. Proposals for mining river bars shall demonstrate that operations avoid adverse impacts to fish habitat and other ecological functions and provide adequate mitigation for any unavoidable impacts.

8. Marine Beaches and Lake Shores. The mining of sand, gravel, cobbles, rock, or other native substrate from any marine beaches or lake shores below the ordinary high water mark shall not be permitted. Routine aquacultural uses and maintenance are not considered mining activities. Mining is prohibited on shorelands of Hood Canal.

9. Related Activities. The reduction, treatment, batching, or processing of the mined materials for on-site manufacturing purposes shall adhere to the policies and regulations applicable to ports and water-related industry.

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

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

12. Interim Reclamation Measures. The amount of excavated area at any time shall be set by permit condition: PROVIDED that no more than ten acres shall lie disturbed, unused, or unreclaimed at any one time.

13. Reclamation. Mining in Washington is controlled by the Surface Mining Act of 1970 (RCW 78.44) and is administered by the State Department of Natural Resources. The provisions of this legislation shall be followed in all cases. To ensure the future use and visibility of shoreline areas after the completion of mining activities, the following provisions for land reclamation and utilization shall be adhered to:
   a. All reclamation shall be completed within two years after discontinuance of mining operation. A reclamation plan shall be submitted as part of any shoreline permit application.
   b. All equipment, machinery, building, and structures shall be removed from the site upon discontinuance or abandonment of mining operations.
   c. Backfill material used in site reclamation shall be natural materials. Combustible, flammable, noxious, toxic, or solid waste materials are not permitted as backfill or for on-site disposal, and shall be removed and disposed of away from the shoreline area.
   d. The site shall be rehabilitated so as to prevent future erosion and sedimentation.
Suitable drainage systems shall be installed and maintained if natural gradual drainage is not possible. Topography of the site shall be restored to contour compatible with the surrounding land and shoreline area.

e. All slopes and exposed areas shall be seeded or surfaced with soil from an approved source to at least the depth necessary to support revegetation. Revegetation shall utilize compatible native, self-sustaining trees, shrubs, legumes, or grass and shall be planted so as to blend with the surrounding land and shoreline area.

f. No stagnant or standing water shall be allowed to collect and remain on the site except as a transient part of a sedimentation collection and removal system specified in the reclamation plan.

14. Permit Application. Applications for mining projects shall provide the following information for permit review:

a. Description of the materials to be mined, quantity and quality by type, the total deposit, lateral extent and depth, depth of overburden and amount of materials to be mined.

b. Description of mining technique and list of equipment to be utilized.

c. Cross section plans which indicate present and proposed elevation and/or extraction levels and show the maximum mining depth.

d. Site plans which show existing drainage patterns and all proposed alterations of topography, proposed means of handling surface runoff, and preventive controls for erosion and sedimentation.

e. A mining plan showing scheduling (seasonal, phasing and daily operations); storage, usage and deposition of overburden, excavation material and tailings; location and dimensions of stockpiling areas; screening, buffers and fencing; locations of building, equipment, machinery, and structures. The plan shall include monitoring that ensures extraction amounts and rates do not adversely affect ecological functions.

f. A reclamation plan.

g. A determination that the proposed operation depends on a waterfront location, and that demand cannot reasonably be accommodated in operations outside shoreline jurisdiction. Information required to meet this criteria shall evaluate geologic factors such as the distribution and availability of mineral resources, as well as the need for such mineral resources, economic, transportation, and land use factors. This showing may rely on analysis or studies prepared for purposes of GMA designations, or be integrated with relevant environmental review conducted under SEPA (RCW 43.21C).

h. Documentation through a Habitat Management Plan that the project will ensure that ecological functions are protected and unavoidable impacts are mitigated during the course of mining and after reclamation. Creation, restoration, or enhancement of habitat for priority species and the future productivity of the site may be considered in determining whether ecological functions are protected.

i. River bar mining proposals must demonstrate how removal of specified quantities of sand and gravel or other materials at specific locations do not adversely affect the natural processes of gravel transportation for the river system as a whole, upstream and downstream of extraction sites. Mining extraction amounts, rates, timing, and locations shall be based on a scientifically determined sediment budget adjusted periodically according to data provided by a regular monitoring plan.
15. **Mining Operations.** All phases and activities of mining operations shall be carried out in a manner so that the operator shall not significantly adversely affect adjacent shoreline areas.

16. **Public Access.** Some form of public access to the shoreline for private non-commercial recreational purposes shall be afforded in a manner compatible with mining and accessory facilities and uses. Such public access may be restricted and shall be consistent with the protection of the health, safety, and welfare of the public.

17. Subject to the performance standards, mining is a Conditional Use in Urban Commercial, Residential, Rural, Conservancy and riverine Aquatic environments.

18. Mining is a prohibited use in a Natural environment.

19. In considering renewal, extension or reauthorization of gravel bar and other in channel mining operations in locations where they have previously been conducted, the County shall require compliance with this Program.

20. These mining provisions do not apply to dredging of authorized navigation channels.

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**9. OUTDOOR ADVERTISING, SIGNS AND BILLBOARDS**

1. General Regulations
   
a. Signs shall comply with County Sign code that applies county-wide MCC 17.03.200-203 and MCC 17.05.025, specific to Belfair (MCC 17.34) and specific to Allyn (MCC 17.15).
   
b. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access to the shoreline.
   
c. Illuminated signs shall be hooded, shaded, or directed so as to eliminate glare when viewed from surrounding properties or watercourses.

2. Aquatic Environment
   
a. Only wall signs and low profile free-standing signs under thirty (30) inches in height for water- uses may be allowed.
   
b. Overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or a water-dependent use.

3. Urban, Commercial, Residential or Rural Environment
   
a. Outdoor advertising, signs and billboards shall be on premise.
   
b. Sign supports shall be durable. Sign design and support shall be compatible with the environment. Flashing lights shall be prohibited. Lighted signs shall be permitted for public services remaining open after sundown. Such lighting shall be hooded or shaded so that direct light of lamps will not result in glare when viewed from the surrounding property or rights-of-way.

4. Conservancy Environment
   
a. Outdoor advertising and signs shall be on premise. Billboards are prohibited. Highway signs giving directions to scenic routes, trails, picnic areas, boat launching sites, scenic sites and unique points of interest shall also be permitted.
   
b. Signs and outdoor advertising shall not exceed 15 square feet in size and shall not project more than six feet above road level. Sign design and support shall be compatible
with the environment. Illuminated signs shall not be permitted unless warranted by safety factors. Flashing signs are prohibited.

c. Where feasible, permitted signs shall be located on the upland side of transportation routes parallel or adjacent to shoreline and water areas.

5. Natural Environment.
   a. Sign development is prohibited, except for trail marking, hazard warnings, interpretive signs for scientific or educational purposes, temporary signs and personal signs. Billboards are prohibited.
   b. Directional signs to viewpoints or for trails and signs describing unique points of interest shall be permitted.
   c. Permitted signs shall not exceed four square feet in size and shall not project more than six feet above adjacent grade road level. Sign design and support shall be compatible with the environment. Lighted signs are prohibited unless warranted by safety factors.
   d. Where feasible, permitted signs shall be located on the upland side of transportation routes parallel or adjacent to shoreline and water areas. Placement of signs shall not degrade or obstruct view areas.

10. RECREATIONAL DEVELOPMENT

1. All proposed recreational developments shall be analyzed for their potential effect on environmental quality and natural resources. Proposed development within critical areas or their buffers shall protect habitats and mitigate for unavoidable impacts, consistent with General Use Regulations.
2. Recreational developments shall comply at all times with the updated local and State Health regulations and such compliance made a condition of the permit.
3. Parking areas shall be located inland, away from the immediate edge of the water and recreational beaches, and outside critical areas and their buffers unless, there is no area available. Unavoidable impacts shall be mitigated, consistent with General Use Regulations. Provisions shall be made for adequate vehicular parking and safe pedestrian crossings. Design of parking areas shall ensure that surface runoff does not pollute adjacent waters. Design shall provide for storm water retention and shall be reviewed by Mason County Department of Public Works.
4. Vehicular traffic is prohibited on beaches, bars, spits and streambeds, except for boat launching and maintenance activities. Perimeters of parking areas shall be landscaped to minimize visual impacts to the shorelines, roadways and adjacent properties.
5. Trail access shall be provided from upland facilities to the beach area. Applications for trails through geologically hazardous areas shall include appropriate geotechnical review consistent with General Use Regulations.
6. Public access points on lakes and marine waters must provide parking space appropriate for the intended use.
7. Events and temporary uses in the public interest may be approved by the County in any environment, provided that such uses will not damage the shoreline environment.
8. Recreational developments must provide facilities for non-motorized access, such as pedestrian or bicycle paths to link the recreation area to the shoreline.
9. The following regulations shall apply to artificial aquatic life habitats:
   a. Habitats shall not interfere with surface navigation;
b. Habitats shall be constructed and moored so as to remain in their original location, even under adverse current or wave action;

c. Conditions of the State Departments of Fish and Wildlife Hydraulic Project Approval may be incorporated into any permit issued.

10. Trailer spaces, camping sites and similar facilities shall not be located on beaches and tidelands.

11. Recreational facilities shall make adequate provisions for water supply, sewage disposal and garbage collection.

12. Recreational facilities shall make adequate provisions, such as screening, buffer strips, fences and signs, to prevent overflow and to protect the value and enjoyment of adjacent or nearby private properties.

13. Signs associated with recreational facilities shall be kept to a minimum in number and size and shall be erected as informational or directional aids only.

14. To protect natural features and adjacent properties, park and recreational facilities shall prohibit the use of all-terrain vehicles in the shoreline area.

15. All permanent recreational structures and facilities shall be located outside officially mapped floodways EXCEPT the County may grant exceptions for non-intensive accessory uses (e.g., picnic tables, etc.).

16. Accessory facilities, such as restrooms, recreation halls, commercial services, access roads and parking areas shall be located inland from shoreline jurisdiction unless it can be shown that such facilities are shoreline dependent. These areas shall be linked to the shoreline by walkways.

17. For recreation developments that will require the use of fertilizers, pesticides or other toxic chemicals, such as golf courses and playfields, the applicant shall submit plans demonstrating Best Management Practices and other methods to be used to prevent leachate from entering adjacent water bodies. Buffer strips providing the maximum width feasible from adjacent waterbodies shall be included in the plan. The County shall determine the maximum width necessary for buffer strips, consistent with the General Use regulations.

18. In approving shoreline recreational developments, the County shall ensure that the development will maintain, enhance or restore desirable shoreline features including unique and fragile areas, scenic views and aesthetic values. To this end, the County may condition project dimensions, location of project components on the site, intensity of use, screening, parking requirements and setbacks, as deemed appropriate to achieve this end.

19. No recreation building or structure, except piers or docks, or bridges shall be built over the water.

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

11. RESIDENTIAL

1. New residential developments including floating homes are prohibited waterward of the ordinary high water mark.

2. "Submerged lands" (wetlands and those lands waterward of the ordinary high water mark) within the boundaries of any waterfront parcel shall not be used to compute required lot area, lot dimensions and required yards. Portions of land lying within wetlands may be included as open space.

3. Subdivision proposals shall identify areas of natural vegetation, storm water retention and erosion control measures consistent with MCC 17.80 and 17.72.
4. New residential lots created through land division or lots modified by boundary line adjustments shall only be permitted when the following standards are met:

a. The applicant must demonstrate that a primary residence can be built on each new lot without any of the following being necessary:
   i. Significant vegetation removal;
   ii. New structural shoreline stabilization or flood hazard protection during the life of the project;
   iii. Shoreline modifications that cause erosion or reduce slope stability;
   iv. Shoreline modifications that increase flood hazard or erosion in the new development or to other properties.

b. Adequate sewer, water, access and utilities shall be provided consistent with County development regulations.

c. The intensity and type of development shall be consistent with the County comprehensive plan and development regulations.

d. Adverse environmental impacts shall be avoided or mitigated to achieve no net loss of ecological functions.

e. All new subdivisions shall record a prohibition on new private docks on the face of the plat. An area for shared moorage may be approved consistent with Boating Facility regulations of this program.

f. Substandard shoreline lots unsuitable for development of a primary permitted use under the Mason County Zoning Ordinance and this Program shall not be subdivided.

5. Clustering of residential dwellings in all environments except Natural is allowed when consistent with the land division/subdivision standards of the County code and this Program. The number of clustered lots or residential units in the shoreline area shall not exceed the number of units which results from multiplying the total acres (minus submerged lands) in the shoreline area by the density allowed in the specific environment.

6. Design and siting of residential development shall not adversely impact water quality.

a. Stormwater shall be managed consistent with Mason County’s current stormwater standards, MCC14.48, 17.72 and 17.80.

b. Proposed residential developments adjacent to a water body supporting aquaculture operations shall install drainage and storm water treatment measures and facilities to prevent any adverse impact to aquaculture operations. As required by MCC 17.01.110.G, all projects should meet or exceed any stormwater design requirements to avoid any risk of decertification of shellfish beds.

c. Residential developments shall comply with current Mason County on-site sewer system standards.

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

7. Subdivision developments and planned unit developments with a single-family residential development of greater than four (4) parcels but less than ten (10) parcels shall provide community access to the shoreline or to a common waterfront lot/tract for non-commercial recreational use of within the proposed subdivision for all residents and guests of the development except where the shoreline topography does not permit the same. The proponent shall provide visual access to the shoreline via view corridors within the subdivision as illustrated on the final plan and as determined by the Director. Existing lawfully established public access shall be maintained.
8. Residential development shall be sufficiently set back from steep slopes and shorelines vulnerable to erosion and channel migration so that structural stabilization structures will not be needed during the life of the structure, as determined by a geotechnical analysis. See MCC 17.50.055, General Use regulations, and requirements of MCC 17.50.060, Shoreline Stabilization.

9. Minimum required dimensional standards for new residential developments and uses are contained in Table 055-1. Per MCC 17.01.110D(2), special buffers and setback provisions for single-family residences may apply on saltwater and lake shorelines on lots created prior to December 5, 1996. Deviation from buffer and setback requirements not specifically authorized shall require a Shoreline Variance.

10. To preserve aesthetic characteristics and minimize aesthetic impacts:
   a. For new residential construction, no fence or landscape wall shall be erected, placed or altered closer to the water than the landward edge of the required setback line;
   b. If an existing primary dwelling encroaches into the required buffer, fences or landscape walls may be allowed in the required buffer consistent with MCC 17.01.110.F(2), provided they do not exceed twenty four (24) inches in height;
   c. Fences or landscape walls that exceed twenty four (24) inches in height must be sited at or behind the building setback line;
   d. Fences and landscape walls shall not be allowed waterward of the ordinary high water mark.

11. Residential development is prohibited within a floodway.

12. Residential developers and individuals shall be required to control erosion during construction. Removal of vegetation shall be minimized and any areas disturbed shall be restored to prevent erosion and other impacts to shoreline ecological functions.

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

14. Accessory dwelling units may be allowed subject to meeting the following criteria:
   a. Only one accessory dwelling unit per lot.
   b. Strict compliance with current sewage setback and design standards as per County health regulations.
   c. Minimal impact on surrounding properties from view blockage, traffic, parking and drainage.
   d. Compliance with buffer and setback criteria set forth in MCC 17.50.055, General Use Regulations.
   e. Accessory dwelling units shall require a Substantial Development and shall not exceed eighty percent (80%) of the square footage of the habitable area of the primary residence or one thousand (1,000) square feet; whichever is smaller.
   f. Compliance with requirements of MCC 17.03.029

15. Existing communities of floating and/or over-water homes shall be allowed to make improvements associated with life safety matters and property rights provided that any expansion of existing floating and/or over-water residences or communities is the minimum necessary to assure consistency with constitutional and other legal limitations that protect private property

16. Environment designations:
a. Urban: Single family, duplex, and multi-family residential development are permitted subject to policies and regulations of this Program.
b. Residential: Single family and duplex residential development are permitted subject to policies and regulations of this Program. Multi-family residential development may be authorized as a conditional use.
c. Rural: Single family residential development is permitted subject to policies and regulations of this Program. Duplex and multi-family residential development are prohibited.
d. Conservancy: Single family residential development is permitted subject to policies and regulations of this Program. Duplex and multi-family residential developments are prohibited.
e. Natural: One single family residential development per existing lot of record may be permitted where there is no feasible location outside of shoreline jurisdiction and where a conditional use permit is granted. Duplex and multi-family residential development are prohibited.
f. Aquatic: Residential development is prohibited. New floating homes and residential developments waterward of the OHWM are prohibited.

12. Restoration Projects

1. Restoration shall be carried out in accordance with an approved restoration plan prepared by a qualified professional containing, where applicable, an analysis of existing conditions, identification of the area to be restored, proposed corrective actions, including installation of native species, performance standards, monitoring schedule, planting plans, erosion and sedimentation control plans, and grading plans as necessary and in accordance with the policies and regulations of this Program.

13. Transportation Facilities

1. Application for transportation facilities, including roads and railroads must adequately address the following:
   a. Need must be shown for a shoreline location and that no reasonable upland alternative exists.
   b. The construction is designed to protect the adjacent shoreline against erosion, uncontrolled or polluting drainage and other factors detrimental to the environment both during and after construction.
   c. That the project will be planned to fit the existing topography as much as possible, thus minimizing alterations to the natural environment.
   d. That the project will avoid adverse impacts to shoreline ecological functions, include the process of channel migration, and mitigate for any unavoidable impacts consistent with General Use Regulations.
   e. That all debris, overburden and other waste materials from construction will be disposed of in such a way as to prevent their entry by erosion from drainage into any water body.
2. Bridge construction shall conform to the following:
   a. Excavation for and placement of the sills or abutments and outside placement of stringers or girders shall be accomplished from above the ordinary high water mark, as a Conditional Use.
   b. Bridge approach fills shall not encroach in the floodway of any stream or river. Bridge approaches in floodways shall be constructed on open piling, support piers, or other similar measures to preserve hydraulic processes.
c. All bridges shall be high enough (minimum of three feet above 100-year flood elevation) to pass all expected debris and anticipated high water flows from a 100-year flood.

3. Foot or vehicular bridges crossing rivers or streams for the private use of individual land owners shall be evaluated for need and design. They shall meet the same standards for siting, water quality protection and erosion control as all other bridges.

4. Private road construction and maintenance shall conform to the following standards:
   · Road subgrade widths shall be the minimum commensurate with the intended use, generally not more than 20 feet for single lane roads.
   · Roads shall follow natural contours where possible. Natural benches, ridge tops and flat slopes are preferred locations.
   · Erodible cuts and filled slopes shall be protected by planting or seeding with appropriate ground cover or by matting immediately following construction.

5. Requirements for bridge and culvert installation crossing all streams shall be consistent with the Washington State Department of Fish and Wildlife standards.

6. Excess construction materials shall be removed from the shoreline area.

7. Filling of bottom lands, tidelands, and wetlands for road or railroad rights-of-way shall be prohibited unless alternative road alignments are infeasible and impacts are mitigated consistent with fill regulations.

8. All excavation materials and soils exposed to erosion by all phases of road, bridge and culvert work shall be stabilized and protected by seeding, mulching or other effective means, both during and after construction.

9. Where permitted to parallel shorelines, roads or railroads shall be set back a sufficient distance from the ordinary high water mark to leave a usable shoreline area for shoreline recreation or access consistent with General Use Regulations.

10. Storm water runoff shall be controlled to reduce suspended solids and other pollutants before entering any surface water body consistent with Mason County stormwater standards.

11. Pervious materials and low impact development techniques shall be used to manage stormwater runoff where feasible and where conditions are appropriate.

12. Non-emergency construction and repair work shall be scheduled for that time of year when seasonal conditions (weather, streamflow) permit optimum feasible protection of shoreline ecological functions.

13. Transportation shall be required to make joint use of rights of way and to consolidate crossings of water bodies where adverse impact to the shoreline can be minimized by doing so.

14. Roads and railroads shall be located to minimize the need for routing surface waters into and through culverts.

15. Parking and loading areas shall only be permitted in shoreline jurisdiction to support an authorized use where it can be demonstrated that there are no feasible alternative locations.

16. Parking facilities shall be buffered from the water’s edge and less intense adjacent land uses by vegetation, undeveloped space, or structures developed for the authorized primary use to the maximum practicable extent.

17. Parking areas shall be developed using low impact development techniques whenever possible including but not limited to the use of permeable surfacing materials.

18. Parking facilities shall be designed and located to minimize adverse impacts upon abutting properties.

19. Parking facilities serving individual buildings shall be located landward of the principal building being served, except when the parking facility is located within or beneath the structure and is adequately screened, or in cases when an alternate location would have less environmental impact on the shoreline.
20. Parking facilities for shoreline uses shall be designed to provide safe and convenient pedestrian circulation within the parking area and to the shorelines.

21. Parking as a primary use shall be prohibited within shoreline jurisdiction. Parking is prohibited on structures located in- or over-water.

22. Parking areas shall be located inland, away from the immediate edge of the water and recreational beaches, and outside critical areas and their buffers, unless there is no area available. Unavoidable impacts shall be mitigated, consistent with General Use Regulations. Provisions shall be made for adequate vehicular parking and safe pedestrian crossings. Design of parking areas shall ensure that surface runoff does not pollute adjacent waters. Design shall provide for storm water retention and shall be reviewed by Mason County Department of Public Works.

14. Utilities

1. Utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are nonwater-oriented, shall be prohibited in shoreline jurisdiction unless it can be demonstrated that no other feasible option is available. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, except in situations where no other feasible alternative exists. In those limited instances when permitted, automatic shut-off valves shall be provided on both sides of the water body.

2. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of shoreline jurisdiction where feasible.

3. Utilities shall avoid public recreation areas and significant natural, historic or archaeological or cultural sites unless no alternative is feasible and all feasible measures to reduce harm have been incorporated into the proposal.

4. Utilities should be located in existing rights of way, corridors and bridge crossings whenever possible.

5. Utility facilities shall be designed and located to assure no net loss of shoreline ecological functions, consistent with General Use regulations.

6. Where feasible, power distribution and telephone lines should be placed under ground in any new residential, commercial, public, or view area near the shores of a water body.

7. Discharges from sewage treatment plants shall not be allowed into Totten Inlet regardless of the environmental designation.

8. Any excavation for a utility line must be restored to pre-project configuration, replanted with native species and provided with maintenance care until the newly planted area is established.

17.50.065. Shoreline Modification Activities

1. Beach Access Structures

1. Beach access structures shall be located, designed, and operated consistent with mitigation sequencing and shall avoid a net loss of shoreline ecological functions.

2. Beach access structures are prohibited, if the bank slope where the structure is placed is likely to require shoreline stabilization in the future.
3. Beach access structures may be located within the shoreline buffer, provided that:
   a. The clear width of any walkway, staircase, tower or tram shall be the minimum necessary for the structure to be determined by site limitations, including requirements for engineering and habitat management plans;
   b. A tram shall not extend more than twelve (12) vertical feet above the bank or slope; and
   c. No portion of a beach access structure shall be constructed waterward of the ordinary high water mark unless there is no other feasible alternative.

4. When in-water or over-water construction is allowed in accordance with this section it shall be limited to a small pier or pile-supported pedestrian landing platform of twenty-five (25) square feet or less that is otherwise consistent with the provisions of this Program.

5. New residential subdivisions of more than four (4) units or lots shall include a restriction on the face of the plat prohibiting individual beach access structures. Shared access structures may be permitted in these subdivisions when consistent with the provisions of this Program.

6. Prior to approving a permit for a beach access structure, the County shall require the project proponent to demonstrate that the project is consistent with the Program. Information to be provided by the proponent will include:
   a. Existing conditions at the site related to erosion, slope stability, drainage, vegetation, and coastal processes;
   b. Probable effects of the structure on the stability of the site over time;
   c. Potential effects of the structure on ecological functions and shoreline processes such as net-shoreline drift, sediment transport, mass wasting, and erosion;
   d. Potential conflicts of the structure with adjacent water-dependent uses.

7. Stairways shall be located landward of bulkheads except where proven infeasible.

2. BREAKWATERS, JETTIES AND GROINS

1. The County shall require and utilize a habitat management plan and engineering report which shall include the following information during its review of proposals for breakwaters, jetties and groins (all drawings shall be drawn to scale):
   a. Purpose of the structure;
   b. Construction of project relative to toe and crest of uplands;
   c. Adjacent land contours and high water elevations including but not limited to the following: Extreme High Tide, OHWM, MLLW and tidal elevation at the end point.
   d. Seasonal direction and speed of prevailing winds; with wind rose and duration graphs.
   e. Net direction of littoral drift, tidal currents.
   The following additional information is required for groins:
f. Profile of uplands;
g. Beach type, slope and materials;
h. Uplands type, slope and materials;
i. Soil type;
j. Physical or geological stability of uplands and;
k. Predicted impact on area shore processes, adjacent properties and upland stability.

2. Breakwaters may be considered as a Conditional Use for navigational purposes, aquacultural activities, industrial activities and marinas as an integral component of a harbor, marina or port, where water dependent uses are located waterward of the existing shoreline and where protection from strong wave action is essential. Open-pile, floating, portable, or submerged breakwaters, or several smaller discontinuous structures that are anchored in place, shall be the only type allowed unless it can be shown that solid fixed breakwaters would have no significant adverse effect on the aquatic biology and shore processes, or that such adverse effects can be adequately mitigated.

3. Jetties and marine groins may be considered a Conditional Use for navigational purposes, water dependent activity, marinas and public beach management as integral components of an overall development plan.

4. Breakwaters, jetties and groins shall be located and designed so as to avoid, minimize and mitigate for any unavoidable adverse impacts on fish and wildlife resources and habitat and physical processes such as channel migration, water circulation and sediment transport.
   a. The design of breakwaters, jetties and groins shall conform to all applicable requirements established by the Washington Department of Fish and Wildlife and the US Army Corps of Engineers.
   b. The design shall minimize impediments to navigation and to visual access from the shoreline.
   c. Materials used for the construction of breakwaters, jetties and groins shall exhibit the qualities of long-term durability, ease of maintenance, and compatibility with local shore features, processes, and aesthetics.
   d. The use of solid waste, junk, or abandoned automobiles, asphalt, or any building demolition debris is prohibited.

5. Groins on rivers, streams and lakes are discouraged, but may be considered as a Conditional Use provided the applicant can demonstrate the appropriateness of the designed structure for the site and that alternative shore protection measures would prove more detrimental to the geohydraulics and natural resources within the water body.

6. Groins on rivers, streams and lakes shall only be allowed as part of a restoration project or a county-approved comprehensive flood hazard management plan.

3. DREDGING

1 Dredging shall be permitted or otherwise authorized where there are no feasible alternatives and provided any unavoidable environmental impacts can be mitigated as described in a habitat management plan:
   a. If it is necessary to maintain, deepen or widen navigation channels to assure the safety and efficiency of existing navigational uses.
   b. If it is necessary to maintain, deepen or widen commercial moorage at approved harbors, marinas, or ports.
   c. If it is necessary to develop or maintain essential public infrastructure and facilities when other approaches are not feasible.
d. If it is necessary in conjunction with a County-approved comprehensive flood control management plan.

e. If it is necessary in creating solid foundations for placement of concrete, riprap, and other building materials as part of a water-dependent or priority use.

f. If it is part of environmental clean-up activities required by the Model Toxics Control Act or Comprehensive Environmental Response, Compensation and Liability Act.

g. If it is necessary to facilitate channel clearance and improvement as part of an approved restoration project benefiting water quality and/or fish and wildlife habitat.

h. If it is necessary to create or maintain public access from the shore to navigable water, including construction of public piers and docks that benefit substantial numbers of people.

i. If it is necessary to maintain lagoons, ponds and other areas used by water-dependent industry.

2. Proponents of new development shall locate and design such development to avoid or, if avoidance is not possible, to minimize the need for new dredging and maintenance dredging.

3. Maintenance or restoration dredging shall be considered Substantial Development. Non-maintenance dredging may be considered as a Conditional Use.

4. Additional Dredging restrictions are as follows:

   a. Dredging operations shall not cause damage to adjacent shorelines or marine developments.

   b. Dredging operations shall be self-monitored to control to a feasible minimum any leaks or spillage of dredged materials from pipes, machinery, dikes, or bulkheads.

   c. Dredging machinery or vessels shall use reasonable precautionary measures to prevent petroleum from entering the water.

5. Dredged material, if deposited within shoreline jurisdiction, shall be contained to prevent undesirable erosion or shifting after operations and related monitoring are needed. Dredged material disposal on land shall be considered fill and subject to applicable fill regulations.

6. Dredged material, when not deposited on land, shall be placed in spoils deposit sites in water areas to be identified by the County and the Washington Department of Natural Resources and shall comply with the Puget Sound Dredged Disposal Analysis criteria and guidelines and other applicable local, state, and federal regulations. Depositing of dredge material in water areas shall be allowed only for habitat improvement, to correct problems of material distribution affecting adversely fish and shellfish resources to remediate contaminated sediments or where the alternatives of depositing material on land are more detrimental to shoreline resources than depositing in water areas.

7. Proposals for dredged material disposal shall be evaluated for their potential to cause adverse environmental impacts. Dredged material disposal shall be permitted only when the proponent demonstrates all of the following:

   a. The proposed action will not cause significant and/or ongoing damage to water quality, fish, shellfish and/or other biological resources; and

   b. The proposed action will not adversely alter natural drainage, water circulation, sediment transport, currents, or tidal flows or significantly reduce floodwater storage capacities; and

   c. The proposed action includes all feasible mitigation measures to protect marine, estuarine, freshwater and terrestrial species and habitats.

8. Dredging gravel for flood management purposes shall be consistent with an adopted flood hazard reduction plan and a biological and geomorphological study showing that extraction has a long-term benefit to flood hazard reduction, and that impacts to ecological functions are avoided, and where unavoidable, are mitigated.
9. Dredging and dredge disposal operations should be the minimum needed to accommodate the allowed use or development.

10. Applications for dredging projects shall include the following information:
    a. A description of the purpose of the proposed dredging and an analysis of compliance with the policies and regulations of this Program.
    b. A detailed description of the existing physical character, shoreline geomorphology and biological resources provided by the area proposed to be dredged, including a site plan map outlining the perimeter of the proposed dredge area, and information on stability of bedlands adjacent to proposed dredging and spoils disposal areas.
    c. A detailed description and analysis of the physical, chemical and biological characteristics of the dredge spoils to be removed.
    d. A description of the method of materials removal, including facilities for settlement and movement. The description shall include estimates of the frequency and quantity of project maintenance dredging.
    e. Detailed plans for dredge spoil disposal, including specific land disposal sites and relevant information on the disposal site.

4. FLOOD PROTECTION

1. The County shall require and utilize the following information, prepared by qualified engineers, hydrologists, and ecologists during its review of flood protection projects:
   a. River channel hydraulics and floodway characteristics up and downstream from the project area;
   b. Existing shoreline stabilization and flood protection works within the area;
   c. Physical, geological and soil characteristics of the area; and
   d. Predicted impact upon area shore and hydraulic processes, adjacent properties and shoreline and water uses, including:
      i. analysis of the flood frequency, duration and severity and expected health and safety risks as a rationale and justification for the proposed structure.
      ii. potential increases in base flood elevation, changes in stream velocity, and the potential for redirection of the normal flow of the affected stream.
      iii. a description of proposed plans to remove vegetation. Impacts on valuable recreation resources and aesthetic values such as point and channel bars, islands and other shore features and scenery.
   e. A Habitat Management Plan that identifies how impacts will be avoided, minimized and/or mitigated. The plan shall include requirements for monitoring of any mitigation actions.
   f. Proposed provisions for accommodating public access to and/or along the affected shoreline in funded public projects, as well as any proposed on-site recreational features.

2. Conditions of Hydraulic Project Approval, issued by Washington State Department of Fish and Wildlife, may be incorporated into permits issued for flood protection and shoreline stabilization.

3. The County shall require professional design of flood protection projects, where permitted, to ensure such projects do not cause interference with normal river geohydraulic processes, leading to erosion of other upstream and downstream shoreline properties, or adverse effects to shoreline resources and uses.

4. Flood control structures shall be permitted only when credible engineering and scientific evidence demonstrates that:
   a. They are necessary to protect existing, lawfully established developments; or new, lawfully established bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in
unreasonable and disproportionate cost; and
b. Non-structural flood protection measures are infeasible; and
c. Impacts to habitat are avoided and minimized to the greatest extent feasible and can be successfully mitigated consistent with FEMA Region X guidance from the 2008 Biological Opinion on the Federal Flood Insurance Program; and
d. They are consistent with an adopted comprehensive flood hazard management plan if available; and
e. They are consistent with Mason County Code Chapter 14.22 and the County Comprehensive Plan.

5. Dams proposed for the sole purpose of flood control shall be prohibited.

6. All flood control structures shall be prohibited in Natural and Aquatic environments; except that limited elements of flood control structures may be permitted in Aquatic environments where such location is necessitated by the design of the flood control project.

7. Flood control structures may be considered as a Conditional Use in Urban Commercial, Urban Residential, Rural and Conservancy designations. Where allowed, flood control structures shall meet all requirements of this program, and PROVIDED:
   a. Shall be set back from the ordinary high water mark or channel migration zone consistent with incorporated Resource Ordinance buffers
   b. Shall be located outside of the mapped floodway;
   c. Shall be located landward of associated wetlands and wetland buffers, as determined consistent with the incorporated Resource Ordinance.
   d. In instances when multiple buffers apply, shall be setback to the landward-most edge of all such buffers and setbacks.

8. Timing and construction shall be coordinated with WDFW and other applicable state, and federal agencies, including acquiring necessary permits and approvals.

9. Flood control structures should be designed and constructed to applicable Washington Department of Fish and Wildlife Aquatic Habitat Guidelines technical manual standards.

10. Flood protection measures shall be planned and constructed based on a state approved flood control management plan, when available, and in accordance with the National Flood Insurance Program and the County Flood Damage Prevention Ordinance.

11. Removal of beaver dams to control or limit flooding shall be allowed provided that the project proponent coordinates with the Department of Fish and Wildlife and obtains all necessary permits and approvals from the state.

12. New flood control structures, such as publicly funded dikes and levees, shall dedicate and improve public access pathways unless such improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

13. Removal of gravel for flood protection purposes shall be consistent with an adopted flood hazard reduction plan and only after a biological and geomorphological study demonstrates that extraction has a long term benefit to flood hazard reduction, does not result in a net loss of shoreline ecological functions, and is part of a comprehensive flood management solution.

5. GRADING, FILL AND EXCAVATION

1. Grading and fills are prohibited waterward of the ordinary high water mark or s, except that they may be considered as a Conditional Use for the following activities:
   a. water dependent aquacultural practices;
b. water dependent uses where no upland or structural alternative is possible; except in Natural Conservancy designations of Shorelines of Statewide Significance (Hood Canal).

c. public access where no other upland or structural alternative is possible; Except in Natural and Conservancy designations of Shorelines of Statewide Significance (Hood Canal).

d. cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;

e. disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the Washington Department of Natural Resources;

f. expansion or alteration of transportation facilities of statewide significance currently located on the shoreline, upon a demonstration that alternatives to fill are not feasible;

g. mitigation actions.

h. Grading and fills waterward of the ordinary high-water mark for ecological restoration projects authorized by a state agency should not require a conditional use permit. Fill necessary for shoreline stabilization measures shall not be considered under fill. Excavation below the ordinary high-water mark is considered under dredging.

2. Proposals for grading and fill in wetlands shall follow Resource Ordinance regulations (MCC 17.01.070).

3. Fills are not permitted in floodplains unless it can be clearly demonstrated that the geohydraulic and floodplain storage capacity will not be altered to increase flood hazard or other damage to life or property and/or any ESA listed species in the floodplain will be impacted by said activities. Fills are not permitted to displace effective flood storage volume unless compensatory storage is provided, consistent with General Use Regulations.

4. Surface water drainage associated with grading and fill during and after construction shall be managed consistent with Mason County’s current stormwater standards.

5. Permitted fills shall be appropriately sloped and planted with native vegetation to prevent erosion.

6. Applications for grading and fill projects shall include the following information (at a minimum):
   a. Character and source of fill material;
   b. Method of placement and compaction;
   c. Type of surfacing proposed, if any;
   d. Method of perimeter erosion control;
   e. Proposed use of fill area;
   f. Location of fill and excavation material relative to natural or existing drainage patterns.
   g. Proposed revegetation and/or landscaping.
   h. Proposed location of excavation material.

7. Perimeters of fills shall be provided with vegetation, retaining walls, or other mechanisms for erosion prevention. Fill shall be located and designed so that shoreline stabilization structures are not needed to protect the fill material. Exceptions may be allowed for approved restoration projects.

8. Fill materials shall be of such quality that they will not cause degradation of water quality. Fill materials shall consist of clean sand, gravel, soil, rock or similar material. The use of contaminated material or construction debris is prohibited.

9. Sanitary landfills and solid waste disposal sites are prohibited uses within the shoreline jurisdiction.
10. Grading and fills shall only be allowed as part of an approved shoreline use or development activity. When allowed, grading fills shall be located, designed and constructed in a manner that avoids impacts to the shoreline environment consistent with General Use regulations. Unavoidable impacts shall be mitigated.

11. For water-dependent uses upland of the ordinary high water mark, fill may be permitted in Residential, Urban and Rural designations; may be considered as a Conditional Use in the Conservancy environment; and are Prohibited in the Natural environment, unless they are an element of an approved restoration project.

12. For non-water-dependent uses upland of the ordinary high water mark, fills may be considered as a Conditional Use in Urban, Residential, Rural and Conservancy environments; and are Prohibited in the Conservancy environments when they are part of a shoreline of statewide significance, and Natural environment unless they are an element of an approved restoration project.

6. SHORELINE STABILIZATION

1. New shoreline stabilization - when allowed

   a. Shoreline stabilization structures shall be permitted only where they provide protection to upland areas or facilities, not for the indirect purpose of creating land by filling behind the structure.

   b. Shoreline stabilization may be allowed to protect existing legal primary structures; new water-dependent developments; new nonwater-dependent development, including single-family residences, public improvements; unique natural resources; public health, safety or welfare; or the only feasible access to property; and when there is imminent threat to the structures within three years as demonstrated by a geotechnical analysis documenting tidal actions, waves or erosion PROVIDED that the following provisions are met.

      i. Such stabilization results in maintenance of fish habitat, hydrologic processes and improved water quality and ensures no net loss of shoreline ecological functions as documented in an HMP.

      ii. A Shoreline Geotechnical Assessment is required to demonstrate whether naturally occurring earth movement such as shoreline erosion caused by tidal action, currents or waves are causing a threat within a three year time frame. The assessment shall estimate time frames and rates of erosion and report on the urgency of the specific situation. The erosion must constitute an imminent or inevitable threat.

      iii. Primary structure means the structure associated with the principal use of the property. It may also include single family residential appurtenant structures (such as garages, attached decks, driveways, utilities, and septic tanks and drainfields) that cannot feasibly be relocated. It does not include structures such as toolsheds, gazebos, greenhouses or other ancillary improvements that can feasibly be moved landward to prevent the erosion threat.

      iv. Public improvements include restoration projects, essential public facilities; public lands that facilitate shoreline access for substantial numbers of people, and transportation facilities.
v. Public health, safety and welfare includes stabilization projects whose primary purpose is remediating hazardous substances pursuant to RCW 70.105.

c. Stabilization projects shall use non-structural measures (e.g., managing upland conditions such as drainage), or 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.
   i. A Shoreline Geotechnical Assessment must demonstrate whether non-structural measures or bioengineering solutions are feasible alternatives to hard structural stabilization structures.
   ii. The assessment should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.

d. The impacts of any new shoreline stabilization projects must be mitigated to ensure no net loss of shoreline ecological functions. This shall be demonstrated through a Habitat Management Plan as required in MCC 17.01.110.

e. For properties on designated landslide or erosion hazard areas, a Shoreline Geotechnical Assessment required by this program may be combined with the Geological Assessment, Geotechnical Report and/or a Soil Erosion and Sediment Control Plan required under MCC 17.01.100.

f. Shoreline 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. As required by WDFW rules, projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat.

g. Stabilization projects on feeder bluffs should not be allowed in naturally vegetated areas not already developed or not already subject to shoreline modification. In the limited instances where stabilizing feeder bluffs is deemed necessary, applicants shall avoid and, if that is not possible, minimize adverse impacts to sediment conveyance systems. This may include requirements for beach nourishment.

h. Publicly financed shoreline stabilization projects shall maintain any existing public access to the shoreline except where access is infeasible because of incompatible uses, safety, security, or environmental harm. Where feasible, projects should incorporate ecological restoration and public access improvements.

   i. Nothing in this section shall be construed to prohibit construction of a normal protective bulkhead or maintenance of an existing bulkhead, where there is a demonstrated need, to protect a fill which occurred prior to the Shoreline Management Act, and is the site of a single-family residence or other primary structures which are currently in use.

2. New Shoreline Stabilization – siting and design requirements

   a. Shoreline stabilization measures shall be designed by a professional engineer licensed in the State of Washington with demonstrated expertise in hydraulic actions of shorelines.
b. Shoreline stabilization measures shall be limited to the minimum size necessary to protect the shoreline.

c. Where allowed, shoreline stabilization structures shall be located at or above the ordinary high water mark unless a Shoreline Geotechnical Assessment and Habitat Management Plan demonstrates a need based on safety, or where stabilization measures protect or restore shoreline functions. If the shoreline Geotechnical Assessment and the Habitat Management Plan demonstrates that the need to locate the proposed structure waterward of the OHWM, the Department of Natural resources should be consulted to assess the potential impacts to State owned Aquatic lands (SOALs).

d. Where allowed, shoreline stabilization structures on rivers subject to erosion shall be located sufficiently landward of the stream channel to allow streams to maintain point bars and associated aquatic habitat through normal accretion. New structures should be prohibited on estuarine shores, on point and channel bars, and in channel migration zones unless the structure is necessary to protect public, health safety and welfare and unavoidable impacts are mitigated.

e. Where allowed, bulkheads shall be sited and designed to meet all of the following criteria in addition to the other regulations in this section:

   i. They shall be located generally parallel to the shoreline. Adequate bank toe protection shall be provided to ensure bulkhead stability without relying on additional riprap; and

   ii. They shall be located so as to tie in flush with existing bulkheads on adjoining properties, except when adjoining bulkheads do not comply with the design or location requirements set forth in this Program.

f. The use of solid waste, junk, abandoned automobiles or asphalt or building demolition debris is prohibited in the construction or maintenance of shoreline stabilization structures.

g. Gabions are prohibited as a means of stabilizing shorelines because of their limited durability and the potential hazard to shoreline users and the shoreline environment.

h. Beach materials shall not be used for fill material behind bulkheads.

i. Stairways shall be located landward of bulkheads except where proven infeasible.

3. Repair and replacement of existing shoreline stabilization structures

   a. When an existing bulkhead is being repaired, construction shall occur no further waterward of the existing bulkhead than is necessary for construction of the new footing.

   b. An existing structure may be replaced if there is a demonstrated need to protect principal uses structure from erosion caused by currents or waves and not caused by normal sloughing, vegetation removal, or poor drainage.

   c. For purposes of this regulation, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure which
can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

d. Replacement structure shall be designed, located, sized, and constructed to minimize effects on shoreline process and fish and wildlife habitat.

e. Replacement of a failed bulkhead shall be permitted in the same location and dimension as the original bulkhead, if such replacement is commenced within five years of failure. The burden of proof of location of the original bulkhead shall be on the applicant.

f. Existing bulkheads that are being replaced shall be removed unless removing the structure would cause more ecological disturbance than leaving it in place.

g. Replacement bulkheads shall not encroach waterward of the ordinary high water mark unless a Shoreline Geotechnical Assessment concludes it is the only feasible way to address overriding safety or environmental concerns. In such cases, the replacement shall abut the landward side of the existing structure. Replacement bulkheads that expand waterward shall require mitigation for impacts to shoreline habitat. If the shoreline Geotechnical Assessment and the Habitat Management Plan demonstrates that the need to locate the proposed structure waterward of the OHWM, the Department of Natural Resources should be consulted to assess the potential impacts to State Owned Aquatic Lands (SOALs).

17.50.070 Environment designations.

This section was moved up to 17.50.050 together with the existing “Project Classification” section so information related to environment designations is all in one place, consistent with Ecology guidelines.

17.50.080 Permit Criteria and Exemptions

Most of this section is moved from the permit procedure section of the Mason County Code [MCC Section 15.09.055(A) and (c)].

A. REVIEW CRITERIA FOR ALL DEVELOPMENT

1. No authorization to undertake use or development on shorelines of the state shall be granted by the County unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and this master program.

2. No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where this master program does not prohibit the same and then only when overriding considerations of the public interest will be served.
B. APPLICABILITY TO SUBSTANTIAL DEVELOPMENT.

1. Any person wishing to undertake substantial development or exempt development on shorelines shall apply to the County for a Substantial Development Permit, for a Statement of Exemption.

2. A Permit or a Statement of Exemption shall be granted only when the proposed development is consistent with:
   a. Policies and regulations of the Mason County Shoreline Master Program and applicable policies enumerated in Chapter 90.58 RCW in regard to shorelines of the state and of statewide significance; and
   b. Regulations adopted by the Department of Ecology pursuant to the Act, including Chapter 173-27 WAC.

3. The burden of proving that the proposed development is consistent with these criteria shall be on the applicant.

4. The county may attach conditions to the approval of permits as necessary to assure consistency of the project with the Act and this Master Program.

C. APPLICATION AND INTERPRETATION OF EXEMPTIONS

1. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the Substantial Development Permit process.

2. An exemption from the Substantial Development Permit process is not an exemption from compliance with the Act or this Program, or from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and regulatory provisions of this Program and the Act.

3. A development or use that is listed as a conditional use pursuant to this Program or is an unlisted use, must obtain a conditional use permit even if the development or use does not require a substantial development permit.

4. When a development or use is proposed that does not comply with the bulk, dimensional and/or performance standards of the Program, such development or use shall only be authorized by approval of a shoreline variance, even if the development or use does not require a Substantial Development Permit.

5. The burden of proof that a development or use is exempt from the permit process is on the applicant.

6. If any part of a proposed development is not eligible for exemption, then a Substantial Development Permit is required for the entire project.

D. EXEMPTIONS LISTED.

The following exempt developments shall not require a Substantial Development Permit, but may require a Conditional Use Permit, Variance and/or a Statement of Exemption. All developments must be consistent with the Shoreline Master Program and Shoreline Management Act.
1. Any development of which the total cost or fair market value, whichever is higher, does not exceed $6,416, or as amended by the state Office of Financial Management, if such development does not materially interfere with the normal public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

2. Normal maintenance or the repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment. A reasonable period of time for repair shall be up to one year after decay or partial destruction, except for bulkhead replacement which shall be allowed up to five years. Total replacement which is common practice includes but is not limited to floats, bulkheads and structures damaged by accidents, fire and the elements.

3. Construction of the normal protective bulkhead common to a single-family residence. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, the new structure shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Washington Department of Fish and Wildlife.

4. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general
matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

5. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction of a barn or similar agricultural structure, and construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels; PROVIDED that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

6. Construction or modification of navigational aids such as channel markers and anchor buoys.

7. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the state agency or this Master Program. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. Interpretations of "normal appurtenances" are set forth and regulated within the Mason County Shoreline Master Program. Construction authorized under this exemption shall be located landward of the ordinary high water mark.

8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of a single-family residence and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

   a. in salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars ($2,500); or
   b. in fresh waters, the fair market value of the dock does not exceed ten thousand dollars ($10,000), but if subsequent construction having a fair market value exceeding five thousand dollars ($5,000) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development. For purposes of this section salt water shall include the tidally influenced marine and estuarine water areas of the state including the Puget Sound and all bays and inlets associated with any of the above.

9. Operation, maintenance or construction of canals, waterways, drains, reservoirs or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands.

10. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with the normal public use of the surface of the water.
11. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.

12. Any project with a certification from the governor pursuant to RCW Chapter 80.50.

13. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

   a. The activity does not interfere with the normal public use of the surface waters;
   b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
   c. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
   d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and
   e. The activity is not subject to the permit requirements of RCW 90.58.550;

14. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under chapter 43.21C RCW.

15. Watershed restoration projects as defined herein. The County shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.

   a. "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

      i. A project that involves less than ten (10) miles of streamreach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
      ii. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
      iii. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred (200) square feet in floor area and is located above the ordinary high water mark of the stream.

   b. "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant
to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act.

16. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

   a. The project has been approved in writing by the department of fish and wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;

   b. The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 75.20 RCW; and

   c. The local government has determined that the project is consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

17. Requirements to obtain a substantial development permit, conditional use permit, or variance shall not apply to any person:

   a. Conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.

   b. Installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

E. Statements of Exemption

1. The County is hereby authorized to grant or deny requests for statements of exemption from the shoreline substantial development permit requirement for uses and developments within shorelines that are specifically listed above. Such statements shall be applied for on forms provided by the County. The statement shall be in writing and shall indicate the specific exemption of this Program that is being applied to the development, and shall provide a summary of the County’s analysis of the consistency of the project with this Program and the Act. Before determining that a proposal is exempt, the County may conduct a site inspection to ensure that the proposal meets the exemption criteria. The exemption granted may be conditioned to ensure that the activity is consistent with the Master Program and the Shoreline Management Act. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. The County’s actions on the issuance of a statement of exemption or a denial are subject to appeal pursuant to the appeal provisions in this program.

2. Exempt activities related to any of the following shall not be conducted until a statement of exemption has been obtained from the County:

   a. Activities that require a U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899 or a Section 404 permit under the Federal Water Pollution Control Act of 1972. The county shall send copies of written statements to the Washington Department of Ecology pursuant to WAC 173-27-050.

   b. New aquaculture activities that do not constitute substantial development or otherwise require a Shoreline Permit. A written statement of exemption constitutes a valid authorization to conduct new or expanding aquaculture activities.
F. **Conditional Uses**

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

2. Uses which are classified or set forth in the Master Program as conditional uses may be authorized provided the applicant can demonstrate all of the following:
   a. That the proposed use will be consistent with the policies of RCW 90.58 and the policies of the Master Program;
   b. That the proposed use will not interfere with the normal public use of the shorelines;
   c. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;
   d. That the proposed use will cause no unreasonable adverse effects to the shoreline environment in which it is to be located;
   e. That the public interest suffers no substantial detrimental effect.

3. This program does not attempt to identify or foresee all conceivable shoreline uses or types of development. When a use or development is proposed which is not readily classified within an existing use or development category, the unspecified use may be authorized as a conditional use provided that the applicant can demonstrate consistency with the criteria set forth above, and the General Use regulations of the Master Program.

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

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

G. **Variances**

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

1. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
2. Variance Permits for development and/or use that will be located landward of the ordinary high water mark (OHWM), and/or landward wetlands, may be authorized provided the applicant can demonstrate all of the following:

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

3. Variance Permits for developments and/or uses that will be located either waterward of the ordinary high water mark, or within wetlands, may be authorized provided the applicant can demonstrate, in addition to Items b. – e. above, that:

   a. The strict application of the bulk, dimensional or performance standards set forth in this master program precludes all reasonable use of the property;
   b. The public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

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

5. Variances from the use regulations of this master program are prohibited. Requests for varying the use to which a shoreline area is to be put are not requests for variances, but rather requests for conditional uses.

H. ADJACENT LANDS

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

a. Part of the property is inside the shoreline, part is outside, and all of the development is outside the shoreline. No shoreline permit is required because all of the "development" lies outside the shoreline. However, uses and actions within the shoreline, though they do not
constitute "development" must be consistent with the regulations of the Act and Shoreline Program.

b. Part of the property is in the shoreline, part is outside, and all or part of the development is proposed within the shoreline. A permit is required for "development" within the shorelines. In addition, uses and other actions within the shorelines must comply with Master Program regulations. Furthermore, when the development proposal consists of a single, integrated project and a shoreline permit is required due to development within the shorelines, review and approval of development outside the shorelines may be postponed until shoreline permit review is accomplished if the public interest would be served by such a review sequence. Finally, although development conditions may be attached to developments within shorelines, conditions may not be attached, pursuant to the Shoreline Management Act, to aspects of a development lying outside the shorelines.

I. DEVELOPMENTS AND USES SUBJECT TO SEVERAL REGULATORY SECTIONS.

Some proposed developments or uses will be subject to more than one regulatory section of this program. For example, a proposed marina may be subject to regulations concerning "Dredging, Filling, Boating Facilities", etc. A proposed development must be reviewed for consistency with the regulations of each applicable section.

J. STATUTORY EXCEPTIONS TO SMA POLICIES AND PROCEDURES

Certain developments are not required to meet requirements of the Shoreline Management Act as follows:

1. Pursuant to RCW 90.58.045 regarding environmental excellence program agreements, notwithstanding any other provision of law, any legal requirement under the Shoreline Management Act, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.21K RCW.

2. Pursuant to RCW 90.58.355, requirements to obtain a substantial development permit, conditional use permit, or variance shall not apply to any person:
   a. Conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the Department of Ecology when it conducts a remedial action under chapter 70.105D RCW; or
   b. Installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit

3. The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under chapter 90.58 RCW.

17.50.100 Miscellaneous

17.50.110 Amendments.

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

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

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

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

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

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

This existing section needs to be updated consistent with current Mason County public process.

17.50.115 Enforcement and Penalties

1. Authority and Purpose

This part is adopted under RCW 90.58.200 and 90.58.210 to implement the enforcement responsibilities of the County under the Shoreline Management Act. The act calls for a cooperative program between local government and the state. It provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, orders to take corrective action, and permit rescission. The following should be used in addition to other county enforcement mechanisms.

2. Definitions

The definitions contained in WAC 173-27-030 shall apply in this part also except that the following shall apply when used in this part of the regulations:
a. "Permit" means any form of permission required under the act prior to undertaking activity on shorelines of the state, including substantial development permits, variances, conditional use permits, permits for oil or natural gas exploration activities, permission which may be required for selective commercial timber harvesting, and shoreline exemptions; and

b. "Exemption" means authorization from local government which establishes that an activity is exempt from substantial development permit requirements under WAC 173-27-040, but subject to regulations of the act and this master program.

3. POLICY

Enforcement action by the County may be taken whenever a person has violated any provision of the act or any master program or other regulation promulgated under the act. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the existence or degree of bad faith of the persons subject to the enforcement action.

4. ORDER TO CEASE AND DESIST

The County shall have the authority to serve upon a person a cease and desist order if an activity being undertaken on shorelines of the state is in violation of chapter 90.58 RCW or the local master program.

a. Content of order. The order shall set forth and contain:
   i. A description of the specific nature, extent, and time of violation and the damage or potential damage; and
   ii. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under WAC 173-27-280 may be issued with the order.

b. Effective date. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.

c. Compliance. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

5. CIVIL PENALTY

a. A person who fails to conform to the terms of a substantial development permit, conditional use permit or variance issued under RCW 90.58.140, who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with a cease and desist order issued under these regulations may be subject to a civil penalty by the County. The County may impose a penalty upon an additional finding that a person:
   i. Has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or
   ii. Has been given previous notice of the same or similar type of violation of the same statute or rule; or
   iii. The violation has a probability of placing a person in danger of death or bodily harm; or
   iv. Has a probability of causing more than minor environmental harm; or
   v. Has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.
b. In the alternative, a penalty may be issued to a person by Mason County for violations which do not meet the criteria of subsection (1)(a) through (e) of this section, after the following information has been provided in writing to a person through a technical assistance visit or a notice of correction:

i. A description of the condition that is not in compliance and a specific citation to the applicable law or rule;

ii. A statement of what is required to achieve compliance;

iii. The date by which the agency requires compliance to be achieved;

iv. Notice of the means to contact any technical assistance services provided by the agency or others; and

v. Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.

Furthermore, no penalty shall be issued by the County until the individual or business has been given a reasonable time to correct the violation and has not done so.

c. Amount of penalty. The penalty shall not exceed one thousand dollars for each violation. Each day of violation shall constitute a separate violation.

d. Aiding or abetting. Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

f. Notice of penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from Mason County. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.

6. APPEAL OF CIVIL PENALTY

a. Right of appeal. Persons incurring a penalty imposed by Mason County or jointly by the Department of Ecology and Mason County may appeal the same to the shorelines hearings board. Appeals to the shorelines hearings board are adjudicatory proceedings subject to the provisions of chapter 34.05 RCW.

b. Timing of appeal. Appeals shall be filed within thirty days of the date of receipt of the penalty. The term "date of receipt" has the same meaning as provided in RCW 43.21B.001.

c. Penalties due.

i. Penalties imposed under this section shall become due and payable thirty days after receipt of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of the county's and/or the Department of Ecology's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part.

ii. If the amount of a penalty owed the department is not paid within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall
bring an action in the name of the state of Washington to recover such penalty. If the amount of a penalty owed local government is not paid within thirty days after it becomes due and payable, Mason County may take actions necessary to recover such penalty.

iii. Penalty recovered. Penalties recovered the County shall be paid to the County Treasurer. Penalties recovered jointly by the Department of Ecology and the County shall be divided equally between the Department of Ecology and the County unless otherwise stipulated in the order.

7. CRIMINAL PENALTY

The procedures for criminal penalties shall be governed by RCW 90.58.220.

17.50.120 Restrictions Affecting Value

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

17.50.130 Liberal Construction

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

17.50.140 Severability

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

17.50.150 Comprehensive Review

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

17.50.071 on shorelines of statewide significance did not belong under the “Environment Designation” chapter. The language was copied directly from the SMA policy in 90.58.020. The exact language from the SMA policy is already included in the Comprehensive Plan.

17.50.072–17.50.077 are sections of the SMP describing environment designation boundaries using Section Township and Range. The new SMP will use a map adopted by reference instead.

17.50.078 Environment Designations Map was a one-paragraph section adopting the official map of environment designations. The text was preserved but combined with the environment designation chapter.